

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR  
Spl. Criminal Appeal No.D-84 of 2023

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Date	Order with signature of Judge
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1. For hearing of main case.

**11.12.2024**

Mr. Muhammad Ali Napar, Advocate for the Appellant  
Mr. Shafi Muhammad Mahar, DPG  
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Pursuant to order dated 10.12.2024, learned Counsel for the Appellant has placed reliance on a judgment dated 29.08.2006, passed by this Court, in Cr. Appeal No.27/2005, however the said judgment has been distinguished to the extent that in the said case, the appellants were already on bail before the trial Court hence while remanding the matter back to the trial Court, bail order was maintained, but in the case at hand appellant was not granted bail by the trial Court.

Learned DPG, in his submissions, has also placed reliance upon a case law reported in **2022 MLD 1405 (re-Bashir Bughio vs. State)** where in similar circumstances, case was remanded for re-trial after making suitable amendment in the charge by setting aside the impugned judgment, with directions to learned trial Court to conclude the trial expeditiously preferably within a period of three months.

In the given circumstances, we are disposing of this appeal, by setting aside the impugned judgment, remand the case to the trial Court for de-novo trial of the accused after making appropriate amendment in the charge in accordance with correct law, by recording the evidence and statement of accused afresh and to decide the case expeditiously, preferably within three months from the date of receipt of this order. Moreover, in the event where it becomes apparent that a mistrial has occurred, the applicant shall retain the right to approach the concerned court by filing an appropriate application separately seeking the grant of bail, which shall be considered and decided by the learned trial court on its own merits. The trial court is expected to ensure that the decision on the bail application is rendered expeditiously, preferably within the shortest possible time, looking into the hardship with which the appellant has

already gone, to prevent undue delay and to uphold the applicant's right to a fair and timely judicial process.

With these observations, instant appeal is disposed of accordingly.

JUDGE

JUDGE

Faisal Mumtaz/PS