**ORDER SHEET**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**
**JUDICIAL DEPARTMENT**

**Criminal Revision No. 08 of 2022**

**Abdul Rehman**
*Vs.*
**The State &another.**

| S. No. of order/ proceedings | Date of order/ proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
|---|---|---|
| | 01.02.2022 | Raja Sheraz Ahmed Janjua, Advocate |

The instant Criminal revision is arising out of order dated 22.11.2021, passed by the learned Special Judge, Anti Terrorism Court-II, Islamabad, whereby bail bonds submitted by the petitioner/accused were forfeited in favour of State and non bailable warrants of arrest was ordered to be issued due to his absence from the Court. Further show cause notice was also issued to the surety to appear in person and explain as to why surety amount may not be forfeited.

2- The petitioner along with others is facing trial before the learned ATC-II Islamabad in case FIR No. 300, dated 17-5-2021, PS Golra Sharif, Islamabad, on the allegations of launching an attack upon the police party and causing injuries to police officials.. The learned counsel for the petitioner added that the trial court has haphazardly issued the impugned orders, even the prior notices as contemplated under Section 514 Cr.P.C were not issued and the petitioner has been condemned unheard.

3- Heard, record perused.

4- Record is evident of the fact that there was no allegation of continuous absence of the petitioner while surety bonds were forfeited in favour of the State on account of stated absence

on one date of hearing. In addition, Non Bailable Warrants of arrest of the petitioner were issued besides Show Cause Notice to surety.

5- Mere failure of an accused to attend the court proceedings on a single date of hearing in absence of willfulness on his part, does not amount to a breach leading to the forfeiture of the bail/surety bonds. The accused should be given an opportunity to be heard and to explain his absence before resorting penal action.

6- In the present case, there is no allegation of flagrant abuse of process of law, therefore, in such circumstances; it would not be just to straightaway forfeit bail bonds and to issue his Non Bailable Warrants of arrest. At this juncture, learned counsel in-attendance has made commitment that the petitioner shall appear before the learned Trial Court on each and every date of hearing and shall not repeat such like waywardness in future.

7- Accordingly, instant Crl Revision is **allowed**, impugned order to the extent of forfeiture of surety bonds and issuance of Non Bailable Warrants of the petitioner is set aside but with observation that petitioner shall continue attending the court proceedings on each and every date of hearing without fail. In case of any default, the learned Trial Court may proceed against the petitioner in accordance with law without being influenced by this order. It is made clear that this order shall have no impact upon subsequent proceedings, to be conducted by the learned Trial Court.

**(CHIEF JUSTICE)** **(ARBAB MUHAMMAD TAHIR)**
**JUDGE**

*A.R ANSARI*