

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Mazhar Alam Khan Miankhel
Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.622 of 2020

*(Against the judgment dated 28.01.2020 passed by
the Islamabad High Court Islamabad in Crl. Misc.
No.19--B/2020)*

Imran Abbas

...Petitioner(s)

Versus

The State & another

...Respondent(s)

For the Petitioner(s):	Ms. Bushra Qamar, ASC Syed Rifaqat Hussain Shah, AOR
For the Respondent(s):	Mr. Niazullah Khan Niazi, Advocate General, Islamabad Capital Territory M. Sarfraz, SSP with Abdul Jabbar, I.O.
Date of hearing:	10.07.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Maria Mughal, deceased, was done to death within the safety of her dwelling allegedly, by Imran Abbas, petitioner herein, no other than her former husband; her younger sister Ms. Talal Sahr witnessed the occurrence that occurred at 2:00 p.m. on 15.8.2019; solitary fire shot in the skull has been blamed as cause of death; upon petitioner's disclosure, a .30 caliber pistol was recovered from the petitioner on 31.8.2019. The petitioner moved Court of Session Islamabad (West) for admission to bail on the basis of an affidavit purportedly sworn by the complainant wherein she exonerated him from the charge; it appears from the record that the complainant presented herself before Mr. Basit Aleem, learned Addl. Sessions Judge Islamabad (West) to affirm the contents of the affidavit; the learned Addl. Sessions Judge, however, and wisely so, viewed the move as the one calculated to subvert the prosecution evidence and declined the request. A learned Judge-in-Chamber upheld the dismissal. The issue came up before us on

8.7.2020; surprised by a sudden somersault, that too, in a manner, too crude to be viewed as plausible, we sent for the Superintendent of Police; he is in attendance along with the Investigating Officer; the former states that the complainant after the incident had sought refuge in a public sanctuary (*Dar-ul-Aman*) whereafter she of own accord left for her village. We are at a loss to understand as to what weighed with the complainant to substitute "*unknown dacoits*" as the assassins of her sister through the affidavit dated 03.10.2019 while she had unambiguously blamed her former brother-in-law for the cold blooded incident through a written application moved just as close as on 15.8.2019.

2. Be that as it may and without prejudice to the petitioner's right for a fair trial to be settled, on the strength of evidence alone with all statutory/procedural safeguards, we, in circumstances, consider it expedient to direct the Inspector General of Police Islamabad Capital Territory to ensure safe conduct throughout to Ms. Talal Sahr complainant so as to enable her to appear before the Court to adduce her evidence without let, hindrance or duress. It goes without saying that for effective and meaningful administration of criminal justice, witness protection is a *sine qua non* and as such a bounden responsibility is cast upon the State to be discharged through its functionaries to safeguard vulnerable witnesses in order to ensure that stream of justice runs pure and clean with scales strictly held in balance. Learned trial Judge is directed to proceed with the trial with all convenient dispatch to preferably conclude it before the fall of October, 2020. Chief Commissioner Islamabad is directed to depute a diligent and capable Law Officer to prosecute the State case; he shall also consider the desirability of a trial in jail premises, if need be. Compliance reports regarding steps taken be submitted for our perusal in the chambers.

3. Learned counsel for the petitioner, upon reconsideration, has opted to withdraw the petition; dismissed as withdrawn.

Judge

Judge

Islamabad, the

10th July, 2020

Not approved for reporting

Azmat/-