

Form No: HCJD/C-121.

**ORDER SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

Criminal Misc. no. 375-BC/2019

Shafqat Ali  
Vs  
Uzair Younas, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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09-09-2020. Mr. Zahid Riaz, Advocate for the petitioner.  
Mr. Rabi Bin Tariq, State Counsel.  
Mr. Muhammad Umair Baloch, Advocate for  
respondents no. 1 to 3.  
Mr. Azhar Mehmood, S.I.

The petitioner through this petition has assailed order, dated 18.04.2019, whereby the learned Additional Sessions Judge-III, East Islamabad confirmed anticipatory bails granted in favour of respondents no. 1 to 3.

2. The facts, in brief, are that criminal case no. 413/2018, dated 17.09.2018 was registered at Police Station Sihala, Islamabad. The cross version was also recorded on 20.09.2018.

3. The learned counsel for the petitioner has been heard at length. He has mainly argued that the petitioner has been treated differently because in the case of cross version pre-arrest bails were not confirmed while respondents no. 1 to 3 were treated differently.

4. The learned State Counsel, on the other hand, has argued that roles attributed to those who were accused in the cross version were distinct.

5. The learned counsels have been heard and the record perused with their able assistance.

6. It is settled law that the principles for the cancelation of bail are distinct and all together separate from seeking bail. It is also settled law that bail once granted will be cancelled if the order granting bail on the face of it is perverse, patently illegal, erroneous, factually incorrect resulting in miscarriage of justice, passed in violation of the principles for grant of bail or the concession of bail has been misused. Reliance is placed on the cases "*The State / Anti Narcotics through Director General versus Rafiq Ahmad Channa*" [2010 SCMR 580], "*The State through Force Commander, Anti-Narcotics Force, Rawalpindi versus Khalid Sharif*" [2006 SCMR 1265] and "*Ehsan Akbar versus The State and others*" [2007 SCMR 482].

7. The grounds raised by the learned counsel for the petitioner are not persuasive in the light of the principles and law highlighted by the august Supreme Court in the aforementioned judgments. The impugned order does not suffer from perversity nor any law has been violated. Moreover, the roles attributed to various accused in the instant case are distinct and, therefore, the question of violation of Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973 does not arise.

8. For the above reasons, this petition is ~~is~~ without merit and, therefore, accordingly dismissed.

*CHIEF JUSTICE*

Saeed.