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IN THE LAHORE HIGH COURT, LAHORE.

Before **MUHAMMAD QASIM KHAN, J**

Crl. Misc. No.58166-B of 2019

ASIF PERVAIZ Petitioner

Versus

THE STATE ETC. Respondents

POLICE STATION : Green Town, District Lahore.
FIR No.678/2013 Dated 02.10.2013

OFFENCE : Under Section 295-A, 295-B, 295-C PPC
read with Section 25-D of Telegraph Act.

PETITION : Under Section 497 Cr.P.C. for grant of bail
after arrest.

DECISION : Bail petition was dismissed on 03.12.2019

03.12.2019 Mr. Saif-ul-Malook, Advocate for the petitioner.
Rana Tasawar Ali Khan, Deputy Prosecutor General, Punjab
alongwith Aurangzaib, S.I. with record.
Mr. Ghulam Mustafa Chaudhry, Advocate for the
complainant.

Through this 2nd petition, petitioner/Asif Pervaiz
seeks post-arrest bail in case FIR No.678/13

ORDER SHEET IN THE LAHORE HIGH COURT LAHORE JUDICIAL DEPARTMENT

Case No. Crl. Misc. No. 58166-B of 2019

Asif Pervaiz vs The State etc.

Sr. No.	Date of order/ Proceeding	Order with signature of Judge, and that of parties of counsel, where necessary.
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03.12.2019 Mr. Saif-ul-Malook, Advocate for the petitioner.
Rana Tasawar Ali Khan, Deputy Prosecutor-General, Punjab
alongwith Aurangzaib, S.I. with record.
Mr. Ghulam Mustafa Chaudhry, Advocate for the complainant.

Through this 2nd petition, petitioner/Asif Pervaiz seeks post-arrest bail in case F.I.R. No.678/13 dated 02.10.2013 registered under Sections 295-A, 295-B, 295-C, PPC read with Section 25-D of the Telegraph Act at Police Station Green Town, Lahore. Earlier 1st petition for grant of post-arrest bail filed by the petitioner before this Court i.e. Crl. Misc. No.11126-B of 2014 was dismissed for non-prosecution vide order dated 16.10.2014.

2. Arguments heard. Record perused.
3. Learned counsel for the petitioner only agitated the ground of statutory delay in conclusion of trial of the petitioner who is behind the bars since 10.10.2013. Record reveals that charge was framed on 04.4.2015 and examination-in-chief of PWs No.1 to 3 was recorded on 23.2.2016, however, cross-examination was reserved on the request of learned defense counsel and was conducted on 6.2.2018, almost after about two years. Certified copy of the Order sheet of learned trial court

reveals that on 16.4.2015, 9.6.2015, 9.8.2015, 13.10.2015, 2.1.2016, 5.3.2016, 16.4.2016, 28.4.2016, 12.5.2016, 26.5.2016, 9.6.2016, 25.6.2016, 22.10.2016, 5.11.2016, 22.11.2016, 13.12.2016, 23.2.2017, 25.3.2017, 5.4.2017, 6.5.2017, 20.6.2017, 5.8.2017, 3.10.2017, 17.10.2017, 9.12.2017, 18.4.2018, 8.5.2018, 25.10.2018, 8.11.2018 and 26.11.2018 PWs were present in the court but requests for adjournments were made on behalf of the defense. Postponement of a case on an effective date on the request of the accused when the prosecution witnesses are present for recording of their evidence is sufficient to infer that the accused is not interested in early conclusion of his trial. Hence, I am of the considered view that the delay in conclusion of trial in this case is on the part of the petitioner and he is not entitled for bail even on the ground of statutory delay in conclusion of his trial. Resultantly this petition being devoid of any force is, therefore, dismissed.

(Muhammad Qasim Khan)
Judge

Case No. 64477
Date of Filing 3/12/18
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Examiner J.C.B (Copy Branch)
Lahore High Court, Lahore

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In Case No. 5/12/2018
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IN THE LAHORE HIGH COURT, LAHORE.

For Private Use
6/12/2019
Criminal Justice Section
Lahore High Court, Lahore

CRL.MISC.NO. 58/66 /B/2019

ASIF PERVAIZ son of Anwar Masih, Christian
by Faith, resident of House No 386, Street
No 6, Block-D, Youhanabad, Lahore

Presently confined in District Jail, Lahore.

Petitioner

Versus

1. The State.
2. Master Saeed Ahmad, resident of 664-E5-D1, Green Town, Lahore.

Respondents

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Case FIR No 678/13 dated 02.10.2013.

Offence under Sections 295-A, 295-B, 295-C
PPC and Section 25-D of Telegraph Act.
Police Station Green Town, Lahore.

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