

**ORDER SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

**Crl. Misc. No.785/B/2020**

Sajjad Khan alias Zubair

***Versus***

The State and another.

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
<b>(02)</b>	07.07.2020	Mr. Farhat Ullah Jan, Advocate for the petitioner. Mr. Husnain Haider Thaheem, State Counsel. Waheed Ahmed, ASI alongwith record.

**MOHSIN AKHTAR KAYANI J.** Through the instant petition, the petitioner is seeking his post arrest bail in case FIR No. 314/18, dated 01.08.2018, U/s 381-A, 411, 420, 468, 471, 413 PPC, P.S Tarnol, Islamabad.

2. Brief facts of the case, as spelt out from the F.I.R lodged on the complaint of Aurangzeb Gul/respondent No. 2 are that his vehicle bearing registration No. LEF-7579, Model, 2007, XLI, White color, Chassis No.CH-NZE1206072431, Engine No.X615694 was stolen, in the early morning of 31.07.2018 in the territorial jurisdiction of Police Station, Tarnol, Islamabad in front of his house.

3. Learned counsel for the petitioner contends that petitioner is innocent and has falsely been implicated in this case. He further contends that petitioner was arrested in another criminal case F.I.R No.1303/19, dated 19.12.2019, under Section 420, 468, 471, 411, 419, 149, 412, 473, 381-A PPC, P.S City Mardan on

the allegation of Car theft and the said vehicle was found in possession of the petitioner, which was later on transferred to Police Station, Tarnol, Islamabad. He further contends that the offence U/s 381-A PPC is not made out. He further contends that petitioner had produced all the relevant record regarding purchase of the said vehicle against the sale consideration of Rs. 140,000/- which could only be appreciated during the course of trial. He further contends that no offence is made out and even challan has been submitted in the Court and he is no more required for the purpose of investigation.

4. Conversely, learned State Counsel contends that petitioner is a notorious Car lifter as he is involved in 20 cases of similar nature, which are registered in Districts Multan, Mardan, Nowshera etc. He further contends that challan has been submitted in the Court and petitioner has allegedly tempered the said vehicle and he is not entitled for any bail.

5. I have heard the arguments and perused the record.

6. From the perusal of record, it reveals that petitioner has been found involved in criminal case FIR No. 314/18, dated 01.08.2018, U/s 381-A, 411, 420, 468, 471, 413 PPC, P.S Tarnol, Islamabad regarding stolen of vehicle.

7. Tentative assessment of the record reveals that the vehicle was recovered from the petitioner and as such no direct evidence of offence under Section 381-A PPC is available and even petitioner has taken the stance that he has purchased the vehicle against the

sale consideration of Rs. 140,000/-, which requires verification during the course of trial and as such the ground of further inquiry has been surfaced, therefore, case of the petitioner falls within the ambit of further inquiry in terms of 497(2) Cr.P.C. The maximum sentence provided U/s 411 PPC is three (03) years and as such the bail in such type of cases is a rule and refusal is an exception. Reliance is placed upon the case law reported as **PLD 2017 SC 733 (Muhammad Tanveer Vs. The State and another), PLD 1995 SC 34 (Tariq Bashir Vs. The State).**

8. The State has objected the bail petition of the petitioner on the ground of registration of 20 similar cases, however, it has been settled in **2017 SCMR 279 (Qurban Ali Vs. The State and others), 2019 SCMR 1152 (Arsalan Masih and others Vs. The State and others)**, that registration of number of cases is not a ground for refusal of bail if the accused is otherwise entitled to the bail.

9. For what has been discussed above, the instant petition is **allowed** and the petitioner is admitted to post arrest bail subject to his furnishing of bail bonds in the sum of Rs.1,000,000/- (Rupee One Million) with two local sureties in the like amount to the satisfaction of learned Trial Court.

**(MOHSIN AKHTAR KAYANI)  
JUDGE**