

**ORDER SHEET.**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

**Crl.Misc.No.767/2019**

Muhammad Naeem Khan Afridi

***Versus***

The State, etc

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
<b>3.</b>	<b>18.12.2019.</b>	Raja Ikram Amin Minhas, Advocate for petitioner. Barrister Ayesha Siddique Khan, State Counsel. Mr.Abdul Sattar, Inspector. Mr.Shafique, S.I Complainant Muhammad Anar in person.

Through this criminal miscellaneous petition, petitioner Muhammad Naeem Khan Afridi claims that he is accused in case FIR No.358 dated 22.8.2012 registered under section 365/34 PPC read with sections 302, 201,377, 511 PPC Police Station Aabpara, Islamabad and in FIR No.64 dated 23.8.2012 under sections 324, 148, 149 PPC Police Station Banni Gala, Islamabad whereby petitioner has applied pre-arrest bail in both criminal cases which are pending in two different Sessions Division and consolidation of both petition are required in terms of Section 561-A Cr.P.C to avoid conflicting decision.

2. Learned counsel for petitioner contends that both the FIRs have been registered on series of offences of same transaction. It is further contended that both the FIRs have been lodged by two different complainant and petitioner has applied for his pre-arrest bail in both the criminal cases whereby first pre-arrest bail is pending before the Court of Abdul Ghafoor Kakar, learned Additional Sessions Judge (West), Islamabad and other pre-arrest bail is pending before the Court of Abida Sajjad, learned Additional Sessions Judge (East), Islamabad, and in order to avoid any conflicting

judgment both the pre-arrest bail petitions may be directed to be heard by one and the same Court.

3. Complainant of Case FIR No.358/2012 Muhammad Anar Khan has put appearance before this Court whereas complainant of case FIR No.65/2012 is stated to be out of country and he has been informed by the I.O, therefore, at this stage matter should be heard through learned State Counsel.

4. Learned State Counsel has been confronted with the proposition whereby she conceded that both the incident are based on one series of transaction and such offences which formulate one transaction shall be adjudicated by one and the same Court in the interest of justice.

5. In view of above circumstances, both these pre-arrest bail petitions should be heard by one and the same Court to avoid any conflicting decision, therefore, pre-arrest bail application titled **Muhammad Naeem Khan Afridi Vs The State etc in case FIR No.64 dated 23.08.2012 offence under sections 324, 148, 149 PPC PS Banigala**, Islamabad pending with the Court of Mst.Abida Sajjad, learned Additional Sessions Judge (East), Islamabad is hereby transferred and entrusted to the Court of Mr.Abdul Ghafoor Kakar, learned Additional Sessions Judge (West), Islamabad who shall decide both the pre-arrest bail applications in accordance with law.

6. In view of above, instant petition stands disposed of.

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

M.S.Zaki.