

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Crl. Misc. No.329/B/2019

Raja Fawad Ahmed

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.
(04)	12.06.2019	Mr. Qaiser Imam Ch. And Mr. Shuja Ullah Gondal, Advocates for the petitioner. Ms. Saima Naqvi, State Counsel. Raja Muhammad Farooq, Advocate for respondent No.2. Zafar Iqbal, S.I, P.S Kohsar, Islamabad.

MOHSIN AKHTAR KAYANI J. Through the instant petition, the petitioner has applied for his post arrest bail in case FIR No.264, dated 01.08.2017, under section 302/201/109/34, P.S Kohsar, Islamabad.

2. Brief facts are that complainant/ respondent No.2/ Muhammad Waheed got lodged the abovementioned FIR with the allegation that on 01.08.2017, he was informed on his mobile number by his son in law that his daughter is not feeling well and when he reached his house at about 09:30 a.m, it revealed that his daughter has passed away and when he saw the dead-body of his daughter, some marks of injuries were visible on the neck of the deceased, whereafter he has lodged the instant criminal case.

3. Learned counsel for the petitioner contends that petitioner is innocent and has falsely been implicated in this case and petitioner's wife Tasram Shaheen aged about 20 years had committed suicide and petitioner was involved by his father in law without any basis. It has further been argued that number of witnesses were present, who have seen deceased hanging by neck in her room. He further contends that petitioner is no more required for the purpose of investigation and he is facing the trial for the last two years.

4. Conversely, learned Counsel for the complainant/respondent No.2 contends that petitioner had directly been nominated with the specific role of commission of murder of Tasram Shaheen, aged about 20 years, who was pregnant at the time of her death and the trial is near to conclusion, therefore, petitioner is not entitled for the concession of bail.

5. Arguments heard, record perused.

6. From the perusal of record, it has been observed that petitioner has been nominated as accused in case FIR No.264, dated 01.08.2017, under section 302/201/109/34, P.S Kohsar with specific role of commission of murder of Tasram Shaheen (deceased).

7. The tentative view reflected from the autopsy report is that marks of strangulation around the neck of the deceased were present and possibility of homicide cannot be ruled out, even the cause of

death is strangulation as referred by the doctor, who has conducted the autopsy of the deceased. The record prima facie connects the petitioner with the hideous crime of murder of deceased Tasram Shaheen, who was pregnant of three months at the time of her death. The offence falls within prohibitory clause of Section 497 Cr.P.C. Even otherwise, the challan has been submitted in the Court. Charge has been framed, statements of four witnesses have already been recorded and there is likelihood that trial will be concluded in the near future.

8. In such like situation, the bail cannot not be granted and it would be appropriate to issue direction to the learned Trial Court to conclude the trial within a specific period. Reliance is placed upon **2011 SCMR 1332 (Rehmatullah Vs. The State and another).**

9. For what has been discussed above, instant criminal miscellaneous petition stands **dismissed.** However, learned Trial Court seized with the matter is directed to conclude the trial on or before 30.10.2019.

(MOHSIN AKHTAR KAYANI)
JUDGE

Ramzan