

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

ORDER SHEET

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2
22.10.2020	<p data-bbox="558 593 1325 632"><u>Cr.M No.974-A/2020 in Cr.M (BA)No.884-A/2020</u></p> <p data-bbox="558 672 1430 752">Present: <i>Mr. Amir Sattar Tanoli, Advocate, for the petitioner.</i></p> <p data-bbox="737 792 1406 832"><i>Sardar Muhammad Asif, AAG, for the State.</i></p> <p data-bbox="974 912 1016 936" style="text-align: center;">***</p> <p data-bbox="558 991 1430 1191"><u>SHAKEEL AHMAD, J.-.</u> Applicant Mst. Safeena Shah has moved this petition seeking therein permission to deposit the surety amount Rs.200,000/- in cash.</p> <p data-bbox="558 1231 1430 1988">2. The applicant is detained as an under trial prisoner of offences under sections 302/109 PPC read with section 15 AA KPK in crime No.1119 dated 03.08.2020 registered at PS City, Haripur. I had admitted the applicant to bail on 12.10.2020, and directed that she be released “subject to furnishing bail bonds in the sum of Rs.200,000/- with two sureties in the like amount to the satisfaction of <i>Ilfaq/Duty</i> Judicial Magistrate, Haripur, who shall ensure that the sureties are local, reliable and men of means.”</p> <p data-bbox="558 2028 1430 2148">3. The learned AAG present in the Court in some other case, was put on notice, has raised</p>

objection that section 513 Cr.P.C does not authorize the Court to demand cash security. He next contended that the applicant may be allowed time to arrange local surety.

4. I have carefully considered the submissions of the learned AAG and have gone through the relevant provision of law.

5. Learned AAG appears to be right to the extent that section 513 Cr.P.C does not authorize a Court to demand cash security, however, the same can be permitted only if requested by the accused. The words "permit him to deposit" used in Section 513 Cr.P.C, are not at all without significance and suggest of a situation where something is permitted upon the request of the accused but never ordered by the Court of its own. The object of this section is to enable an accused to deposit cash security in case he is unable to find out sureties. Admittedly, the applicant does not belong to District Haripur; she is a permanent resident of Nai Abadi Moregah Rawalpindi, and does not seem to have sufficient link at Haripur, therefore, she has prayed for deposit of surety amount in cash. The request being genuine, the prayer of the applicant is accepted, and under section 513 C.P.C accused is permitted to deposit the surety amount (Rs.200,000/-) in cash. She is hereby

directed to be released on bail provided she furnishes a personal bond in a sum of Rs.200,000/- (two Lakh) with bank guarantee to be furnished for the same amount to the satisfaction of *Ilalaqa*/Duty Judicial Magistrate, Haripur.

Announced.
Dt.22.10.2020.

J U D G E