

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Misc. No. 658/B/2020.

Zohaib

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.
	13.05.2020.	Mr. Farhat Ullah Jan, Advocate for petitioner. Mr. Muhammad Sohail Khursheed, State Counsel. Zulfiqar Ali, ASI P.S. Khanna/CIA, Islamabad.

Through this CrI. Misc., petitioner has prayed for post-arrest bail in case FIR No.184, dated 04.06.2019, U/S 392/411 PPC, P.S. Khanna, Islamabad, lodged on the complaint of respondent No.2, who alleged that he was robbed by three armed young boys on gunpoint and snatched his Honda motorcycle No.RIQ-5502 alongwith registration book, cash amount Rs.35,000/-, his original CINC, two ATM cards, one mobile phone Huawei P-9 Light and ran away.

2. Learned counsel for the petitioner contends that petitioner is no more required for the purpose of investigation and challan has been submitted in the Court on 24.12.2019, even co-accused namely Absar alias Billa and Ali Hasnain have been granted post-arrest bail by this Court vide order dated 30.03.2020 and as such principle of consistency is applicable.

3. Conversely, learned State Counsel contends that

FIR was promptly lodged by the complainant and petitioner has been connected with recovery as well as identification parade; that petitioner is involved in number of criminal cases and offence with which petitioner has been charged falls within the prohibitory clause of Section 497 Cr.P.C., therefore, he is not entitled for concession of post-arrest bail.

4. Arguments heard, record perused.

5. The tentative assessment of record reveals that petitioner was arrested in above mentioned FIR through supplementary statement and was identified during the course of identification parade held on 06.12.2019 by the complainant. During the course of physical remand petitioner got recovered cash amount Rs.13,000/- as well as mobile phone Huawei P-9 Light, snatched by him during the occurrence from the complainant, this aspect *prima-facie* connects the petitioner with hideous crime of armed robbery and as such there is no ground of further inquiry available in his favour.

6. As far as the plea taken by the petitioner that co-accused have been granted post-arrest bail and as such principle of consistency is applicable, it is pertinent to mention there that case of co-accused who have been granted post-arrest bail was considered on different parameters i.e. juvenility of those petitioners in terms of Section 6 of Juvenile Justice System Act, 2018 where juvenile earns certain concessionary benefits which are not available to the present petitioner, therefore, case of

petitioner is not at par with other co-accused. Challan has already been submitted in the Court on 24.12.2019 and trial has also been commenced. In such circumstances bail could not be granted while considering the principle laid down in 2011 SCMR 1332 (Rehmatullah and another Vs. The State).

7. In view of above, instant petition is dismissed and learned trial Court seized with the matter is directed to conclude the trial within period of six months under intimation to this Court.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid