

ORDER SHEET

ISLAMABAD HIGH COURT, ISLAMABAD.

Case No.

Crl.Misc.Bail.No.2141-B/2010.

Raja Yasir Rafique.

Versus

The State etc.

S.No.of order/ Proceeding	Date of order/ Proceeding	Order with signatures of Judge, and that of parties or Counsel, where necessary.
------------------------------	------------------------------	---

02.

20.01.2011

Kazi Sheharyar Iqbal, Advocate for petitioner.
Rana Mujahid Raheem, Advocate for complainant.
Mr. Shabbir Ahmad Abbasi, learned Standing
Counsel along with Shaukat Ali SI, P.S Shahzad
Town, Islamabad.

The above named accused has sought bail in case FIR No.393, dated 16.08.2010, U/S 380, 411, 457 PPC read with Section 14 Offences against property (Enforcement of Hadd), Order VI of 1979 registered at Police Station Shahzad Town, Islamabad, on the grounds that a false case has been lodged with a delay of four days; he has falsely been implicated due to malafide intention; the complainant is husband of the petitioner's sister Mst. Saeeda Begum, who wants to get back the custody of the minors besides a house given by him in lieu of marriage. It is further argued that co-accused Abdul Waheed has been bailed out and the law of consistency demands the same concession for the present accused; the offences do not fall within prohibitory clause of section 497^d Cr.P.C.



2. Learned counsel in support of his contentions, relied upon the case laws reported in 2005 YLR 1672, 2009 YLR 106, 2007 YLR 394, 2006 YLR 2977, 2007 P.Cr.L.J 708, 2003 YLR 1910, 2009 SCMR 230, 2005 P.Cr.L.J 764 and 1995 P.L.R 743.

has already been admitted to bail. The other co-accused Mst. Saeeda has also got recovered certain gold articles from the portion of her house, who is also been released on bail. The police recovered some theft instruments from the present accused.

8. Without touching merits of the case, and following the rule of consistency coupled with the fact that the offences do not fall in the prohibitory clause of section 497 (1) Cr.P.C as well as the recoveries have been effected and there is no apprehension for tampering with the evidence. Accused is behind the bars for the last about 3½ months, the trial of case may take a long time and, therefore, he is admitted to bail subject to furnishing his surety in the sum of Rs.1,00,000/- (One Lac) and PR bond of like amount to the satisfaction of learned trial court.

(Muhammad Anwar Khan Kasi)
Judge.

Aamer Baig.

Blue slip added.
JUDGE
20/11/11

Uploaded By: "Zulqarnain Shah"