

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Maqbool Baqar
Mr. Justice Qazi Muhammad Amin Ahmed
Mr. Justice Amin-ud-Din Khan

Criminal Petition No.1319-L of 2021

(Against the order dated 5.8.2021 passed by the Lahore High Court Lahore in Crl. Misc. No.450305-B/2021)

Shahid Aslam

...Petitioner(s)

Versus

The State

...Respondent(s)

For the Petitioner(s):	Mr. Mazhar Iqbal Sidhu, ASC
For the State:	Rana Abdul Majid, Addl. Prosecutor General Punjab with Bilal Mehmood Sulehri, ASP and Javed, I.O.
For the Complainant:	Ch. Abdul Wahid, ASC Mian Ghulam Hussain, AOR
Date of Hearing:	05.01.2022.

ORDER

Qazi Muhammad Amin Ahmed, J.:- Shahid Aslam, petitioner herein, was earlier booked by Green Town police Lahore for issuing a bank cheque in sum of rupees 7 million, bounced upon presentation. It is in this backdrop that he settled the issue by issuing another cheque in favour of the complainant before a learned Judge-in-Chamber of the Lahore High Court Lahore, in consequence whereof, he was admitted to anticipatory bail vide order dated 11.8.2014; the second cheque also failed upon presentation, bringing him back once again behind the bars on 14.6.2021.

2. Chequered successive failures, notwithstanding, the learned counsel contends that the petitioner had cleared up substantial portion of his liability, a position though contested at the bar, nonetheless, confirmed by Bilal Mehmood Sulehri, Assistant Superintendent of Police.

3. Heard. Record perused.

4. Be that as it may, what appears to have weighed with the learned Judge-in-Chamber to deny post arrest bail to the petitioner is his failure to recompense the complainant, a pledge that he made before the Court, in lieu whereof, he was extended extraordinary concession of pre-arrest bail. The arrangement, seemingly under the sword of democles fails to commend our approval, inasmuch as, the Court being a neutral arbiter owed responsibility to none except the law. Parameters for grant of pre-arrest bail, by now, are authoritatively well settled, to be followed faithfully and, thus, there was no space to be allocated to the petitioner to barter his freedom, in derogation thereof; petitioner's unenviable conduct, notwithstanding, nonetheless, does not alter the above juridical position.

Charged with an offence that does not attract the *statutory bar*, the petitioner is in custody since 14.6.2021, continuation whereof, is not likely to serve any useful purpose preceding final adjudication; as case for his release on bail stands made out. Criminal Petition is converted into appeal and allowed; the petitioner/appellant is admitted to bail on his furnishing bond in the sum of Rs.500,000/- with one surety in the like amount to the satisfaction of the learned trial Court.

Judge

Judge

Judge

Islamabad, the
5th January, 2022
Azmat/-