

State Vs. Mauzzam etc.
FIR No. 548/13
P.S : Seelam Pur

15.02.2017

Present: Sh. Zenul Abedeen, Ld. Addl. P.P for State.
Ld. Counsel for accused Wasim.

File is taken up today on an application moved on behalf of accused Wasim.

Arguments on application heard.

It is submitted by Ld. Counsel for accused that accused is lying in judicial custody since 25.07.2015 and there is no evidence against him. It is further submitted that accused Wasim was arrested only on the disclosure statement of accused Mauzzam @ Zameel and Dawood and nothing was recovered from his possession or at his instance. It is further submitted that accused was appearing regularly in another case before another court without apprehension of his arrest as he did not commit any offence but police apprehended him subsequently after filing charge-sheet against co-accused. It is further submitted that accused is no further required for any investigation purposes and accused is entitled for bail during trial.

On the other hand, Ld. APP for State has strongly opposed this application on the ground that bail application of accused is liable to be dismissed as accused absconded after the offence and was arrested after long time, whereas other accused were facing trial before the court. It is

further submitted that specific allegations have been levelled against the accused and release of accused may hamper trial. It is prayed that bail application be dismissed.

I have heard the arguments and perused the record.

Charge against the accused Wasim has been framed on 20.11.2015 as prima facie offence is made out against accused. As per the allegations of complainant Mohd. Mumtaz, accused in furtherance of his common intention alongwith other co-accused Azhar, Mauzzam and Ranjha threatened the complainant that they would give appropriate answer of slapping of Azhar by bullet. Thereafter, Zeesan was murdered by all accused in furtherance of their common intention and Rameez was attempted to murder. This accused has been categorically named in FIR as well as chargesheet. Even the conduct of accused is not upto mark and he absconded after the incident and arrest since long. As such, in view of serious allegations against the accused and role attributed to him, I am not inclined to accept the bail application of accused, hence dismissed.

Put up on already date fixed.

(Devender Kumar)
ASJ-03/NE/KKD
15.02.2017