

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1032 of 2023

Applicant : Suleman S/o Muhammad Usman Jumma
Through Ms. Mehmooda Suleman,
Advocate

Complainant : Ghulam Mustafa Laghari S/o Karam Ali
None present.

Respondent : The State
Through Mr. Siraj Ali Khan
Addl. Prosecutor General, Sindh

Date of hearing : 09.08.2023

Date of order : 09.08.2023

ORDER

AMJAD ALI SAHITO, J – Through the instant bail application, applicant/accused seeks pre-arrest bail in FIR No.69/2022 U/s 489-F PPC registered at PS Soldier Bazar, after his bail has been declined by the learned XIIIth Additional Sessions Judge, Karachi East vide order dated 06.05.2023.

2. The details and particulars of the FIR are already available in the memo of bail application and FIR, which can be gathered from the copy of FIR attached with the application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel, the applicant/accused is innocent and has falsely been implicated in this case; that initially the applicant was granted bail on its merits but subsequently, he jumped the bail and as such, his bail was declined by the learned trial Court. She further contends that thereafter he surrendered before the trial Court where charge has been framed and two witnesses have been examined, therefore, the applicant/accused is no more required for further investigation. She lastly prays for confirmation of bail to the applicant.

4. Learned Addl. P.G. opposes for confirmation of bail to the applicant/accused.

5. I have heard the learned counsel for the parties and have gone through the material available on record.

6. Admittedly, the applicant was admitted to bail by the learned trial Court and subsequently, he misused the concession of bail, as such, his bail was declined. Thereafter, he has surrendered before the trial Court where charge has been framed and two witnesses have already been examined. Since the case is at verge of conclusion, therefore, proper course in such cases would be to direct the learned trial court to conclude the case within a specified period. The reliance is placed in the case of **Rehmatullah v. The State (2011 SCMR 1332)**; wherein the Hon'ble Supreme Court of Pakistan has held that:

“3. Heard. The petitioner was granted bail on 21-11-2008, which was cancelled by the learned High Court on 19-3-2009, when according to the order itself the trial was at the verge of conclusion. Learned Additional Prosecutor-General stated that now only one or two witnesses are yet to be recorded. The courts should not grant or cancel bail when the trial is in progress and proper course for the courts in such a situation would be to direct the learned trial Court to conclude the trial of the case within a specified period. Reference may be made to Haji Mian Abdul Rafique v. Riaz ud Din and another (2008 SCMR 1206). We find that the impugned order was passed in violation of the law, therefore, we cannot subscribe to it. In view whereof, we are persuaded to allow this petition and direct the learned trial Court to conclude the trial of the case expeditiously.

4. For the foregoing reasons, present petition is converted into appeal, allowed and bail granting order dated 6-4-2009, passed by this court, is confirmed. However, learned trial Court is directed to conclude the trial of the case within a period of two months from the date of receipt of copy of this order.”

7. Since the applicant is attending the Court regularly and is not misusing the concession of bail, therefore, in view of the above and taking guideline from the cited case, learned counsel for the applicant/accused has made out a case of further enquiry in terms of subsection (2) of section 497 Cr.P.C. Consequently, the interim pre-arrest bail granted by this Court to the applicant/accused **Suleman son of Muhammad Usman** vide order dated 12.05.2023

is hereby confirmed and the instant bail application is **allowed**. The learned trial Court is directed to conclude the trial within 45 days from the receipt of this order. Applicant/accused is directed to attend the trial as and when required. However, it is made clear that if the applicant/accused misuses the concession of bail, learned trial Court would be at liberty to take appropriate action.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

Kamran/PA

JUDGE