

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN**  
**GILGIT**

**Cr. Misc. No. 09/2011**

**Before: Mr. Justice Syed Jaffar Shah Judge.**  
**Mr. Justice Muhammad Yaqoob, Judge.**

Asif Khan s/o Mirbaz Khan r/o Juglote (Sai) Tehsil & District  
Gilgit. Petitioner

**Versus**

The State

Respondent

**CHARGE UNDER SECTION 365 (B) PPC VIDE FIR NO.  
25/2009 OF POLICE STATION JUGLOTE (SAI) GILGIT**

Malik Haq Nawaz, Sr. Advocate for petitioner.

**Date of hearing: 01.08.2011.**

**ORDER**

**Syed Jaffar Shah.....J**, The learned counsel for petitioner contended that in the absence of sufficient material against the petitioner, the Additional District & sessions Judge Gilgit had rightly granted bail infavour of the petitioner and the learned Chief Court without taking into consideration the recognized principles laid down by superior courts of country for cancellation of bail, has cancelled the bail of petitioner in exercise of power under section 497 (5) Cr. P.C.

We have perused the record with able assistance of learned counsel for petitioner, from tentative assessment of available material collected by the prosecution it appears that the victim minor girl about 13 years of age was recovered by the plice from a Suzuki Carry Diba of the petitioner along with a 30 bore pistol on

the pointation of which the victim was kidnapped. The victim girl in her statement recorded by the Judicial Magistrate under section 164 Cr.P.C. has also directly charged the petitioner for his involvement in the crime.

Having heard the arguments of learned counsel for petitioner and gone through available record we have come to conclusion that a prima facie case exists against petitioner and the learned Chief Court has rightly cancelled the bail under the circumstances, we find no substance in the argument of learned counsel. The petition is therefore dismissed. However our above observation are purely tentative in nature and the trial court without being influenced by the above observation shall dispose of the case within a period of 90 days. In case of non conclusion of the trial within specified time, the petitioner shall be at liberty to move fresh bail application before trial court if so advised.

Leave to appeal refused.

Judge

Judge