

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

**MR. JUSTICE UMAR ATA BANDIAL
MR. JUSTICE SYED MANSOOR ALI SHAH
MR. JUSTICE QAZI MUHAMMAD AMIN AHMED**

Criminal Petition Nos. 1109 and 1110 of 2021

(On appeal from the judgment/order dated 29.09.2021 of the Islamabad High Court passed in CrI. Misc. 884-B,884-B/2021).

Zakir Jaffer
(in CrI.P. 1109/2021)

...Petitioner(s)

Asmat Zakir Jaffer
(in CrI.P. 1110/2021)

Versus

The State through A.G. Islamabad and ...Respondent(s)
another
(in both cases)

For the Petitioner(s) : Kh. Haris Ahmad, Sr. ASC

For the State : Mr. Niazullah Khan Niazi, AG ICT
a/w Abdul Sattar, Inspector
Mr. Shabbir Tanoli, SHO

Complainant : Mr. Shah Khawar, ASC

Date of Hearing : 18.10.2021

O R D E R

UMAR ATA BANDIAL, J.- CrI.P.No.1109 of 2021: After arguing his case at length, learned counsel for the petitioner Zakir Jaffer does not press this petition for bail after arrest. Dismissed as not pressed.

2. CrI.P. No. 1110 of 2021: We have heard the arguments of the learned counsel for the petitioner Asmat

Zakir Jaffer in this petition for bail after arrest and noted that the learned High Court has in its impugned judgment dated 29.09.2021 failed to deal with the prosecution case against her and the pleas advanced by her counsel for grant of bail after arrest.

3. Be that as it may, without going into the merits of the case, we consider that the petitioner being a woman may be granted bail under the first proviso to section 497(1), Cr.P.C in absence of any circumstances that may justify declining this relief to her. The prosecution has not been able to point out any such circumstance.

4. Learned counsel for the petitioner has urged that the time period of eight weeks specified in the paragraph 14 of the impugned judgment dated 23.09.2021 *"to conclude the trial expeditiously preferably within eight weeks from the framing of charge"* deprives the petitioner of a fair opportunity to lead his defence. We do not agree with that submission which is conjectural and without reference to facts. However, it goes without saying that the petitioners have a right of presenting their defence before the learned Trial Court and in this respect the learned Trial Court shall consider and decide their pleas in accordance with law as envisaged in Article 10A of the Constitution.

5. Accordingly without interfering with the directions given by the learned High Court in the impugned judgment dated 29.09.2021 and in the light of the observations made by us above, we convert this petition (Crl.P. No.1110 of 2021) into appeal and grant bail to the petitioner Asmat Zakir Jaffer subject to her name being retained on the ECL and her furnishing bail bonds in the sum of Rupees One Million with one surety in the like amount to the satisfaction of the learned Trial Court concerned. Needless to say that this concession of bail may be withdrawn if the petitioner misuses it in any manner, including causing delay in the expeditious conclusion of the trial or influencing the prosecution witnesses.

Judge

Judge

Islamabad
18.10.2021
Naseer

Judge

Not approved for reporting