

## IN THE HIGH COURT OF SINDH AT KARACHI

### Criminal Bail Application No.802 of 2024

Applicant : Shahrukh Khan S/o Iftikhar Khan  
through Ms. Naheed Akhtar, Advocate

Respondent : The State  
Through Mr. Saleem Akhtar Buriro,  
Addl. P.G., Sindh

Date of hearing : 08.07.2024

Date of order : 08.07.2024

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.313/2023 for the offence under Section 381-A PPC registered at PS Paposh Nagar, after his bail plea has been declined by the learned Addl. Sessions Judge-VII/MCTC-02, Karachi Central vide order dated 30.03.2024.

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

3. Learned counsel for the applicant has mainly contended that the applicant/accused is innocent and has falsely been implicated in this case; that no specific role has been assigned against him; that the applicant/accused is in jail and he is no more required for further investigation. She lastly prays for grant of post-arrest bail.

4. On the other hand, learned Addl. PG has vehemently opposed for grant of bail on the ground that three other motorcycle were also recovered from his possession.

5. Heard and perused. From perusal of record, it appears that Complainant Fahad appeared at police station Paposh Nagar and registered the instant FIR by stating that his motorcycle No.KJI-5472 has been stolen, as such, after registration of the FIR, police arrested accused person alongwith stolen property viz. motorcycle. Further, charge has been framed and two PWs have been examined, who supported the version of the complainant by implicating the said accused in the subject offence. So far as the

contention of learned Addl. P.G. that three other motorcycles were also recovered from the possession of the accused shows that the accused is habitual offender. Since the trial 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.”***

6. In view of the above discussion, learned counsel for the applicant has failed to make out a case for grant of post-arrest bail in terms of subsection 2 of Section 497 Cr.P.C. Accordingly, the instant Bail Application is **dismissed**. However, learned trial Court is directed to expedite the matter of the applicant and conclude the same preferably within 45 days from the date of receipt of this order and submit such compliance through MIT-II of this Court.

7. 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/accused on merits.

JUDGE