

**ORDER SHEET.**

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

**Writ Petition No.2974/2019.**

Malik Fida Hussain

Versus

The SHO, P.S. Lohi Bher, Islamabad, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	29.08.2019.	Mr. Waseem Sajjad Zafar, Advocate for petitioner.

Through this writ petition the petitioner has assailed the order dated 06.08.2019, passed by Additional Sessions Judge-VI (East), Islamabad, whereby investigation officer/respondent No.2 has got recorded his statement before the Court that accused Arshad Ali Khokhar is not required to the police.

2. Learned counsel for the petitioner *inter-alia* contends that petitioner has got lodged the criminal case FIR No.108, dated 16.04.2019, U/S 489-F PPC, P.S. Lohi Bher, Islamabad for dishonor of cheques issued by respondent No.4 Arshad Ali Khokhar; that respondent No.4 applied for pre-arrest bail before the Court of Additional Sessions Judge-VI (East), Islamabad and on 06.08.2019, I.O Muhammad Rais, ASI got recorded his statement before the Court that said accused/respondent No.4 is not required to the police as a result whereof accused/respondent No.4 withdrew his pre-arrest bail application; that I.O has not got recorded his statement on the basis of any evidence or investigation rather the accused in connivance with

police official managed recording of such statement in his favour and as such all the proceedings are illegal.

3. Learned counsel for the petitioner has been confronted as to whether order of withdrawal of pre-arrest bail application could be assailed in the constitutional jurisdiction, whereby he contends that no other remedy is available under the law to challenge the same, however, counsel was further confronted as to whether petitioner has applied for change of investigation as he is aggrieved with the conduct of I.O. Petitioner has failed to demonstrate from record regarding filing of request for change of investigation, even counsel for petitioner has failed to justify the maintainability of instant writ petition at this stage especially when alternate remedy of approaching the senior officers of police is yet to be exhausted, therefore, instant writ petition is misconceived and the same is hereby *dismissed in limine*.

(MOHSIN AKHTAR KAYANI)  
JUDGE

Zahid