

## **ORDER SHEET.**

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

**Criminal Misc. No. 778/B/2019.**

Muhammad Amir

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.   |
|------------------------------|----------------------------|---|
|                              | 20.12.2019.                | Mr. Imran Shaukat Rao, Advocate for petitioner.<br>Barrister Ayesha Siddique Khan, State Counsel.<br>Arshad Mehmood Warriach, Inspector, P.S. Koral, Islamabad. |

Through this Crl. Misc. petition, the petitioner has applied for post-arrest bail in case FIR No.458, dated 26.09.2019, U/S 392 PPC, P.S. Koral, Islamabad, lodged on the complaint of Zulfiqar Ali.

2. Brief facts referred in the above mentioned FIR are that complainant/respondent No.2 was informed by his family members on 15.09.2019 at about 08:40 a.m. when he reached his office that four persons armed with pistol entered into his house, assaulted his wife and children and snatched cash Rs.9,500/-, four mobile phones, one laptop and one hand bag and fled away from the scene on Honda CG 125 motorcycle without number plate and car Wagon R white colour No.FU-387, however, they were restrained from exit from main gate of street which was locked by security guard. One of the accused person pointed pistol upon the guard who closed the gate and forced him to open the same, whereafter, accused persons fled away.

3. Learned counsel for the petitioner contends that petitioner is innocent and has falsely been implicated in this case as no direct evidence is available to connect the petitioner with the alleged crime; that no recovery was effected from the petitioner to link the petitioner with the offence of armed robbery; that identification parade was conducted in illegal manner and the case of petitioner is one of further inquiry.

4. Conversely, learned State Counsel contends that petitioner has been identified by the witnesses during the course of identification parade conducted in Adyala Jail Rawalpindi and challan has been submitted in the Court, therefore, he is not entitled for concession of bail.

5. Arguments heard, record perused.

6. Tentative assessment of record reveals that petitioner was arrested in case FIR No.458, dated 26.09.2019, U/S 392 PPC, P.S. Koral, Islamabad with the allegations that he alongwith others committed armed robbery in the house of complainant and robbed cash, mobile phones, laptop and hand bag. The identification parade was conducted in District Jail, Rawalpindi in which petitioner has been identified as one of the accused in this case. Although no recovery has been effected from the petitioner but this does not justify or exempt him from criminal liability. It has also observed that motorcycle used in the alleged crime was recovered on the pointation of petitioner and as such he is linked with the hideous offence of armed robbery.

7. The Courts are bound to assess the available record and consider the role of each accused tentatively, whereas in this case petitioner is *prima-facie* linked with the hideous crime of committing armed robbery and as such alleged offence falls within the ambit of prohibitory clause of Section 497 Cr.P.C.

8. In view of above, instant post-arrest bail application is hereby *dismissed*. However, challan has been submitted in the Court, therefore, while relying upon 2011 SCMR 1332 (Rehmat Ullah Vs. The State), learned trial Court seized with the matter is directed to conclude the trial within period of six (06) months under intimation to this Court.

(MOHSIN AKHTAR KAYANI)  
JUDGE

Zahid