

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

**Criminal Misc. No. 1283-B of 2021**

Izram Bibi  
Versus  
The State and another

S.No. of order/ proceeding	Date of order/ proceeding	Order with signature of Judge and that of parties or counsel where necessary.
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07.03.2022	M/s Messam Raza & Shujjah Ullah Gondal Advocates for the petitioner alongwith petitioner. Nemo for respondent No.2. Mr. Fahad Ali, learned State Counsel. Ameer Ali, A.S.I. Police Station Koral, Islamabad.
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Through the instant petition, the petitioner seeks bail before arrest in a case F.I.R. No. 668/21, dated 26.07.2021, offence under section 324, 337-F(ii) P.P.C., registered at Police Station Koral, Islamabad.

02. Earlier petition for pre-arrest bail filed by the petitioner/accused was dismissed by the Court of learned Additional Sessions Judge-IV, East-Islamabad vide order dated 29.11.2021.

03. The petitioner has been involved on

a statement in cross-version of one Muhammad zeeshan ex-husband of the petitioner, wherein it is alleged that the petitioner has inflicted firearm injury on his body, hence the instant FIR.

04. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is innocent; she has not committed any offence rather the complainant of cross version is the main accused in FIR who has caused three firearm injuries upon the petitioner; Muhammad Zeeshan is the aggressor and entered into house of the petitioner; there is no evidence available against her, hence she is entitled for grant of bail before arrest.

05. Conversely, learned State Counsel states that Muhammad Zeeshan has received firearm injuries during the occurrence, petitioner is nominated in cross-version, hence she is not entitled for concession of bail before arrest.

06. Arguments heard, record perused.

07. The petitioner is complainant of FIR

No. 668 of 2021, wherein she has alleged that on 26.7.2021, at about 01:15 PM Muhammad Zeeshan / accused who is her ex-husband, entered into her house to take his son aged about six years forcibly and during exchange of harsh words, he hit the petitioner with pistol butt on her head; he also made firing upon her and caused three firearm injuries on her both legs. Muhammad Zeeshan has been arrested and pistols have been recovered by police from the place of occurrence.

08. On the same day at about 6:00 PM, Muhammad Zeeshan has also recorded counter-version, wherein he has stated that the petitioner is her ex-wife and he went to her house to take his son from the petitioner but during exchange of harsh words, the petitioner made firing with pistol and caused him injury.

09. It is admitted that Muhammad Zeeshan is the aggressor; he forcibly entered into the house of his ex-wife; he has also mentioned in his statement that

the petitioner took his son from the school few days back without his consent. In such situation Muhammad Zeeshan was liable to file a petition under section 491 Cr.P.C. or to approach the learned Judge Family Court, Islamabad but he opted not to adopt the legal course rather forcibly entered into house of the petitioner with pistols and made firing on her legs.

10. The occurrence took place on 26.07.2021, now after the delay of 08 months, no question of recovery of pistol from the petitioner arises and if some recovery is planted, the same will have no evidentiary value at this belated stage.

11. I.O has stated that there is no independent evidence available against the petitioner except the statement of Muhammad Zeeshan; inhabitants of the locality have also informed the I.O that Muhammad Zeeshan forcibly entered into house of the petitioner and then they heard noise of firing from the house.

12. The petitioner is also critically

injured; she has appeared in the Court on wheelchair and as per record she is getting medical treatment from the surgical department of local hospital.

13. In view of the law laid down by the Hon'ble Supreme Court of Pakistan in cases titled as "**Shahzada Qaiser Arfat @ Qaiser Vs. The State, etc.**" (PLD 2021 SC 708), "**Khair Muhammad and another Vs. The State through P.G. Punjab and another**" (2021 SCMR 130), "**Khalil Ahmed Soomro and others Vs. The State**" (PLD 2017 Supreme Court 730), and the facts and circumstances of the case, if the petitioner being injured lady / mother of a minor son is sent behind the bars, no fruitful purpose will be served. Admittedly, the petitioner is previously non-convict, she is not involved in any other case and if her bail before arrest is declined, it will cause irreparable loss to her person, reputation and career.

14. For the reasons recorded above, this petition is **allowed** and ad-interim pre-

arrest bail already granted to the petitioner vide order dated 02.12.2021, is hereby **confirmed** subject to furnishing of fresh bail bonds in the sum of **Rs. 1,00,000/-** (One Hundred Thousand only) with one surety in the like amount to the satisfaction of learned trial Court.

15. Needless to mention that, this is a tentative assessment which shall not affect the trial of case in any manner.

16. All the pending applications are disposed of, accordingly.

**(TARIQ MEHMOOD JAHANGIRI)**  
**JUDGE**

Ahmed Sheikh