

HCJD/C-121  
**ORDER SHEET**

**ISLAMABAD HIGH COURT**  
**ISLAMABAD**

**Crl. Misc. No. 963-B of 2020.**

**Latif Khan.**

*VERSUS*

**The State, etc.**

S.No. of order/ Proceeding	Date of hearing	Order with signature of Judge, and that of parties or counsel, where necessary.
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02.                    16.09.2020. Mr Usman Anwar, Advocate for the  
petitioner.  
Mr Rabi bin Tariq, State Counsel.  
Mr Naseer, ASI with record.

The petitioner Latif Khan son of Noor Muhammad has sought post-arrest bail in case, FIR No. 48, dated 31.01.2020, registered under sections 376/34 of Pakistan Penal Code, 1860 (hereinafter referred to as "**PPC**") at Police Station Khanna, Islamabad.

2.                    Brief facts as alleged in the FIR are that on 30.01.2020 three unknown persons had allegedly abducted daughter of the complainant with the intent of committing undesirable and heinous acts. Hence, the instant FIR.

3.                    The learned counsel for the petitioner has contended that; no case is made out against the latter; the petitioner has been falsely involved in the instant case; the petitioner is not nominated in the FIR; the petitioner has been involved in the instant case to harass and

humiliate him; story as narrated in the FIR is false, frivolous and concocted; there is delay of one day in registration of the case; the petitioner is innocent and has not committed the alleged offence; offences are not attracted against the petitioner; investigations qua the petitioner have been completed and he is no more required for the purposes thereof; there is no chance of abscondance of the petitioner or tampering with the prosecution evidence; the petitioner has no concern whatsoever with the alleged offence; no incriminating material was recovered from the petitioner; the petitioner has no criminal record; offence does not fall within the ambit of prohibitory clause of section 497 of Cr.P.C.; the petitioner has been incarcerated for more than seven months; further incarceration of the petitioner will not serve any useful purpose; prosecution case is based on malafide; report under section 173 of Cr.P.C. has been submitted before the learned trial Court; there is malice on part of the prosecution; the case against the petitioner falls within the ambit of further inquiry; no specific role has been attributed to the petitioner. Hence prayed for the grant of post arrest bail.

4. The learned State Counsel appeared alongwith Naseer, ASI. They have opposed the grant of bail. It was argued that; the petitioner has a specific role in the commission of the alleged offence; FIR was lodged promptly; the petitioner is involved in the commission of heinous offence; statement of the abductee has been recorded under section 164 of Cr.P.C., wherein she has specifically nominated the petitioner. The abductee has been medically examined. Hence prayed for dismissal of the instant bail petition.

5. The learned counsel for the petitioner and the learned State Counsel has been heard and record perused with their able assistance.

6. Perusal of the record shows that there is sufficient incriminating material placed on record to decline the concession of bail. The statement of the abductee under section 164 of Cr.P.C. was recorded on 04.02.2020, wherein she had specifically nominated the present petitioner with the commission of the alleged offence. The abductee was medically examined. Report of medical examination indicates that she was subjected to offensive abuse. Offences under sections 376(ii)(iii) of PPC were added vide Zimni no.04, dated 05.02.2020. Report under section 173 Cr.P.C. has been submitted before the learned trial court and trial of the case is expected to commence soon. The offences fall within the ambit of prohibitory clause of section 497 Cr.P.C. There is sufficient incriminating material available on the record to refuse the concession of bail to the petitioner.

7. In the circumstances this Court is of the opinion that the petitioner is not entitled to the concession of post arrest bail at this stage, hence the same is hereby **dismissed**. It is, however, expected that the trial Court shall conclude the trial expeditiously.

Needless to mention that the observations recorded in the instant petition are based on tentative assessment, which will obviously not prejudice the proceedings before the learned trial Court.

Asad K/\*

(CHIEF JUSTICE)