

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Misc. No. 808/B/2020.

Zeeshan Safdar

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.
	06.07.2020.	Mr. Shaz Ali Khan, Advocate for petitioner. Mr. Hasnain Haider Thaheem, State Counsel. Shahid, S.I. P.S. Tarnol, Islamabad.

Through this Crl. Misc. petition, the petitioner has applied for post-arrest bail in case FIR No.118, dated 16.03.2019, U/S 394/411/201 PPC, P.S. Tarnol, Islamabad.

2. Brief facts referred in the instant FIR registered on the complaint of Nawazish Khan/respondent No.2 are that he was deprived of cash amount Rs.5,000/- alongwith original CNIC, army service card, medical card and two mobile phones by the armed robbers in public service vehicle on 16.03.2019 when he was heading towards his native town, in the said incident he was also injured with firearm injury on his left thigh.

3. Learned counsel for the petitioner contends that petitioner is innocent and has falsely been implicated in this case, even trial has not yet been concluded despite elapse of one year; that one of the co-accused has already been granted post-arrest bail, which further entitles the petitioner for grant of bail on the ground of

consistency.

4. Conversely, learned State Counsel contends that petitioner is directly involved in the alleged armed robbery as weapon used by him in the said incident has been recovered alongwith an amount of Rs.2,000/-; that petitioner is also involved in other cases of similar nature. Moreover, petitioner was identified during the course of identification parade, therefore, he is not entitled for concession of bail

5. Arguments heard, record perused.

6. Tentative assessment of record reveals that complainant/respondent No.2 was injured with .30 bore pistol in Highway robbery by six armed personnel, who snatched cash amount as well as original CNIC, army service card, medical card and two mobile phones of the complainant on 16.03.2019 at about 01:30 a.m. The petitioner was arrested in this case on 08.04.2019 and on his pointation an amount of Rs.2,000/- cash and one .30 bore pistol was recovered, even petitioner was identified during the course of identification parade held on 16.04.2019. Investigation has been completed and after submission of final challan, statements of 03 prosecution witnesses have been recorded and as such trial is going on fast track.

7. The record further reflects that all the accused have been arrested in this case, however, one of the co-accused has been granted post-arrest bail by the Duty Additional Sessions Judge (West), Islamabad vide order

dated 16.05.2020 but this Court will not enter into those facts as the role of petitioner apparently connects him with the hideous crime of Highway robbery, which falls within the ambit of prohibitory clause of Section 497 Cr.P.C. and petitioner seems to be hardened and desperate criminal, who is also involved in other cases of similar nature, therefore, he is not entitled for concession of post-arrest bail at this stage.

8. In view of above, instant post-arrest bail application is hereby *dismissed*. However, 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 three (03) months under intimation to this Court. If petitioner/accused is not produced from jail due to Covid-19 pandemic, trial Court concerned shall arrange the recording of evidence through video link and conclude the trial as early as possible.

**(MOHSIN AKHTAR KAYANI)
JUDGE**