

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, GILGIT.
(Appellate Jurisdiction)
Cr.PLA NO. 02/2014.**

Before:

**Mr. Justice Rana Muhammad Arshad Khan, Chief Judge.
Mr. Justice Raja Jalal Uddin, Judge.
Mr. Justice Muzaffar Ali, Judge.**

The State

..... Petitioner

Versus

1. Asif Abbass s/o Musa r/o Hamid Gadh Skardu.
2. Abideen s/o Raza r/o Hameed Garh Skardu.
3. Ghulam Mehdi s/o Ahmad r/o Hameed Garh Skardu.
4. Basharat Hussain s/o Musa r/o Karisma Thang Skardu.
5. Safdar Hussain s/o Salman r/o Hameed Garh Skardu.
6. Nasir s/o Nisar Ali r/o Choumik Skardu.
7. Yousuf s/o Ghulam Mehdi r/o Hameed Garh Skardu

..... Respondents.

Mr. Asad Ullah Khan, Advocate General Gilgit-Baltistan.

Date of hearing:-29-09-2014.

ORDER

Rana Muhammad Arshad Khan, CJ: This petition has been preferred against the Order dated 19.08.2014, passed by the learned Division Bench of the Chief Court Gilgit-Baltistan, whereby, the application No. 102/2014 for Post Arrest Bail, filed by the respondents, was accepted and they were released on bail.

2. The facts in brief as gleaned out from the record are that the respondents were allegedly encroaching upon the state land when District Collector Skardu reached at the site alongwith the Police Officials. The respondents reportedly mounted an assault on the District Collector Skardu. Subsequent thereof, the case FIR No. 75/2011 was registered against the respondent under Section 147, 149, 341, 504, 506 (ii), 353 PPC read with Section 6/7 Anti-Terrorism Act, 1997.

3. Five accused persons were arrested on 25.06.2014 whereas the remaining Four accused person were arrested on 26.06.2014 and were sent to judicial lockup. It is pertinent to mention here that the two accused persons were not challaned. The respondents herein moved an application for post arrest bail in the court of Judge Anti-Terrorism Court No. 1 at Gilgit. The application was declined vide Order dated 28.07.2014. The respondent, thereafter, moved an application for post arrest bail in the Chief Court Gilgit-Baltistan. The application was accepted and respondents were ordered to be released on bail.

4. The state feeling aggrieved and dissatisfied directed the instant petition for leave to appeal before this court against the order dated 19.08.2014 passed by the learned Division bench of the Chief Court Gilgit-Baltistan.

5. The learned Advocate General argued that the learned Division Bench did not adhered to the legal provisions of Section 6/7, 21(m) of the Anti-Terrorism Act, 1997 and granted them bail vide order dated 19.08.2014 which is liable to be set aside. He argued further that the respondents mounted an attack on public servants and deter the public servants from discharging of their duty causing serious hindrance in their function as public servants. They are not at all entitled to any discretionary relief.

6. We have heard the learned Advocate General at length.

7. The plain reading of the orders impugned makes it abundantly clear that the learned Division bench has taken note of all the legal provisions and thereafter passed speaking order. Even otherwise the respondents were arrested on 25/26.06.2014 and they remained in Judicial Lockup for about two months. The Challan has

been submitted and the charge has also been framed. The trial is in progress and the evidence is being recorded. There is no complaint, whatsoever, that the respondents/accused have made any attempt to temper with the evidence of the prosecution nor have they misused the concession of the bail granted to them. No useful purpose will be served while sending them in the judicial lockup for uncertain period particularly when they are not causing any hindrance in the progress of the trial. Even otherwise, the grounds for the grant of bail are absolutely different than that of cancellation of bail.

8. In view of what has been discussed above, this petition for grant of leave is dismissed being meritless and without any substance.

9. Leave refused.

Chief Judge

Judge

Judge