

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

Crl. Misc. No.545-B/2019.

Muhammad Jameel

Versus

The State etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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17.09.2019.	Syed Najaf ul Husnain Shah, Advocate for the petitioner. Ms. Saima Naqvi, State Counsel. Raja Nasir Mehmood, Advocate for respondent No.2. Asif Hussain S.I and Niaz ASI alongwith record.	
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Through instant petition, the petitioner has prayed for his post arrest bail in case FIR No.74/2019, dated 13.06.2019, U/S 394 PPC, P.S Nilore, Islamabad.

2. Brief facts referred in the FIR lodged by respondent No.2 are that he on 12.06.2019, at about 8:45 p.m was waiting for passengers on his Suzuki pickup RIT-4006, when three young boys came to him and hired his vehicle against fare of Rs.2800/- for Thanda Pani, Islamabad, they loaded big iron box and a washing machine in the vehicle and when they reached near Tumair at about 10:30 pm in a deserted place, they took out pistols and snatched the vehicle, cash amount of Rs.4500/-, mobile phone as well as registration book and route permit of the vehicle. On resistance, they assaulted the petitioner with iron rod.

3. Learned counsel for the petitioner contends that the petitioner is behind the bars, investigation has been completed and he is no more required for the purpose of further investigation; that challan has been submitted before the Court and there is no likelihood of early conclusion of the trial, therefore, the petitioner may be released on bail.

4. Conversely, learned State Counsel as well as learned counsel for respondent No.2 contends that the petitioner was identified during identification parade and recovery has been effected from

him, which connects him with the commission of alleged offence, therefore, he is not entitled for post arrest bail.

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

6. Perusal of the record reveals that the petitioner, who is a taxi driver has been involved in case FIR No.74/2019, dated 13.06.2019, U/S 394 PPC, P.S Nilore, Islamabad alongwith two co-accused for snatching Suzuki pickup RIT-4006 on gun point alongwith cash amount of Rs.4500/-, mobile phone, registration book and route permit of the vehicle from respondent No.2.

7. The tentative assessment of the record reflects that the petitioner got recovered mobile phone and CNIC of respondent No.2 on 29.06.2019 and he has been identified during identification parade on 21.06.2019. Learned counsel for the petitioner has raised certain objections on the identification parade, however, at bail stage deeper appreciation is not permissible under the law. The petitioner is charged with hideous offence U/S 394, PPC, which falls within prohibitory clause of section 497, Cr.P.C. Prima facie sufficient incriminating material is available on record to connect the petitioner with the alleged offence. Granting bail to the petitioner at this stage, would amount to trivialize and play down the gravity of the offence allegedly committed by him.

8. For what has been discussed above, the petitioner is not entitled for post arrest bail, therefore, instant petition is hereby dismissed. Challan has been submitted before the Court 04.07.2019, therefore, while relying upon 2011 SCMR 1332 (Rehmat Ullah vs. The State and another) learned Trial Court seized with the matter is directed to conclude the trial on or before 30.06.2020 under intimation to this Court.

(MOHSIN AKHTAR KAYANI)
JUDGE