

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

Crl. Misc. No.769/2020

Hakeem Ullah

Versus

The State

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	22-06-2020	Raja Arshad Hayat, Advocate for petitioner. Mr Zohaib Hassan Gondal, State Counsel. Mr Aamir, SI and Talat SI with record.

Through this petition, the petitioner is seeking bail in case FIR No.37, dated 24-01-2019, registered at Police Station Tarnol, Islamabad, solely on statutory ground. Earlier the petitioner had filed a petition seeking bail on merits. It is the case of the petitioner that the statutory period prescribed under the 3rd Proviso to Section 497 of the Code of Criminal Procedure, 1898 (*hereinafter referred to as the 'Cr.P.C.'*) has lapsed and, therefore, a right has accrued in his favour to be released on bail.

2. The learned counsel for the petitioner has argued that the delay in conclusion of trial cannot be attributed to the

petitioner. He has further stated that so far 31 dates have been fixed for hearing during the trial and on only one occasion, adjournment was sought for cross-examining the witness.

3. The learned State Counsel on the other hand has argued that an application was filed on behalf of the petitioner under section 249-A of Cr.P.C. merely to delay the proceedings. He has further stated that charge has been framed and one witness has also been examined. The Investigating Officer has stated that if released on bail, there is likelihood that the petitioner may abscond because of his connection with one of the neighboring countries.

4. The learned counsel for the petitioner and the learned State Counsel have been heard and the record perused with their able assistance.

5. The Investigating Officer has stated that he has reasons to believe that there is likelihood of the petitioner's abscondance. The connection of the petitioner to one of the neighboring countries has not

been denied. Moreover, trial has commenced and one of the witnesses has also been examined. The application filed on behalf of the petitioner under section 249-A of Cr.P.C. had obviously contributed to delay in conclusion of the trial.

5. For the above reasons, this Court is not inclined to extend the concession of bail in favour of the petitioner. Nonetheless, the learned Sessions Judge is expected to make appropriate arrangements so that the trial is concluded at the earliest. The prosecution shall ensure that witnesses are produced in accordance with a schedule prescribed by the learned trial Court. The petition, therefore, stands dismissed.

(CHIEF JUSTICE)

Luqman Khan/*