

**HIGH COURT OF AZAD JAMMU & KASHMIR**  
**(SHARIAT APPELLATE BENCH)**

Revision petition No.149-A/2021;  
Date of institution      08.06.2021;  
Date of decision.      24.01.2022.

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Aurangzaib s/o Muhammad Sharif, caste Jatt, r/o  
Kadhala, Tehsil Barnala, District Bhimber.

*Petitioner*

**VERSUS**

1. Muhammad Yaqoob s/o Karam Din, caste  
Jatt, R/o Kadhala, Tehsil Barnala District  
Bhimber.

Real-Respondent

2. The State through Advocate General Azad  
Kashmir, having its office at Supreme Court  
Building, Muzaffarabad.  
3. SHO Police Station Barnala, Bhimber.  
4. SHO Police Station Bhimber.

*Proforma-Respondents*

**REVISION PETITION AGAINST THE ORDER OF DISTRICT COURT OF  
CRIMINAL JURISDICTION BHIMBER DATED 04.06.2021**

**Before:- Justice Sardar Liaqat Hussain, J.**

**PRESENT:**

Mr. Mushtaq Ahmed Janjua, Advocate for the  
petitioner.

Mir Ghazanfar Gul, Advocate for Respondent No.1.  
Mr. Khurshid Anwar Mughal, AAG for the State.

**ORDER:**

The captioned revision petition has been filed against the order dated 04.06.2021 passed by the learned District Court of Criminal Jurisdiction, Bhimber, whereby, pre-arrest bail application of the accused-respondent has been accepted.

2. Facts of the petition have sufficiently been incorporated in the impugned order, hence, need not to be reiterated for the sake of brevity. Suffice it to observe that a case in the offences under Sections 457-APC & 14-EHA was registered against the accused-respondent vide F.I.R No.96 of 2021 on 04.05.2021 at Police Station, Barnala. Accused-respondent filed pre-arrest bail application before the learned District Court of Criminal Jurisdiction, Bhimber. The learned Court below, initially allowed interim bail and after hearing the learned counsel for the parties, vide judgment and order dated 04.06.2021 confirmed the same, hence, the captioned revision petition.

3. Mr. Mushtaq Ahmed Janjua, the learned counsel for the petitioner, more or less, reiterated the grounds taken in the revision petition and argued that the learned Court below has not exercised the discretion, by applying its judicial mind and erroneously confirmed the pre-arrest bail through impugned order dated 04.06.2021. He craved that specific role has been attributed to the accused-respondent, hence, he is not entitled to concession of bail. The learned counsel maintained that accused-respondent is involved in heinous offence, hence, the impugned order may be recalled.

4. Conversely, Mir Ghazanfar Gul, filed written arguments, wherein, the stance taken by the petitioner has been refuted and it has been submitted that impugned order is perfect and legal, which does not warrant any interference by this Court. He has pleaded that the accused-respondent is innocent and no specific role has been attributed to him. The learned counsel craved that F.I.R. has been lodged after a considerable delay of six days which creates

doubt, hence, prayed for dismissal of revision petition.

5. The learned AAG fully owned and supported the arguments of the learned counsel for the petitioner and prayed for dismissal of revision petition.

6. It may be observed here that at bail stage, only a tentative assessment of the available record can be made and deeper appreciation of evidence is not warranted under law. Now it is well settled principal of law that strong and exceptional grounds are required for cancellation of bail granted by a Court of competent jurisdiction. This view of the Court finds support from a case reported as 2008 P.Cr. LJ 1565, wherein, it has been observed as under:-

“Besides, the principles of grant of bail and those for cancellation of bail are quite different and the case law cited by the learned counsel for the petitioner himself reveals that for the cancellation of the bail, strong and exceptional grounds are required and it has to be seen as to whether bail granting order is patently illegal, erroneous, factually incorrect and has resulted in any miscarriage of justice.”

7. Neither the order under challenge does suffer from any such illegality, infirmity or departure from

any law nor any such like situation exists in the instant case. As after granting bail the same can be cancelled only when there some solid grounds are shown for cancellation of the same i.e. misuse of concession of bail or if there is allegation against the accused that he is putting influence on the prosecution's witnesses or it is shown that the bail order has been passed in gross violation of any rule, or against the principle governing with the bail matter. No such allegation has been leveled are argued by the complainant. Mere on the ground that accused have committed heinous offence, concession of bail, already granted to the accused-respondent cannot be recalled.

In view of above, finding no force in this revision petition, the same is hereby dismissed.

Muzaffarabad:  
24.01.2022.

-Sd-  
**JUDGE**