

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Asif Saeed Khan Khosa, CJ
Mr. Justice Ijaz UI Ahsan

Criminal Petitions No. 562, 563 and 564 of 2019

(Against the judgment dated 04.03.2019 passed by the Peshawar High Court, Peshawar in Bail Cancellation Application No. 2358-P, 2088-P of 2017 and 2359-P of 2017)

<i>Fawad Ali</i>	<i>(in all cases)</i>	<i>...Petitioner</i>
<i>versus</i>		
<i>The State, etc.</i>	<i>(in all cases)</i>	<i>...Respondents</i>

For the petitioner:	Syed Rifaqat Hussain Shah, ASC <i>(in all cases)</i>
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For the respondents:	N.R. <i>(in all cases)</i>
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Date of hearing:	25.07.2019
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ORDER

Asif Saeed Khan Khosa, C.J.:

Criminal Miscellaneous Applications No. 772, 773 and 774 of 2019 in Criminal Petitions No. 562, 563 and 564 of 2019

The main petitions are barred by 45 days and the reason mentioned in these miscellaneous applications seeking condonation of the delay in filing of the main petitions has not been found by us to be valid or sufficient for the purpose. These miscellaneous applications are, therefore, dismissed.

Criminal Petitions No. 562, 563 and 564 of 2019

2. These petitions are dismissed as barred by time.

3. Before parting with this order we would like to observe that these petitions seeking cancellation of the private respondents' bail are even otherwise misconceived because the impugned judgments passed by the High Court show that during the pendency of the proceedings before the High Court the private respondents in these petitions had failed to appear and resultantly non-bailable warrants for their arrest had been issued which could not be executed. The law already stands settled that if an accused person admitted to bail is subsequently declared a Proclaimed Offender or non-bailable warrants for his arrest are issued then such declaration or issuance of non-bailable warrants *ipso facto* amounts to cancellation of that accused person's bail. A reference in this respect may be made to the cases of *Yusuf Masih v the State* (1987 P.Cr.L.J. 1412), *Muhammad Boota v Muhammad Arshad and another* (Criminal Miscellaneous No. 1481-CB of 2009 decided by the Lahore High Court, Lahore on 09.02.2009), *Sharafat Ali v The State, etc.* (Criminal Revision No. 680 of 2008 decided by the Lahore High Court, Lahore on 15.04.2009 which order was subsequently upheld by this Court through the order dated 04.06.2009 passed in Criminal Petition No. 438-L of 2009) and *Atta-ur-Rehman v Rana Phool, etc.* (Criminal Petition No. 558-L of 2014 decided by this Court on 17.07.2014).

Chief Justice

Judge

Islamabad

25.07.2019

Approved for reporting.

Arif