

Judgment Sheet

IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH
JUDICIAL DEPARTMENT

J U D G M E N T

Cr.M/BA No.130-A/2015
Date of hearing...03.04.2015

Qazi Mubashar Saeed Vs The State.

Petitioner(s) by.....

Respondent(s) by.....

ABDUL LATIF KHAN, J:- Petitioner Qazi Mubashar Saeed alias Qazi Mubashar Islam seeks post arrest bail in case FIR No.339 dated 29.9.2013 u/s 324/34 PPC, P.S. KTS, District Haripur.

2. It is pertinent to mention that the bail petition of petitioner has been dismissed thrice on merit as well as statutory delay by this Court vide orders dated 9.12.2013, 22.12.2014 & 09.03.2015 now the petitioner seeks bail on the ground of non-compliance of orders of this Court, wherein the trial Court was directed to conclude the trial within the stipulated period mentioned therein.

Arguments heard and record perused.

3. While dismissing the bail petition of petitioner on the ground of statutory delay, by this Court vide order dated 22.12.2014, direction to the learned trial Court was issued for conclusion of trial within a period of one month. Due to non-conclusion of trial of petitioner within the said period, the petitioner again approached this Court wherein vide order dated 09.03.2015, direction to the trial Court was again issued for examination of remaining witnesses on 14.3.2015 and it was also ordered that in case of non-conclusion of trial on the part of prosecution, the petitioner will be within his right to approach this Court and in that case plea for release of accused will be considered on its own merits notwithstanding the earlier order/observations of this Court in previous application for bail of petitioner on statutory ground. But perusal of order sheet dated 14.3.2015 as well as report of trial Court depicts that one witness Qazi Serajul Haq was examined as PW.9 on the same date but when the learned trial Court directed for recording statement of PW. Muhammad Arif SI, who was also present in Court, the learned defence counsel pointed out to the trial Court at 2.00 PM, that the Court time is

over, therefore on his behalf the case was adjourned which delay has not been caused on the part of prosecution as witness was present and Court timing is not till 2.00 PM, therefore, adjournment was made on the part of learned defence counsel for which prosecution or trial Court cannot be blamed. Besides, only one witness is left to be examined meaning thereby that the trial would be concluded within a shortest possible time. At present no case for bail of petitioner is made out nor there is anything on record that the order of this Court has been violated by the trial Court therefore the instant petition is dismissed. However the trial Court is directed to examine the remaining witnesses on 9.4.2015 positively without any further adjournments. The prosecution is also directed to procure attendance of unexamined witnesses positively for the date fixed and thereafter the case be decided on day to day basis within a period of one month on merit strictly in accordance with law. The office is directed to send the record of trial Court immediately.

Announced.
Dt.03.04.2015.

J U D G E

“A.Qayum”