

ISLAMABAD HIGH COURT, ISLAMABAD

NO. _____ IHC/Jude. Deptt.

(REVISED FORM OF BLUE SLIP)

Case No. Misc Bail No 1624 ^{BE} 2010

Titled

Vs

- | | | |
|-----|---|---------------------|
| (a) | Judgment approved for reporting | Yes / No |
| (b) | Judgment any comment upon the Conduct of the Judicial Officer for Quality of the impugned judgment is Desired to be made. | Yes / No |

(In case the answer is the affirmative Separate confidential note may be Sent to the Registrar drawing his Attention to the particular aspect).

Initial of ~~the~~ Judge.

NOTE

1. If the slip is used, the Reader must attach on top of first page of the judgment.
2. Reader may ask the Judge writing the judgment whether the judgment is to be approved for Reporting of any comment is to be made about the Judicial Officer/ quality of judgment.
3. This slip is only to be used when some action is to be taken.

Issued.
Dispatch :- 1234
Dated :- 1235

ORDER SHEET

ISLAMABAD HIGH COURT, ISLAMABAD.

Case No.

CrI.Misc.Bail.No.1624-BC/2010.

Rizwan Javed.

Versus

Nasir Jameel

S.No.of order/ Proceeding	Date of order/ Proceeding	Order with signatures of Judge, and that of parties or Counsel, where necessary.
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03.

27.01.2011

Syed Zulfiqar Abbas Naqvi, Advocate for the petitioner.
Rana Abid Nazir, Advocate with respondent No.1 in person.
Mr. Shabbir Ahmad Abbasi, learned Standing Counsel with Farooq Latif SI, FIA/AHTC, Rwp.

This application under section 497 (5) Cr.PC has been moved for cancellation of bail of respondent No.1, granted by learned Special Judge Central Rawalpindi on 07.09.2010. The main contention of the petitioner is that there were two complainants according to the FIR and he was the main victim of the case because the petitioner was deprived of Rs.1,350,000/-by the respondent No.1 by inducing him to send his brother Muhammad Usman Javed abroad.

2. It is further stated that the accused has separately taken Rs.275,000/- from Muhammad Aamir Rana for sending his brother to German with whom he entered into compromise by giving some money to Muhammad Aamir Rana. It is stated that after receiving this amount, Muhammad Aamir Rana gave an affidavit and statement in the court that he has no grievances against the accused / respondent No.1 and the dispute between the parties was of civil nature about rice business. It is next

stated that Muhammad Aamir Rana expressed no objection to the grant of bail and, therefore, the learned trial court admitted him to bail vide order dated 07.09.2010. It is submitted that the offences are non-bailable, and the punishment for offences is more than ten years.

3. Learned counsel for respondent No.1 supported the impugned order by stating that after compromise and on the basis of affidavit of the complainant, there is no justification for the cancellation of bail.

4. The State counsel however supported the contention of the petitioner.

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

6. Admittedly, there are two complainants, the present petitioner is the main witness who was deprived of Rs.1,350,000/- while the accused returned some amount to Muhammad Aamir Rana, who joined hands with the accused which resulted into the bail of the accused.

7. The learned trial court has failed to consider that the petitioner was also cheated and induced for sending his brother Muhammad Usman Javed abroad and received huge amount of Rs.1,350,000/-

8. There is no rebuttal to this allegation and the only point which prevailed upon the learned trial court for the grant of bail as Muhammad Aamir Rana has given an affidavit in favour of the accused.



9. The offences under sections 18, 22 of Immigration Ordinance, 1979 read with section 6 Passport and 489-F PPC fall within the prohibitory clause of section 497 (1) Cr.PC and are heinous in nature as the innocent poor people are deprived of their money and peace of mind.

10. I am conscious of the fact, that discretion exercised by the learned trial court should not be interfere^d with lightly but at the same time, the fact remains that such exercise at all levels must be exercised with due care and caution. It is also been held that if there are two complainants then the accused must settle the dispute with both of them.

11. In view of the above, I accept the petition, set-aside the bail granting order dated 07.09.2010, the respondent no.1 is present in the court. He be arrested and sent to judicial custody and produced before the trial court for remand purpose.

(Muhammad Anwar Khan Kasi)
Judge.

Aamer Baig.

Approved for Reporting.

Uploaded By: "Zulqarnan Shah"

Blue Slip added.
22/1/11