

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Misc. No.299/2019

Muhammad Qadeer

Versus

The State, etc

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(7)	10.10.2019	Mr. Tariq Aziz, Advocate for petitioner. Mr. Sadaqat Ali Jahangir, State Counsel. Mr. Abrar Rafique Mughal, Advocate for respondent No.2. Jamshaid Khan Inspector, Tanveer ASI and Safdar Hussain ASI with record.

Through this petition, the petitioner has prayed for cancellation of pre-arrest bail granted to respondent No.2 by the learned Additional Sessions Judge, Islamabad (West) in case FIR No.85 dated 16.02.2012 under sections 489-F, 406 PPC, P.S. Shalimar, Islamabad.

2. Learned counsel for petitioner inter-alia contends that while hearing pre-arrest bail application of respondent, learned Additional Sessions Judge, Islamabad (West) only issued notice to complainant Muhammad Shafiq, whereas present petitioner has also filed separate complaint which is part of said criminal case, on the basis of directions issued by this Court in **W.P. No.3093-Q/2012 (Muhammad Asghar...vs ...The State, etc)** petitioner has also been declared complainant of criminal case against accused in addition to Muhammad Shafiq; it has also been argued that the petitioner, who has separate claim against the respondent, has not been given due opportunity of

hearing by the learned Additional Sessions Judge, Islamabad (West) which is minimum requirement in terms of Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973.

3. I.O. in attendance has verified the record from the Manager, Bank Al-Habib, I-10 Markaz, Islamabad in the account of Parsley Impex, whereas learned counsel for respondent No.2/Tabish Azmat has denied opening of said bank account and has taken categorical stance that he has not issued any cheque, however all these questions have not been reflected from the impugned order.

4. In view of above, impugned order is hereby set-aside to the extent of present petitioner/complainant. Matter is remanded to learned Additional Sessions Judge, Islamabad (West) to decide pre-arrest bail of respondent afresh in the light of above mentioned observations of this Court. Both the parties are directed to appear before the learned Additional Sessions Judge, Islamabad (West) on 18.10.2019. Respondent No.1 is considered to be on pre-arrest bail.

5. Instant criminal misc. stands disposed of.

(MOHSIN AKHTAR KAYANI)
JUDGE

Imran