

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Criminal Miscellaneous No.713-B /2019

Ammar Adeel

Vs

The State and another

S. No. of order/proceedings	Date of order/Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	28.11.2019	Mr. Muhammad Atique Butt, Advocate for the petitioner. Malik Awais Haider, State Counsel. Complainant in person. Shakeel, A.S.I.

The petitioner (Ammar Adeel S/o Muhammad Khan) seeks bail after arrest in case F.I.R. No.514 dated 15.11.2018 in respect of offences under Sections 394, 412, 337-A(i), 337-A(ii), 400, 413 PPC registered at Police Station Koral, Islamabad.

2. The case of the prosecution against the petitioner is that an FIR was lodged by respondent No.2 wherein it was alleged that on the evening of 15.11.2018, he and his brother were present in the house when doorbell rang; the gate was opened, two persons forced themselves in, they had pistols and hit the complainant and his brother whereas more persons, armed with fire arms also entered into the house. The accused persons were speaking *Pothwari* and one of them was named as *Shani*. They stole jewellery and valuable items as well as cash.

3. The petitioner applied for bail after arrest before the Judicial Magistrate, Islamabad which was dismissed vide order dated 25.07.2019. The application of the petitioner for post arrest bail was also dismissed by the Additional Sessions Judge (East), Islamabad vide order dated 17.09.2019.

4. Learned counsel for the petitioner, *inter alia*, contended that no proper identification parade was conducted in accordance with the parameters laid down by the Hon'ble Supreme Court of Pakistan in case titled *Azhar Mehmood and others v. The State* (2017 SCMR 135) and *Jehan Ali alias Jee Khan v. The State and others* (2017 P Cr. L J 622). He further contended that the petitioner was arrested in some other case and recovery of Rs.10,000/- and mobile phone was attributed to him. He further contended that the investigation stands concluded and the petitioner is no longer required for the same.

5. Learned State Counsel *inter alia* contended that in the identification parade the petitioner has been positively identified; that recovery has been effected from him; that the petitioner is implicated in similar offences; that trial has commenced and there are only nine (9) witnesses which are to be recorded.

6. The complainant was present in the Court; however, he submitted that he shall not be engaging

counsel and would rely upon the arguments advanced by the learned State Counsel.

7. Arguments advanced by the learned counsel for the parties have been heard and the documents placed on record examined with their able assistance.

8. The petitioner is implicated with the offences mentioned hereinabove. During the course of investigation he was found guilty. In the identification parade he has been positively identified. Learned counsel for the petitioner, though argued that the identification parade is not in accordance with law and has no evidentiary value, the referred aspect of the matter shall be examined during the course of trial and at this stage deeper appreciation cannot be made. Report under Section 173 Cr.P.C. has been filed and the trial can be concluded expeditiously.

9. In view of above, at this juncture I am not inclined to grant bail to the petitioner. For the referred reasons the instant petition is dismissed as being without merit. However, the Trial Court is directed to conclude the trial within a period of six (6) weeks from the receipt of this order.

(AAMER FAROOQ)
JUDGE

M.NAVEED