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Lahore High Court, Lahore

Form No. HCJD/C-121.

ORDER SHEET

IN THE LAHORE HIGH COURT, LAHORE.
JUDICIAL DEPARTMENT.

Crl. Misc. No. 29027-B of 2022.

Raja Aziz alias Raja Waris. Versus. The State & another.

S.No. Of order/ Proceeding	Date of order/ Proceeding	Order with signature of judge, and that of parties or counsel, where necessary,
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02) 18.05.2022. Ms. Aasya Ismail, Advocate for the petitioner.

The petitioner, namely Raja Aziz alias Raja Waris, through the instant petition seeks post arrest bail in case FIR No.1122 dated 27.12.2020 registered at P.S: Defence (A), District Lahore offence under Sections 295A and 298A PPC.

2. *Heard. Documents perused.*

3. Insofar as merits of the case are concerned the petitioner is named in the FIR with the specific role that he shared a derogatory post on facebook to outrage religious feelings of Muslim community. During the course of investigation the petitioner was found involved in the alleged occurrence. Sufficient incriminating material in the shape of recovery of mobile phone, etc. is available on the record to *prima facie* connect the petitioner with the commission of alleged offence. Moreover, offence under Section 295A PPC falls within the ambit of prohibitory clause of Section 497 Cr.P.C. Learned counsel has mainly pressed the ground of expiry of statutory period but it is noteworthy from the perusal of order, dated 29.04.2022, passed by the learned Addl. Sessions Judge, Lahore that after framing of charge by the learned trial Court the petitioner on 15.12.2021 moved an application for sending the case of the petitioner to *Muthidda Ulima Board Lahore* and thereafter he sought several adjournments for arguments on the said application. It was,

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therefore, rightly observed by the learned Addl. Sessions Judge, Lahore in its order, dated 29.04.2022 that the petitioner has himself contributed towards the delay in the conclusion of his trial. It is further noteworthy that allegation for offences under Sections 295A and 298A PPC have been leveled against the petitioner, which shows that the petitioner is a hardened, desperate and dangerous criminal, therefore, he is not entitled to the relief of post arrest bail on the ground of expiry of statutory period.

4. In the light of above, there is no substance in the present petition therefore, the same is hereby *dismissed in limine*.

SD
(MALIK SHAHZAD AHMAD KHAN)
JUDGE.

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Lahore High Court, Lahore

CrI.Misc. No. 29027 B/2022

Raja Aziz alias Raja Waris S/o Waris R/o Village Charar, DHA Lahore Cantt presently confined in district Jail Lahore.

Petitioner

Versus

1. The State
2. Shehzad S/o Inayat Ali Village Charar, DHA Lahore Cantt presently confined in district Jail Lahore.

Particulars of FIR:-

FIR No. 1122 of 2020 ✓	dated 27-12-2020
Under Sections	295A, 298A PPC
Police Station	Defence A, Lahore
District	Lahore ✓

PETITION UNDER SECTION 497 CR. PC FOR THE

GRANT OF POST ARREST BAIL.

1. That petitioner is arrested in above case since 27.12.2020 and is in the Judicial Lockup.
2. That petitioner applied for his post arrest bail before the Learned Trial Magistrate which was dismissed

on 15-04-2022. Copy of Bail Application and order is attached as Annexure B of FIR as Annexure A.

3. There after petitioner applied for his post arrest bail to the sessions court Lahore, which was dismissed by an Additional Sessions Judge on 29-04-2022. Copy of Bail Petition and Order is attached as Annexure C.

4. That petitioner seeks bail inter alia amongst other grounds:-

GROUND

i. That case is totally false, which is evident from the fact that when he was in Judicial Lockup since 27-12-2020, another FIR was registered against him on 14-01-2021 under same offences vide FIR No. 116 of police Station Factory Area Lahore, by one Sub Inspector of the police Station as Complainant.

ii. That Mandatory provisions of section 196 Cr.PC have been violated as no written permission from the Federal as Provincial Govt. is available on the file. Hence his detention has become illegal.

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Lahore High Court, Lahore

That after arrest on 27-12-2020 as record reveals petitioner was produced before an Additional Session Judge Lahore on 07-01-2021, who directed to obtain to same from competent Court. But I.O kept him in illegal custody till 14-01-2021 when he manage to get register another FIR No. 116 under same offences of PS Factory Area and petitioner was shown to have sent to Judicial lockup as new FIR. Thereafter as Police record shows petitioner was summoned in present case from Jail and his arrest was shown in the present case. This whole drama and forgery shows the stories about false hood of the case.

- iv. That above facts makes the case of the petitioner of further enquiry within the meaning of Section 497 (2) of Cr.PC.
- v. That period of more than one year has been lapsed and trial is not concluded. Hence petitioner is also entitled to bail on statutory ground.

ATTEST

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vi. That petitioner is ready to furnish the Surety Bond to the satisfaction of this court if allowed bail.

In these circumstances it is prayed that instant bail petition may kindly be accepted and petitioner be allowed to post arrest bail.

Petitioner
Through: *Saiful Malook*
SAIF-UL-MALOOK
Advocate
Supreme Court of Pakistan
Cell # 0300-8421617
CNIC # 35201-1289356-9

Aasiya Ismail
AASIYA ISMAIL
Advocate High Court
7-Turner Road Lahore

Dated: 14.05.2022

CERTIFICATE:-

As per instructions, this is first post arrest bail petition on the subject before this Hon'ble Court.

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Saif
ADVOCATE

Examiner, Deputy Quilty Section
Auth: 14/5/22
Governing Officer 18