

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS.**

Criminal Bail Application No.S-132 of 2025

Applicant: Waqar S/o Idrees.
Through Mr. Afzal Karim Virk, Advocate.

Respondent: The State through Mr. Neel Parkash,
Deputy Prosecutor General, Sindh.

Complainant: Muhammad Asif (present in person).
Through Mr. Ghulam Nabi Meo, Advocate

Date of hearing : **20.08.2025**
Date of Order : **20.08.2025**

O R D E R

AMJAD ALI SAHITO, J:- Through instant bail application, the applicant/accused above named seek his pre-arrest bail in Crime No.30 of 2025, under sections 324, 114, 337-A(i) & 337-F(i) P.P.C, registered at P.S Kot Ghulam Muhammad.

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

3. Per learned counsel, the applicant/accused is innocent and has falsely been implicated in the case in the instant case with mala fide intent. It is submitted that the FIR was lodged after an unexplained and inordinate delay of nine days, which casts serious doubt on the veracity of the allegations. Learned counsel further submits that all the material witnesses have been examined by the trial Court only the investigating officer (I.O) and doctor are yet to be examined. In this regard he placed his reliance in the case of Rehmatullah Vs The State and another reported in 2011 SCMR 1332 wherein Honourable Supreme Court of Pakistan has held that 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. It is further argued that there is contradiction in between

medical and ocular evidence. Learned counsel further submits that the sections alleged in the FIR are bailable, while section 324 PPC is misapplied by the Police. It is further argued that there is civil dispute between the parties and such agreement is also available on record. Learned counsel further argued that the applicant/accused entitled for the confirmation of pre-arrest bail. In support of his contentions he has also placed his reliance on case laws reported as Ali Sher & another V. The State (2022 P Cr. L J Note 33), Wahid Khan & another V. The State (2025 MLD 938), Muhammad Idrees V. The State & another (2021 MLD 877), Abdul Karim V. The State (2024 YLR 2635) & Muhammad Amjad Naeem V. The State (2025 SCMR 1130).

4. The learned D.P.G and learned counsel for the complainant have confirmed that the trial is in progress and one or two witnesses are remained to be examined.

5. Heard the learned counsel for the respective parties and perused the material available on the record.

6. From perusal of the FIR it appears that the entire case proceeding has been completed by the trial court only investigating officer (I.O) and doctor are remained to be examined. In this regard, I am fortified with the case law of Hon'ble Supreme Court of Pakistan [2011 SCMR 1332] wherein the Hon'ble Supreme Court of Pakistan has held as under:

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.

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. At bail stage, only tentative assessment is to be made. In view of above the interim bail already granted to the applicant/accused is hereby confirmed on same terms and condition. Furthermore, the learned trial court is directed to conclude the trial within 30 days and submit such compliance report through Additional Registrar of this Court. A copy of this order be communicated to the learned trial Court for information

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 applicants on merits.

JUDGE

Adnan Ashraf Nizamani