

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Crl.Misc. No.793-B/2020.

Imran Ahmad Zai

Versus

The State and another

Crl. Misc. No.794-B/2020.

Imran Ahmad Zai

Versus

The State and another

Crl. Misc. No.795-B/2020.

Imran Ahmad Zai

Versus

The State and another

| 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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24.06.2020. Mr. Muhammad Arif Khan and Mr. Muhammad Ilyas Khan, Advocates for the petitioner.
Mr. Hasnain Haider Taheem, State Counsel.
Sajid Iqbal, ASI/I.O, P.S Sihala, Islamabad alongwith record.

Through this single order, I intend to decide above titled three post arrest bail petitions as the same have been filed by the petitioner against the FIRs registered against him at P.S Sihala, Islamabad.

2. The petitioner is seeking his post arrest bail in case FIR No.62/2019, dated 20.02.2019, U/S 392/411, PPC, P.S Sihala, case FIR No.565/2018, dated 31.12.2018, U/S 395/412 PPC, P.S Sihala and case FIR No.61/2019, dated 19.02.2019, U/S 395/412 PPC, P.S Sihala, Islamabad.

3. Learned counsel for the petitioner contends that these are second post arrest bail petitions on statutory ground, whereas the

earlier post arrest bail petitions were disposed of by this Court vide order dated 12.09.2019 through Crl. Misc. No.559-B/2019, 560-B/2019 & 538-B/2019 and direction was issued to learned Trial Court to conclude the trial before 30.02.2020 but the direction has not been complied with; that the petitioner feels satisfied, if further direction is issued for early conclusion of the trial.

4. Learned State Counsel as well as the I.O have been confronted regarding present status of the trial, whereby it has been contended that prosecution witnesses will be produced before the Court for early conclusion of the Trial and every cooperation will be extended in this regard.

5. I have heard learned counsel for the parties and perused the record.

6. Perusal of the record reveals that the petitioner is accused in three cases i.e. case FIR No.62/2019, dated 20.02.2019, U/S 392/411, PPC, P.S Sihala, case FIR No.565/2018, dated 31.12.2018, U/S 395/412 PPC, P.S Sihala and case FIR No.61/2019, dated 19.02.2019, U/S 395/412 PPC, P.S Sihala, Islamabad. During the investigation certain recoveries have been effected from the petitioner, however, in previous round of proceedings when the petitioner filed his post arrest bail petitions, the same were disposed of vide order dated 12.09.2019 in the following manner:-

“At the very outset learned counsel for the petitioner contends that he will be satisfied and will not press the instant petition, if a direction be issued to the learned trial Court for early conclusion of the trial of case FIR No.61/2019 dated 19.02.2019 under Section 395 PPC PS Sihala, Islamabad.

2. Keeping in view the above, instant petition is disposed of with the direction to the learned trial Court seized with the criminal case FIR No.61/2019 dated 19.02.2019 under Section 395 PPC PS Sihala, Islamabad to conclude the trial of

this case in accordance with law on or before 30.02.2020 under intimation to this Court."

7. I have gone through the above mentioned order and perused the original record, whereby it has been observed that approximately 60 to 62 hearing were conducted but only two witnesses were examined in case FIR No. 565/2018, one witness has been examined in second case and no witness has been examined in third case and even presence of the prosecution witnesses could not be secured. Perusal of order sheets reveals that Trial Court is unable to execute its own order through the SHO for production of prosecution witnesses and even direction of this Court has not been complied with. However, learned counsel for the petitioner contended that the petitioner feels satisfied if further direction is issued for early conclusion of the trial. Therefore, learned Sessions Judge (East) Islamabad is directed to ensure early conclusion of the trial through the concerned Judicial Magistrate working under his supervision. Trial Court shall conclude the trial on or before 23.07.2020 by calling the witnesses on day to day basis. Learned MIT is directed to call explanation of the concerned Judicial Magistrate for non-compliance of the earlier direction passed by this Court through learned Sessions Judge (East) Islamabad and submit report for perusal in chambers.
8. All the three post arrest bail petitions stand **disposed of** in above terms.

(MOHSIN AKHTAR KAY/ANI)
JUDGE

R.Anjam