

IN THE SUPREME APPELLATE COURT NOTHERN AREAS GILGIT

Cr. Mise. No. 24/2008

**Before: Mr. Justice Muhammad Nawaz Abbsi (Chief Judge)
Mr. Justice Syed Jaffar Shah (Judge)
Mr. Justice Muhammad Yaqoob (Judge)**

Shah Zaman s/o Sifat Khan r/o Daskin/Hercho. Tehsil and District Astore at Present
Judicial Lock District Astore. Petitioner

Versus

The State Respondent

Present: Muhammad Abbas Khan Advocate for the Petitioner.
Advocate General for the State.

**OFFENCE UNDER SECTION 392/397/398/402/34
PPC & 17 HARABAH AND SECTION 13 A.O VIDE FIR
NOS.82, 83, 84, 85, 86,/07 POLICE STATION ASTORE.**

ORDER

Muhammad Nawaz Abbasi.C.J: The petitioner on refusal of bail by Chief Court filed a petition for grand of bail before this Court and pending disposal of the same, he approached learned Additional District & Session Judge Astore for bail mainly on the ground that his co-accused have been allowed bail by Supreme Appellate Court. The petitioner was allowed bail by Attritional district & Session Judge and thereafter he moved and application before this Court for withdrawal of the bail petition. Notice was issued to the Advocate General and report was also called from learned Additional District & Session Judge Astore as to why pending disposal of the bail application of petitioner before this Court, he entertained his bail application. The learned counsel has informed us that learned Additional District & Session Judge Astore on receipt of notice of this Court has recalled the bail granting order and consequently petitioner has not been released from Jail.

2. The learned counsel for the petitioner contended that the bail application was moved by him on behalf of the petitioner before ASJ in good faith without the intention of concealing the factam of pendency of bail application before Court and that learned ASJ

also granted bail for the sole consideration that Co-accused of the petitioner have allowed bail by this Court.

3. Learned Counsel submitted that in the above background he may be permitted to withdraw the Misc. application for withdrawal of the main petition which may be decided on merits.

4. The learned Advocate General has not opposed the request made by the learned Counsel for the petitioner and submitted that learned Additional District & Session Judge granted bail to the petitioner on the basis of order of this Court in god faith.

5. In view of the explanation of the learned counsel was reluctantly accept his request with the observation that the matter was dealt with improper and inappropriate manner. Be that as it may, we in the interest of Justice allow the withdrawal of Misc. application and proceed to decide the main petition on merits.

6. The learned counsel for the petitioner submitted that the case against the petitioner on merits is at par with his co-accused who have been granted bail by this Court vide order 11.09.2008 and in the light of rule of consistency, he would also be entitled to the same concession.

7. In view of the fact that role assigned to the petitioner is not distinguishable to that of his five co-accused who have been allowed bail the by this Court, we need not to discuss the case in detail as the petitioner would also be entitled to the same relief. Consequently this petition is converted into an appeal and petitioner is allowed bail subject to his furnishing bail bonds in the sum of Rupees 50000/- with two local sureties each in the like amount to the satisfaction of the Judicial Magistrate Asotre.

The appeal is disposed of accordingly.

Announced:
04.06.2009

Chief Judge

Judge

Judge