

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

Crl. Bail Application No. S- 180 of 2024

(*Saleem Bheri and another Vs. The State.*)

DATE	ORDER WITH SIGNATURE OF HON'BLE
JUDGE	

For hearing of Bail Application.

Date of hearing and order 06-05-2024.

Mr. Ali Ahmed Khan, Advocate for applicants.

Mr. Wazeer Ahmed Ghoto, Advocate for complainant.

Mr. Aftab Ahmed Shar, Additional P.G.

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ORDER.

Adnan-ul-Karim Memon J:- The applicants Saleem and Eidan have approached this Court for post arrest bail under section 497 Cr.P.C in Crime No. 308/2023 of PS A-Section Ghotki under section 302, 147, 148, 149, 337H(ii) PPC. Their earlier bail plea has been declined by the trial Court vide order dated 16-03-2024 on the premise that they had shared common intention with the co-accused showing their active participation in committing murder of brother complainant and his nephew.

Learned counsel for the applicants states at bar that the trial Court has not yet framed the charge and the applicants are behind the bar since their arrest and they cannot be incarcerated in jail for indefinite period without trial.

Learned counsel for complainant states that the applicants have been charged with specific role of causing firearm injuries to the deceased Ali Gul on his left thumb and right elbow and other co-accused had also fired upon the deceased, who succumbed to injuries and died, such

medical report supports his case; he however agreed that if directions be issued to trial Court to frame the charge and conclude the trial within reasonable time, he will be satisfied. Learned Additional PG is of the same view. Learned counsel for the applicants submits that the role of the applicants is different from the co-accused who caused firearm injuries to the deceased and CCTV footage shows different story, as such the false implication of the applicants at this stage cannot be ruled out. He however agreed for disposal of this Bail Application in the terms that the trial Court may be allowed to frame the charge on the date so fixed and conclude the trial within reasonable time i.e. one month. The proposal so put forward seems to be reasonable and without going into the deep of the case, the trial Court shall frame the charge, if not earlier framed and examine the material witnesses within two months positively and this direction shall not be treated casual and strict compliance shall be made without fail. In case of failure on the part of trial Court, appropriate order shall be passed and matter shall be referred to the MIT-II on Administrative side for appropriate order by the competent authority.

However it is made clear that if applicants/accused have brought some material evidence on record in their favour, in the intervening period, the applicants repeat their bail applicant, the trial Court shall examine their case on merits and without being influenced of the order passed by this Court.

The Cr. Bail Application is disposed in the above terms.

JUDGE

