

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE MAQBOOL BAQAR
MR. JUSTICE YAHYA AFRIDI
MR. JUSTICE QAZI MUHAMMAD AMIN AHMAD

Criminal Petition No.989 of 2021

*(Against the judgment dated 2.7.2021 passed by the
Peshawar High Court Peshawar in Cr. Misc. (B.A.)
No.422-M/2021)*

Ejaz Ahmad and another

...Petitioner(s)

VERSUS

The State and another

...Respondent(s)

For the Petitioner(s): Mian Abdul Rauf, ASC

For the Respondent(s): Mr. Shumail Aziz, Addl. A.G. KP with
Ziarat, I.O.

Date of Hearing: 29.09.2021

ORDER

Qazi Muhammad Amin Ahmed, J.- Mst. Tasleem Bibi is blamed by the complainant, no other than her father, to have married with Ejaz Ahmed, co-accused during the subsistence of her first marriage with one Noorullah; both of them are behind the bars, lastly denied bail by a learned Judge-in-Chamber of the Peshawar High Court, Mingora Bench Swat, vide impugned order dated 2.7.2021.

Mian Abdul Rauf, ASC contends that Mst. Tasleem Bibi vehemently denies her alleged nuptial bond with Noorullah PW and had competently married with Ejaz Ahmed co-accused of her free will and volition by exercising discretion vesting in her both under the divine as well as municipal law; he further contends that the edifice of first marriage is resting upon an oral *Nikah* and in the absence of any judicial declaration jactitating the alleged marriage, it would be inexpedient to detain the couple,

particularly when it is serving no useful purpose. The learned Law Officer has contested the plea.

2. Heard. Record perused.

3. Be that as it may, without touching upon the merits of the plea raised before us, having regard to the peculiar facts and circumstances of the case, we would prefer to direct that the trial be concluded within a period of three months; it shall be held in jail premises while enabling the accused to arrange their representation through a counsel of choice, in the event of incapacity to arrange a lawyer, the Presiding Officer shall provide them a counsel at State expense so as to positively conclude the trial within the stipulated time frame. Disposed of.

JUDGE

JUDGE

JUDGE

ISLAMABAD

29th September, 2021

Ghulam Raza/*

"Not approved for Reporting"