

Form No: HCJD/C-121.

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Miscellaneous No.815/B of 2019

Zareena Bibi

VS

The State.

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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01.01.2020.

**Mr. Yasir Sultan Yousafzai and Ms. Nagina Rehman Yousafzai, Advocates for the petitioner.
Dr. Waseem Ahmed Qureshi, SPP, ANF.
Naseer, SI, ANF.**

AAMER FAROOQ, J.- The petitioner, Zareena Bibi wife of Mir Azam, seeks bail after arrest in case F.I.R. No.42/2019, dated 24.02.2019, for offence under sections 9-C, 15 CNSA, 1997, PS ANF, Rawalpindi.

2. The allegations as levelled against the petitioner in the abovementioned F.I.R. are that the petitioner alongwith her co-accused was apprehended at *Chungi* No.26, Bus Stop, G.T. Road, Islamabad on 24.02.2019 and in total 9.600 KG of the contraband substance was recovered, which when was analyzed, turned out to be *Charas*.

3. Learned counsel for the petitioner, *inter-alia*, contended that this is the second

bail petition; that the earlier bail petition was dismissed on merit; that despite direction by this Court, the learned Trial Court has not decided the matter within six (06) months; that the petitioner's minor daughter is seriously indisposed; that the trial is at an advanced stage and the petitioner is not required for the investigation.

4. Learned Special Prosecutor, ANF, *inter-alia*, contended that the trial is at an advanced stage and out of five witnesses, the evidence of three witnesses is complete and only cross-examination of two witnesses is remaining. It was submitted that if a direction is issued to the learned Trial Court for expeditious disposal, the matter can be concluded speedily. It was submitted that no ground for release of the petitioner on bail is made out due to ailment of the child.

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

6. The instant petition is the second one for release of Zareena Bibi wife of Mir Azam on bail. The earlier bail application (Criminal Misc. No.250/B/2019) was dismissed by this Court on 02.05.2019, however, a

direction was issued to the learned Trial Court to conclude the trial within a period of six (06) months. The only ground agitated by the petitioner for release on bail, in the instant petition, is the indisposition of her two years minor daughter. In the earlier round, the petitioner had made it as a ground that her five years old minor daughter is with her inside the prison but the petition was rejected. In the present round of bail application, one of the grounds is the indisposition of the minor daughter Fatima, however, it is interesting to observe that in the first bail application age has been mentioned as five years while in the subsequent bail application the age has been mentioned as two years. No detail of the indisposition of the child has been mentioned. It is also not mentioned whether or not the ailment is of nature which cannot be treated by the jail doctor. The trial is at an advanced stage and only two prosecution witnesses are to be cross-examined by the defence counsel. In view of the referred position, we are not inclined to allow bail to the petitioner.

7. For what has been stated above, the instant petition is without merit and is accordingly **dismissed**, however, learned Trial Court is directed to positively conclude the

trial within a period of six (06) weeks from the date of receipt of this order.

(LUBNA SALEEM PERVEZ)
JUDGE

(AAMER FAROOQ)
JUDGE

M. Zaheer Janjua