

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Application No.1248 of 2025
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Date	Orders with Signatures of Judges
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For hearing of main case.

29.05.2025.

Ms. Siddiqa Nausheen, Advocate for applicant
Ms. Seema Zaidi, APG
Complainant of FIR No.211 of 2024 of PS Pakistan Bazar
present in person.

Applicant Muhammad Suleman seeks post arrest bail in FIR No.211/2024 under Section 392, 397, 34 PPC and FIR No.212/2025 under Section 23(1)-A of Sindh Arms Act registered at PS Pakistan Bazar. Earlier, this Court vide order dated 30.01.2025 while dismissing the bail pleas of the applicant on merits, directed the trial Court to conclude the trial preferably within sixty days.

Per Counsel the applicant has been behind the bar since last one year and prosecution has failed to examine its witnesses and responsible for the delay in conclusion of the trial. She prayed that the applicant be granted bail on the statutory ground of delay in conclusion of the trial.

Conversely, the learned APG submits that the applicant has been involved in four criminal cases of like nature including the present two cases and in the alleged incident co-accused Rehman was killed in cross firing while present applicant was arrested on the spot, therefore, he is not entitled for grant of bail. The complainant present in person states that he will rely on the submissions of the learned APG.

Heard learned counsel for the applicant, APG and perused the material available on record. It is a matter of record that earlier bail applications of the applicant were dismissed by this Court on merits vide order dated 30.01.2025 and directions were given to the trial Court to conclude the trial preferably within a period of sixty days and on account of non-compliance of the said order the applicant has moved the instant bail applications. The trial Court while

dismissing the bail application observed that the applicant sought bail on the ground of contradiction in the evidence adduced by the complainant, including the eyewitnesses, which is impermissible at bail stage. The progress report dated 24.5.2025 submitted by the trial Court reveals that complainant Muhammad Ejaz was examined on 26.2.2025 but his cross examination was reserved on the request of learned counsel for the accused and likewise cross-examination of PW Muhammad Arif Ashrafi was reserved on the requested of the learned counsel for the accused. On 26.2.2025 one Makhdoom Syed Tahir Abbas, Advocate filed his power for accused alongwith third bail application, which was dismissed vide order dated 19.03.2025. Moreover on 19.5.2025 PW PC Naeem Rehman and complainant were present but due to non-appearance of counsel for the accused the matter was adjourned and now the case is fixed for 31.05.2025. Aforesaid progress report submitted by the trial Court negates that impression the delay caused in concluding the trial was on the part of the prosecution but at times trial was adjourned at the request of the counsel for the accused while the witnesses were present in Court. Moreover, CRO shows that applicant is involved in four cases of like nature. It is settled law that at bail stage contradictions in cross-examination of prosecution witnesses cannot be considered. No case for grant of bail on statutory ground is made out, therefore, these bail applications are dismissed. However, the trial Court is directed to conclude the trial expeditiously as earlier directed by this Court.

Judge