

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

CM No. _____ / 2025
In
Criminal Appeal No. 63 of 2025

Imran Ahmed Khan Niazi S/o Ikramullah Khan Niazi, R/o, 2 Zaman Park, Lahore,
Currently confined in Central Prision Rawalpindi

.....Applicant

versus

1. The State

2. National Accountability Bureau, through its Chairman having its office at G-6,
Islamabad

....Respondents

**APPLICATION FOR EARLY FIXATION OF APPLICATION FOR SUSPENSION OF
SENTENCE (CM NO. 338/2025)**

Respectfully Sheweth:

1. That the applicant, Imran Ahmed Khan Niazi, former Prime Minister of Pakistan, is currently under confinement since 05 August 2023 in an unjust convictions and arrests, which are a result of political victimization.
2. That the applicant was convicted in the present case on 17.01.2025, and it is pertinent to mention that the judgment was unlawfully leaked to the media prior to its official pronouncement.
3. That the announcement of the judgment was delayed three times, raising serious concerns about the fairness and transparency of the judicial process.
4. That the appeal against the conviction was duly filed on 27.01.2025, after within the limitation period from the date of conviction. However, the Registrar's Office raised objections, which were later removed, causing unnecessary delay.

5. That an application for suspension of sentence was filed but has not been heard in accordance with the Judicial Policy and Court's routine, depriving the applicant of his constitutional right to a speedy hearing.
6. That after the removal of objections, the application was fixed for a regular hearing, and notice was issued to the State/Prosecution. That no fault can be attributed to the petitioner or the counsel for the delay that has occasioned so far in the matter.
7. That repeatedly NAB has sought adjournments on the pretext of engaging special prosecutors in the instant matter.
8. That It may not out of the place to mention that the petition u/s 426 Cr.P.C through which question of liberty and freedom was to be decided were fixed on 15.05.2025; 27.05.2025; 05.06.2025 and 26.06.2025, despite assurance to the counsel that a short adjournment is being given and actual date will be fixed to decide suspension petitions the written order contains no specific date for adjudication on 426 Cr.P.C Petitions.
9. That on the next hearing, the Special Prosecutor appeared but again sought time, and despite the oral request of the petitioner's lead counsel for an early fixation, the Honourable Bench assured a date would be fixed, yet no such date has been assigned.
10. That the applicant is facing repeated prosecutions, and in two cases, he has already been acquitted, while in the Toshakhana case, this Honourable Court suspended his sentence on the consent of the prosecutor.
11. That it is a well-settled principle of law that the relief sought under an application for suspension of sentence under Section 426, Cr.P.C. is analogous in nature to the relief sought under a petition for post-arrest bail under Section 497, Cr.P.C. Considering the urgency of the matters, and the character of the relief being sought, there ought to be no legal or procedural impediment in fixing the application for suspension of sentence before this Honorable Court, as it directly pertains to the fundamental right to liberty of a citizen of Pakistan, guaranteed under the Constitution of the Islamic Republic of Pakistan 1973.
12. That the fixation of matters involving genuine urgency during the Summer Vacation period lies within the discretion of the Honorable Chief Justice, and such matters may be fixed for hearing subject to the approval of the Honorable Chief Justice or the Honorable Senior Vacation Judge.

13. That the right to be dealt with in accordance with law is a fundamental right under Article 4 of the Constitution of Pakistan, which is being denied to the applicant due to unwarranted delays.
14. That liberty is a basic constitutional right guaranteed under Article 9 of the Constitution, yet the applicant's right to seek suspension of sentence is being unjustly delayed, amounting to a violation of his fundamental rights.
15. That as per judicial policy and constitutional mandates, bail matters and suspension applications are to be heard on priority, yet the applicant's case is being deprioritized without lawful justification.

Prayer:

That in light of the submissions highlighted in (Paragraph 1 to 15), Suspension of Sentence petition (U/S 426 Cr.P.C) filed on behalf of the petitioner may very graciously be fixed without any further delay as the petition involves the question of liberty & freedom.

Applicant

Through

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