

2011 S C M R 1332

[Supreme Court of Pakistan]

Present: Mian Hamid Farooq and Syed Zawwar Hussain Jaffery, JJ

REHMATULLAH---Petitioner

Versus

THE STATE and another---Respondents

Criminal Petition No. 215-L of 2009, decided on 17th April, 2009.

(Against the order dated 19-3-2009 passed by Lahore High Court, Lahore in Criminal Miscellaneous No. 11744-BC of 2008).

Criminal Procedure Code (V of 1898)---

---S. 497---Penal Code (XLV of 1860), S. 302/34---Constitution of Pakistan, Art. 185(3)---Qatl-e-amd---Bail, confirmation of---Bail granted to petitioner was cancelled by the High Court, when according to the order itself, the trial was at the verge of conclusion---Only one or two witnesses were yet to be recorded---Courts should not grant or cancel bail when the trial was in progress; and proper course for the courts in such a situation, could be to direct the Trial Court to conclude the trial of the case within a specified period---Impugned order having been passed in violation of the law, Supreme Court could not subscribe to the same---Petition for leave to appeal was converted into appeal and was allowed and bail granting order passed by the Supreme Court was confirmed, with direction to conclude the trial of the case within specified period.

Muhammad Hanif v. Shafqat Nazir and others 2007 SCMR 1857 and Mst. Qudrat Bibi v. Muhammad Iqbal and another 2003 SCMR 68 **rel.**

Muhammad Hanif v. Shafqat Nazir and others 2007 SCMR 1857 **ref.**

Malik Muhammad Imtiaz Mahal, Advocate Supreme Court and Haji M. Rafi Siddiqui, Advocate-on-Record for Petitioner.

Alamgir, A.P.-G. for the State.

Mian M. Sikandar Hayat, Advocate Supreme Court for the Complainant.

Date of hearing: 17th April, 2009.