

SUPREME COURT OF AZAD JAMMU AND KASHMIR
[Appellate Jurisdiction]

PRESENT:

Mohammad Azam Khan, C.J.
Raja Saeed Akram Khan, J.

Cri. Appeal No. 24 of 2015
(Filed on 29.12.2015)

1. Muhammad Ziafat
 2. Basharat Hussain s/o Abdul Kareem, caste Jatt, r/o Miskeenpura, Tehsil Darliya Jattan District Kotli.
- APPELLANTS

VERSUS

1. Dil Muhammad s/o Shah Muhammad, caste Jatt r/o Miskeenpura Paral, Tehsil Darliya Jattan, District Kotli.
 2. Mst. Zabida w/o Talib Hussain.
 3. Mst. Rukhsana Bibi w/o Mazhar Hussain, caste Jatt, r/o Miskeenpura Paral, Tehsil Darliya Jattan, District Kotli.
- RESPONDENTS
4. State through Additional Advocate General.
- PROFORMA RESPONDENT

(On appeal from the judgment of the Shariat Court dated 27.11.2015 in Cr. Revision Petitions No. 4 and 142 of 2014)

FOR THE APPELLANTS: Mr. Abdul Razzaq
Chaudhry, Advocate:

FOR THE RESPONDENTS: Mr. Mehboob Ellahi
Chaudhry, Advocate.

FOR THE STATE: Mr. Mehmood Hussain
Chaudhry, Additional
Advocate General.

Date of hearing: 19.12.2016.

JUDGMENT:

Mohammad Azam Khan, C.J— After being arrested in a case under sections 302, 324, and 337 A.P.C., the respondents filed an application for grant of bail in the District Court of Criminal Jurisdiction, Kotli. Dil Muhammad, respondent No.1, herein, was granted bail on medical ground and old age on 24th July, 2014. The respondents, Mst. Zabida Bibi and Rukhsana Bibi procured pre-arrest bail from the District Court of Criminal Jurisdiction, Kotli on 10th July, 2014, which was not confirmed. On 24th September, 2014, they were taken into custody. They applied for bail after arrest. They were granted bail by the District Criminal Court, Kotli. The appellants, herein, challenged the said

bail granting order by two separate revision petitions. The learned Shariat Court, through consolidated judgment dated 27th November, 2015, rejected both the revision petitions. The present appeal has been filed from the judgment of the Shariat Court dated 27th November, 2015 for cancellation of bail granted to the accused-respondents.

2. At the very outset, Mr. Mehboob Ellahi Chaudhry, the counsel for the respondents submitted that the trial is near to completion. The statements of only two witnesses have to be recorded, therefore, instead of deciding the appeal on merit, the trial Court be directed to dispose of the case expeditiously.

3. Mr. Abdul Razzaq Chaudhry, Advocate, the learned counsel for the appellants also agreed to the suggestion advanced by the counsel for the respondents and stated that if a direction is issued to the trial Court for decision of the case within a period of one month, he will not press the appeal.

4. Mr. Mehmood Hussain Chaudhry, Additional Advocate General also submitted that a direction for early disposal of the appeal deems appropriate.

5. We have heard the learned counsel for the parties as well as the Additional Advocate General and also perused the record. As it is submitted by the counsel for the complainant and accused-respondents that the statements of only two witnesses have yet to be recorded, therefore, instead of deciding the bail cancellation matter on merit a direction to the trial Court for early decision of the case deems appropriate.

The appeal is disposed of with a direction to the District Court of Criminal Jurisdiction, Kotli, that it shall decide the case finally within a period of two months from the date of receipt of the order of this Court with the intimation to the Additional Registrar of this Court, Registry Office Mirpur.

CHIEF JUSTICE
Mirpur.
___.12.2016

JUDGE