

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
02.09.2016	<p><u>Cr.Misc.No. 652-A/2016.</u></p> <p>Present: Mr. Mohi-ud-Din, Advocate alongwith the petitioner.</p> <p>Raja Muhammad Zubair, Assistant A.G for the State.</p> <p>Mr. Waqar Raza, Advocate, for the complainant.</p> <p>***</p> <p><u>KRAMULLAH KHAN, J.-</u> Through this single order, I intend to dispose of this and the connected Cr.Misc.No. 653-A/2016 titled “<i>Syed Kamal Shah Vs. The State & another</i>” as in both these petitions though FIRs are different but section of law is one and the same.</p> <p>2. The petitioner has moved this and the connected bail before arrest application for his pre-arrest bail in cases FIR No. 149 dated 20.06.2016 and FIR No. 686 dated 08.06.2016, both under Section 489-F PPC by Police Station City Mansehra, and this court vide orders dated 24.08.2016 had granted him ad-interim pre-arrest bail in both the cases.</p> <p>2. Perusal of the record would reveal that not only the accused-petitioner has directly been nominated in the FIRs but</p>

the offence relates to financial crime which is rampant in the society and public is loosing their trust with hard earned money.

3. Not only because the accused-petitioner had directly been nominated in the FIRs for commission of the offence but, also keeping in view the dictum laid down by the Lahore High Court in the case of "*Abdul Sattar Vs. The State*" reported as 2011 YLR 863 where it has been held that although the offence under Section 489-F PPC does not fall within the prohibitory clause of Section 497 Cr.P.C where grant of bail is a rule and rejection thereof is an exception but the accused-petitioner does not deserve lenient treatment.

4. Moreover, if the people are simply allowed concession, such as bail, on the mere ground of absence of prohibition of Section 497 Cr.P.C while the circumstances show the gravity of the matter not only for an individual but also spoiling the economic and social life of his whole family, this may tend to perpetuate the commission of offences of the same nature. The grant of bail being a discretionary concession would, of course, not be warranted in such situation

5. While considering the principle of law enunciated by the apex court in the case of "*Subhan Khan Vs. The State*"

2002 SCMR 1997 where it has been held that “*where extra ordinary and exceptional circumstances, palpable on record, when there was likelihood of absconsion, apprehension of tempering with the prosecution evidence by accused, danger of repetition of the offence if the accused is enlarged on bail and where the accused was a previous convict, hardened criminal then, bail shall not be granted*”, therefore, I see no merits in this and the connected bail before applications, which are hereby dismissed and the previous orders of this court dated 24.08.2016 are hereby recalled.

J U D G E