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IN THE LAHORE HIGH COURT, LAHORE.

Before **ZAFAR PASHA CHAYDHRY, J**

Crl. Misc. No.1003-B/99

ABDUL MAJEED Petitioner

Versus

THE STATE Respondent

POLICE STATION : Waan Bhachran, District Mianwali.
FIR No.169/98 Dated 27.10.1998

OFFENCE : Under Section 295-C of PPC

PETITION : Under Section 497 Cr.P.C. for grant of Post
arrest Bail.

DECISION : Dismissed on 21.09.1999

21.9.1999 Mr. Aftab Ahmad Bajwa, Advocate for the petitioner.
 Mr. G.H.Khan, Advocate for the complainant.
 Mr. A.H. Masood, Advocate for State with Shamir ASI.

Learned counsel for the petitioner seeks bail on the
ground that he is an M.A. (Islamiyat). He has not in any
manner shown any

ORDER SHEET

LAHORE HIGH COURT, LAHORE

Cr. Misc. No. 1003-B/99

APPEAL/REVISION No.

Abdul Majid

19

versus

State.

APPELLANT
PETITIONER

RESPONDENT

Appeal/Revision against the decree or order (as the case may be) of _____

Serial No. of order of proceeding	Date of order of proceeding	Order with signature of Judge, and that of parties or counsel, where necessary
1	2	3
	21-09-1999	Mr. Aftab Ahmad Bajwa, Advocate for the petitioner. Mr. G.H. Khan, Advocate for the complainant. Mr. A.H. Masood, Advocate for State with Shamir ASI. Learned counsel for the petitioner seeks bail on the ground that he is an M.A. (Islamiat). He has not in any manner shown any disrespect to the Holy Prophet (P.B.U.H.) or stated anything derogatory to the respect and honour of the Holy Prophet (PBUH). It is argued that the prosecution evidence mainly comprises of heresay evidence which is not admissible. Apart from that statements under section 161 Cr.P.C. have been signed by the respective persons which is

ATTESTED

W. M. U.

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Lahore High Court, Lahore

of r of ling	Date of order of proceeding	Order with signature of Judge, and that of parties or counsel, where necessary
	2	3
		in violation of the provisions of section 162 Cr.P.C., therefore, the same merit no value. Further submits that a number of school teachers appeared before the I.O. in support of the petitioner stating that no such words were uttered by the petitioner derogatory in any manner to the Holy Prophet. 2. On the last date of hearing, it was pointed out that 4.9.1999 had been fixed for recording the evidence, therefore, adjournment was sought so that prosecution evidence could be recorded. On that date five witnesses were in attendance but an application was moved by the accused under section 265-K Cr.P.C. and it was also prayed first. that the application be decided/ The learned trial court, therefore, adjourned the matter for hearing the argument on the application. 3. For grant or refusal of bail, the stage of the case is very material. The conduct of the accused/petitioner is also equally material.

ATTESTED

[Signature]

Section 265-K Cr.P.C. and it was also prayed first.

It is true that the accused person has every right to move an application under section 249-A or 265-K Cr.P.C. as the case may be, but if at the same time it is found that the same is being done with a view to delay the trial, he cannot be extended the concession of bail. Had the witnesses been recorded, the same would have been taken into account while hearing the bail application. Bail is granted to an accused person if it is found that conclusion of his trial is likely to consume some time and the delay is not attributable to him. In the instant case the witnesses were in attendance but they were not examined. If at all an application had to be moved under section 265-K Cr.P.C., the same could have been moved even after recording the evidence.

ATTESTED

W. G. 10/11/11

By Section
of the Court, Allahabad

4. As a result of the above discussion, I am of the view that the petitioners are not entitled to concession of bail. The petition is, therefore, dismissed. However, the learned trial court will see that no further unnecessary delay is caused in conclusion of the trial. The case

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will be taken up on priority basis and disposed of
expeditiously.

sd

(ZAFAR PASHA CHAUDHRY)
JUDGE

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۹۸/۱۰۰۳/۱۹۹۹

سرکار

عبدالحمید ولد محمد امیر قوم کلو

ڈیرہ کلو ان اں مظفر پور تحصیل

و ضلع میانوالی SST ٹیچر

گورنمنٹ ہائی سکول مظفر پور

حال مقید سنٹرل جیل میانوالی

(سائل / ملزم)

نوٹ

بذام

قبل از اس عدالت جتالہ میں کوئی

درخواست ضمانت دائر نہ کی گئی

ہے۔

کونسل

مقدمہ نمبر ۱۶۹/۱۹۸۱ جرم ۲۹۵۔ سی ت پ تھانہ واں بھراں

مورخہ ۹۸-۱۰-۲۷ تحصیل و ضلع میانوالی

درخواست ضمانت بعد از گرفتاری زیر فہ ۲۹۷ ض ف

ATTESTED
17/10/1999
Section
District, Lahore

جناب عالی! سائل / ملزم بذریعہ کونسل حسب ذیل عرض بھجور کرتا ہے۔

۱۔ یہ کہ پتہ جات فریقین ہر قسم کی سہولت و سروس کیلئے صحیح و درست ہیں۔

۲۔ یہ کہ مقدمہ مندرجہ عنوان بالا پولیس تھانہ واں بھراں مظفر پور نے درج رجسٹر کر کے سائل / ملزم

کو گرفتار کر رکھا ہے۔ سائل / ملزم اس وقت سنٹرل جیل میانوالی میں مقید حوالات ہے۔ اور درج

ذیل وجوہات کی بناء پر ضمانت بعد از گرفتاری پر آزاد ہونے کا مستحق ہے۔

۳۔ یہ کہ رپورٹ ابتدائی میں بیان کی گئی کہانی Concocted اور Frivolous ہے اساتذہ

برادری اور مستغیث نے سوچی سمجھی سازش اور منصوبہ بندی کے تابع سائل / ملزم کو توہین رسالت

کے مقدمہ میں ناحق پھنسا دیا ہے۔ اور متنازعہ اور مبہمہ کہانی FIR اپنی طرف سے گھڑ کر جرم زیر