

In the Supreme Court of Pakistan
(Appellate Jurisdiction)

Present:

Mr. Justice Anwar Zaheer Jamali, HCJ
Mr. Justice Ejaz Afzal Khan
Mr. Justice Mushir Alam

Criminal Petition No.604 of 2015.

(on appeal from judgment of Lahore High Court, Multan Bench,
dated 29.7.2015, passed in Crl. Misc No.4327-B/2015)

Nisar Ahmed

...Petitioner

Versus

The State, etc

... Respondents

For the petitioner: Mr. Khadim Hussain Qaiser, ASC.
Syed Rifaqat Hussain Shah, AOR.

Respondents: N.R.

Date of hearing: 08.9.2015

JUDGMENT

Anwar Zaheer Jamali, C.J.- Petitioner is one of the nominated accused in crime No.324/2012, dated 08.12.2012, P.S Shahkot, District Sahiwal, registered under sections 302, 324, 337-A(i), 337-A(ii), 337-F(i), 337-F(iii), 148, 149 PPC with the allegations that he alongwith nine other co-accused, while forming an unlawful assembly, committed *qatl-i-amd* of Yasir Abbas and caused injuries to three other persons. The petitioner was assigned specific role of causing fatal injury to the deceased.

2. The petitioner was arrested on 14.1.2013 and since then he is stated to be in custody. The first bail application moved him before the Lahore High Court, being criminal miscellaneous No.2148-B

of 2014, was dismissed on 04.6.2014; his second bail application, being criminal miscellaneous No.1735-B/2015 was dismissed vide order dated 15.5.2015 and the third bail application, being criminal miscellaneous No.3819-B/2015, was dismissed as not pressed vide order dated 29.6.2015. In this manner, as it appears from the case record, criminal Misc. No.4327-B/2015 was the fourth bail application, which was dismissed by the High Court through the impugned order dated 29.7.2015.

3. We have heard the arguments of learned ASC for the petitioner. He has contended that the petitioner is entitled for grant of bail, as compliance of the directions issued by the High Court in its orders dated 04.6.2014 and 15.5.2015, regarding expeditious disposal of the criminal case against the petitioner, has not been made and further filing of direct complaint by respondent No.2 has furnished a fresh ground to the petitioner to move another bail application.

4. We have scanned the material placed on record and are unable to subscribe to such submissions of the learned ASC. Neither non-compliance of the directions issued to the trial Court to conclude the trial expeditiously or within some specified time can be considered as valid ground for grant of bail to an accused, being alien to the provisions of section 497, Cr.P.C, nor filing of direct complaint will have any bearing as regards earlier bail refusing orders, which have attained finality, unless some fresh ground could be shown by

the petitioner for consideration of his request for grant of bail afresh, which is lacking in the present case.

5. This being the position, leave is refused and this petition is dismissed.

Judge

Judge

Islamabad,
08th September, 2015.
Not approved for reporting.

Judge

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