

## **ORDER SHEET.**

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

**Crl. Misc. No.556/B/2019.**

Raja Waqas Mahmood

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>
-------------------------------------	-----------------------------------	--

18.09.2019. Mr. Kamran Asghar, Advocate for the petitioner.  
Ms. Saima Naqvi, State Counsel.  
Mr. Khurram Mehmood Qureshi, Advocate for respondent No.2.

Through instant petition, the petitioner has prayed for his post arrest bail in case FIR No.292, dated 04.08.2016, U/S 489-F, PPC, P.S Ramna, Islamabad.

2. Brief facts as referred in the FIR got lodged by respondent No.2 are that he lodged FIR No.263, dated 13.07.2015, U/S 420, 468, 471 PPC, P.S Ramna, Islamabad against the petitioner and his co-accused, in which the petitioner was arrested and thereafter the matter was reconciled. In response to the compromise two cheques dated 16.07.2016 amounting to Rs.65,00,000/- drawn at Allied Bank G-11 were issued, which were dishonoured on their presentation.

3. Learned counsel for the petitioner contends that the petitioner was arrested on 19.12.2018 and challan has been submitted before the Court on 20.12.2018 and charge has been framed; that the petitioner is no more required for the purpose of further investigation; that the dispute relates to civil nature, hence the petitioner is entitled for concession of post arrest bail.

4. Conversely, learned State Counsel as well as learned counsel for respondent No.2 contend that the petitioner remained

fugitive from the law for five years and he is lingering on the matter on one pretext or the other before the Trial Court despite the facts that the witnesses were present on 12 dates of hearings before the Court.

5. I have heard the arguments and perused the record.

6. Perusal of the record reveals that the petitioner was an accused in case FIR No. 263, dated 13.07.2015, U/S 420, 468, 471 PPC, P.S Ramna, Islamabad registered on the complaint of respondent No.2. The petitioner was arrested in the said case and during his custody the matter was reconciled between the parties and the petitioner issued two post dated cheques of Rs.65,00,000/- as settlement in favour of respondent No.2 but those cheques were dishonoured on their presentation. The petitioner disappeared after the said settlement. The instant FIR was lodged but the petitioner remained fugitive from the law for 5 years and finally he was arrested on 09.12.2018. The previous history reveals that the petitioner being Real Estate Agent committed fraud with respondent No.2 and deprived him from his hard earned money as well as from valuable property in DHA. Although the matter was compromised but the amount was not paid and the cheques were issued. Charge has been framed and evidence is being called. On 12 dates of hearing the prosecution witnesses appeared before the Court but the evidence could not be recorded due to fault of the petitioner. The trial is in progress, therefore, the petitioner is not entitled for post arrest bail rather it is appropriate to issue direction to learned Trial Court to conclude the trial within specific period. Reliance is placed upon 2011 SCMR 1332 (Rehmat Ullah vs. The State and another).

7. For what has been discussed above, instant post arrest bail petition is dismissed. However, learned Trial Court seized with the matter is directed to conclude the trial within a period of 04 months from the date of receipt of copy of this order under intimation to this Court.

(MOHSIN AKHTAR KAYANI)  
JUDGE

R.Anjam