

*Judgment Sheet*

**IN THE PESHAWAR HIGH COURT,  
PESHAWAR**

*(Judicial Department)*

***BA No. 1515-P of 2017.***

**ORDER**

Date of hearing. 11.09.2017

**Petitioner** ( Ashfaq Ahmad) by: Mr. Tafseel Khan Afridi, advocate.

**State** by: Syed Sikandar Hayat Shah, AAG.

**Complainant/**  
(respondent No.2) by: Mr. Shah Faisal Utman Khel, advocate.

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**QAISER RASHID KHAN, J.** The accused/

petitioner, Ashfaq Ahmad, seeks bail in case FIR No. 769 dated 15.10.2014, under section 17 (3) Offences Against Property (Enforcement of Hudood) Ordinance, 1979 read with sections 412 PPC and 15 AA, registered at police station Pahari Pura, Peshawar on the ground of statutory delay in the conclusion of trial.

2. Arguments heard and available record perused.

3. Earlier, bail was declined to the accused/petitioner on merits by this court vide order dated 15.01.2016 in BA No. 2458-P of 2015. This time, the accused/petitioner through his counsel has only pressed into service the ground of delay which has occasioned whereby his trial has not been concluded ever since his arrest on 05.11.2014.

4. In a situation where the occurrence took place on 15.10.2014, the accused/petitioner was arrested on 05.11.2014 and has been behind the bars for the last thirty three (33) months, where the challan has been put in court on 08.02.2017 and the conclusion of the trial with whatever its outcome is yet a forlorn dream for the accused/petitioner and more so when such delay barring a couple of months consumed while pursuing his bail applications is not attributable to the accused/petitioner, then he is indeed entitled to the concession of bail on the ground of statutory delay in the conclusion of his trial or else his further stay in the judicial lock-up may tantamount to his pre-trial conviction.

5. Accordingly, this bail application is allowed and the petitioner is directed to be released on bail provided he furnishes bail bonds in the sum of Rs.500000/- (five hundred thousand) with two sureties each in the like amount to the satisfaction of the learned trial court. The sureties must be local, reliable and men of means.

***Announced:***  
**11.09.2017.**

***J U D G E***