

3. On the other hand learned Special Prosecutor ANF has contended that first bail application of the applicant was dismissed on merits and second bail application was also disposed of with direction to the learned trial court however, no fresh ground has been urged by the counsel for the applicant/accused in the instant bail application, hence instant bail application merits dismissal.

4. Heard and perused the record.

5. With regard to the arguments of learned counsel for the applicant on merits, record reflects that all such arguments were dealt with by this Court while deciding first bail application of the applicant/accused. It is by now well settled that an accused can maintain a subsequent bail application, at post arrest stage, only on the strength of a fresh ground, accrued after dismissal of his first plea. In the case reported as **The State through Advocate General N.W.F.P. vs. Zubair Ahmed and 4 others (PLD 1986 SC 173)** the Honourable Supreme Court has held that second or the subsequent bail application to the same Court shall lie only on a fresh ground namely, a ground which did not exist at the time when the first application was made, however in the present case learned counsel for the applicant has failed to point out any fresh ground which was not available to the applicant at the time of filing of his first bail application. He nevertheless emphasized that directions given by this Court while disposing of second bail application of the applicant have not been complied with, as such, the applicant is entitled to bail on this ground alone. I am unable to subscribe to such submission of the learned counsel for the applicant. Non-compliance of the directions issued to the trial Court to examine mashir/witness within some specified time

cannot be considered as valid ground for grant of bail to an accused, being alien to the provisions of section 497, Cr.P.C. Reliance can be placed on the case reported as Nisar Ahmed vs. The State and others (PLD 2016 SC 11). Unless some fresh ground is shown by the accused for consideration of his request for grant of bail afresh, which is lacking in the instant case, the accused cannot be allowed to repeat such attempts.

6. For the foregoing reasons, the instant bail application is misconceived hence the same is **dismissed**.

7. The observations made hereinabove are tentative in nature and learned trial Court shall not be influenced in any manner, while deciding the case on merits. However, learned trial court shall decide the case expeditiously.

JUDGE

Sajid