

**JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT, PESHAWAR.  
JUDICIAL DEPARTMENT**

Cr. M BA No. 1993-P/2020.

JUDGMENT.

Date of hearing 24<sup>th</sup> July 2020.

Asif .....Vs.....The State.

Petitioner(s) by Mr. Ghilshan Ahmed - Dhuwala.  
State/respondent by 1- Mr. Asghar Ahmed (Asst. AG).

**WAQAR AHMAD SETH, CJ:** - Accused-petitioner,

Asif son of Fazal Subhan, charged in case vide FIR No.428 dated 11.05.2020, under section 9-D CNSA, registered at Police Station, Urmar, Peshawar, has approached this Court for release on bail, on the ground of non completion of trial.

2. Since on merits, bail plea of the petitioner has been declined by this Court via Cr. M BA No. 1509-P/2020, therefore, neither facts nor discussion thereon is warranted.

3. I have heard learned counsel for the petitioner, learned Addl. AG for the State and available record gone

*/h.* through.

**SCANNED**

4. This Court in earlier round of litigation while refusing the petition had directed to prosecution to submit complete challan within seven days before the trial, whereas today learned counsel for the petitioner is seeking bail that despite direction and laps of sufficient time, challan has not been submitted before the competent Court of law. On the previous date, learned Addl. AG was directed to call learned Public Prosecutor, Peshawar, who later on appeared and informed the Court qua receipt of challan, today. Subsequently Moharrir Investigation of the Police Station concerned also appeared and produced Dak Bhai by stating that vide receipt No. 377/21 dated 25.6.2020, they have given the challan to the reader of Deputy Public Prosecutor, Peshawar. Today one Mr. Rafi Ullah, Senior Public Prosecutor, Peshawar, appeared before the Court and produce receipt register, which suggests that challan was received in the office of Public Prosecutor on 20.7.2020 and

on 21.7.2020, it was submitted before the Court; whereas the Dak Bhai, quoted above, suggests otherwise.

5. This is a fit case for digging out the actual culprits, but the ultimate sufferer would be the petitioner, as in the proceedings record of the case will have to be requisitioned / asked for conducting proceedings, hence, without going into inquiry proceedings, the SSP investigation is directed to strictly comply the law regarding submission challan before the Court, in future. Each and every case / complete challan, signed by the SHO within 24 hours, shall be forwarded to the next hierarchy in order, and would not be delayed at any pretext on one table beyond 24 hours, so as to avoid late submission of challan. Office is directed to circulate copy of the order amongst concerned for compliance.

6. The bail petition being meritless is hereby dismissed, with the direction to the learned trial Court to decide it as per National Judicial Police.

Announced.  
24.07.2020.

  
Chief Justice