

JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT,
ISLAMABAD.

Writ Petition No.2120 of 2020

Hafiz Ihtesham Ahmed.

Versus

Federation of Pakistan through Federal Secretary, Ministry of Law and Justice, etc.

Petitioner By : Hafiz Malik Mazhar Javed, Advocate.

Respondents By : Raja Khalid Mehmood Khan, learned
Deputy Attorney-General.
Mr. Ahsan Sadiq, Additional DG, F.I.A.
Malik Tariq Mehmood, Director Law,
F.I.A.
Qaiser Masood, Additional Director Law,
F.I.A., HQ.
Ch. Abdul Rauf, Additional Director CCW,
Rawalpindi.
Imran Haider, AD, F.I.A. CCW,
Rawalpindi.
Ms. Shumaila, Inspector, F.I.A. CCW,
Rawalpindi.

Date of Decision : 07.09.2020.

AAMER FAROOQ, J. – The petitioner, in the instant petition, has
made the following prayers:-

"استدعا:-"

مندرجہ بالا حقائق و واقعات کی روشنی میں عدالت ہذا (عدالت عالیہ اسلام آباد) سے درج ذیل منودہاتہ استدعا ہیں کہ:-

1- یہ کہ عدالت ہذا (عدالت عالیہ اسلام آباد) ریسپانڈنٹ نمبر 1 اور ریسپانڈنٹ نمبر 2 کو حکم صادر فرمائے کہ وہ جناب رسول اللہ ﷺ سمیت تمام مقدس ہستیوں کی شان میں گستاخی اور توہین مذہب کے مرتکب ملزمان کا ٹرا نل مکمل کرنے اور ٹرانل کورٹس کے فیصلوں کے خلاف اعلیٰ عدلیہ میں دائر کی جاتے والی اپیل پر حتمی فیصلے کے لئے مدت کا تعین کرنے کے لئے قانون سازی کریں۔

2- یہ کہ عدالت ہذا (عدالت عالیہ اسلام آباد) ریسپونڈنٹ نمبر 3 کو حکم صادر فرمائیے کہ وہ مقدمہ نمبر 07/2017 مورخہ 19-03-2017 ایف آئی اے، اسلام آباد کا فیصلہ ایک ماہ کے اندر سنائیے۔

3- مزید داد رسی جو بمطابق قانون ممکن ہو، وہ بھی کی جائے۔"

2. Learned counsel for the petitioner, *inter-alia*, contended that the trial in F.I.R. No.07 of 2017 dated 19.03.2017 is pending before Anti-Terrorism Court at Islamabad. It was submitted that the trial is lingering on for one reason or the other. It was submitted that a direction be issued to the Federal Government for formation of policy for disposal of such like cases, which involves blasphemy or heinous offences in an expeditious manner.

3. Learned Deputy Attorney General informed the Court that the trial is near conclusion and all the accused facing trial are behind the bars.

4. Arguments advanced by learned counsel for the parties have been heard and the documents placed on record examined with their able assistance.

5. As noted above, the trial in F.I.R. No.07 of 2017 is underway and as per the report submitted by the learned Trial Court, the trial is near conclusion. In this behalf, it has been reported by the learned Trial Court that the two of the witnesses opted for recording of the defence witnesses and the case is pending for the same. Meanwhile, it was informed that the accused persons also filed their bail applications.

6. The trial is proceeding under Anti-Terrorism Act, 1997. The Anti-Terrorism Court is a special forum created for adjudication for terrorism cases. Though, no timeframe has been given in the statute for disposal of the cases but since it is the special forum involving heinous offences, hence it is expected that the learned Trial Courts seized of the matter will expeditiously decide the cases. Moreover, it is always expedient in criminal cases that the Trial Court manage

the cases pending before them in such a way that once trial commences in a particular case the same is concluded on day to day basis; this practice and management would not only facilitate the Courts in expeditious disposal of the cases but also would be expedient for the Trial Courts in remembering the evidence and deciding the matter with ease as all the facts and evidence would be fresh in the memory of the Presiding Officer. It is expected that all the learned Trial Courts seized with the criminal matters all over Islamabad Capital Territory would adopt such practice and follow case management. It is also expected that the Federal Government may also look into the matter for appropriate legislation.

7. In view of the foregoing, the instant petition is **disposed of** with direction to respondent No.3 to decide the trial pending in the aforementioned case expeditiously preferably within six (06) weeks from the date of this order.

(AAMER FAROOQ)
JUDGE

**M. Zaheer Janjua*