ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT

Criminal Revision No.22 of 2025

Raja Mumtaz Hussain Arif
Versus
The State and another

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	05.03.2025.	**Ch. Masood Ali Dhamial, Advocate for the petitioner.**

Through the instant petition, the petitioner has assailed the order dated 14.05.2024 **("Impugned Order")**, passed by learned Additional Sessions Judge-IV, East-Islamabad, whereby petitioner was directed to furnish cash/bank guarantee of Rs.3,000,000/- with the Court of learned Magistrate within 30 days while confirming ad-interim pre-arrest bail.

2. Brief facts leading to the filing of the instant petition are that the petitioner filed his pre-arrest bail petition in case FIR No.4, dated 02.01.2024, u/s 489-F, PPC, registered at Police Station Humak, Islamabad. At the time of granting pre-arrest bail, the petitioner filed an affidavit Mark-A, wherein he undertook that he is ready to furnish surety bond of Rs.3,000,000/- and bank guarantee of Rs.3,000,000/- within 30 days, therefore, his ad-interim pre-arrest bail was confirmed through the

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Impugned Order subject to furnishing of surety bond as well as cash/bank guarantee as pre-condition contained in Mark-A to the satisfaction of learned Judicial Magistrate within 30 days, hence, this petition.

3. Learned counsel for the petitioner contended that the Impugned Order is in violation of section 499, Cr.P.C; that the Impugned Order amounts to a decree; that fate of the cheques is yet to be decided by the competent Civil Court; that after passing of the Impugned Order the petitioner was confused and under the depression as to how the petitioner assails the Impugned Order and for this reason he took such time to file the instant petition.

4. I have heard learned counsel for the petitioner and gone through the record.

5. Perusal of the record reveals that the petitioner with his free will sworn an affidavit Mark-A and produced before the Court, wherein he stated that if his ad-interim pre-arrest bail is confirmed, he is ready to furnish surety bond of Rss.3,000,000/- and bank guarantee of Rs.3,000,000/- within a period of 30 days. After submission of the affidavit Mark-A by the petitioner, respondent No.2/complainant also

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recorded his statement that he has no objection, if the petitioner/accused is admitted to conditional bail and in case of failure, he reserves the right to get the same cancelled, therefore, learned Additional Sessions Judge through the Impugned Order confirmed ad-interim pre-arrest bail of the petitioner subject to furnishing of surety bond as well as cash/bank guarantee as per conditions contained in Mark-A to the satisfaction of the Court of learned Judicial Magistrate within 30 days.

6. It is clear from the record that the undertaking Mark-A was executed by the petitioner himself and the same was submitted before the Court, which on the basis of Mark-A confirmed the ad-interim pre-arrest bail of the petitioner. It is also crystal clear from the Impugned Order that the Court did not impose any condition, it was the petitioner who himself undertook to deposit the bank guarantee with his free will and consent.

7. Although sanctity is attached to the order of learned Additional Sessions Judge but despite that signatures of the petitioner as well as respondent No.2 were obtained in the margin of the order sheet, which clearly shows that there was

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understating between the petitioner and respondent No.2, which resulted in Mark-A.

8. Learned Additional Sessions Judge confirmed ad-interim pre-arrest bail of the petitioner solely on the basis of the undertaking Mark-A given by him and accepted by respondent No.2. The petitioner, having taken advantage of the undertaking Mark-A, has now taken a different plea.

9. The petitioner has never alleged before this Court or the Court, which heard his bail petition that Mark-A was taken from him under any duress, coercion or misrepresentation. Moreover, the petitioner has not challenged the whole Impugned Order rather he is only aggrieved to the extent of furnishing cash/bank guarantee. Although no limitation is provided for filing of revision petition u/s 439, Cr.P.C but the petitioner filed the instant petition on 02.11.2024 with delay of more than five and half month after passing of the Impugned Order and the argument of learned counsel for the petitioner that the petitioner was confused and depressed as to how he can assail the Impugned Order is not tenable. The Impugned Order is a result of judicial proceedings and does not indicate

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that any illegality has been committed by learned Additional Sessions Judge. The petitioner is blowing hot and cold from the same breath, which is not permissible under the law.

10. In view of the above reasons, I hold that the Impugned Order has been passed in accordance with law and no illegality or infirmity has been found therein. This petition is, therefore, **dismissed in *limine*.**

(INAAM AMEEN MINHAS)
JUDGE

R.Anjam.

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