

## **ORDER SHEET.**

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

**Criminal Misc. No. 720/B/2020.**

Barooz Khan

Versus

The State, etc.

| <b>S. No. of order/ proceedings</b> | <b>Date of order/ Proceedings</b> | <b>Order with signature of Judge and that of parties or counsel where necessary.</b>   |
|-------------------------------------|-----------------------------------|--|
|                                     | 16.06.2020.                       | Mr. Naveed Shahzad Ch., Advocate for petitioner.<br>Mr. Hasnain Haider Thaheem, State Counsel.<br>Mr. Sajjad Haider Malik, Advocate for respondent No.2.<br>Sagheer Abbasi, ASI, CIA, Islamabad. |

Through this Crl. Misc. petition, the petitioner has applied for post-arrest bail in case FIR No.272, dated 01.07.2019, U/S 395/412 PPC, P.S. Bhara Kahu, Islamabad.

2. Brief facts referred in the instant FIR registered on the complaint of Alamgir Khan/respondent No.2 are that on 01.07.2019, he was on duty when he received call from his home that some armed personnel entered into his house, detained family members and committed dacoity in the house while snatched away cash amount of Rs.16,70,000/-, gold jewelry, purse, I.D card, cheque books, etc.

3. Learned counsel for the petitioner contends that petitioner is innocent and has falsely been implicated in this case, even the recovered amount of Rs.50,000/- and pistol have been planted upon the petitioner and no identification parade has been conducted in this case as lady of complainant's family identified the petitioner in

hospital as such petitioner is no more required for the purpose of investigation and all the other co-accused have been granted post-arrest bail by the lower forums, hence, principle of consistency is also applicable.

4. Conversely, learned State Counsel as well as learned counsel for respondent No.2 opposed the instant bail application on the ground that petitioner has checkered history in similar type of offences and even he is well connected with the crime and looted amount as well as weapon of offence have been recovered from him, therefore, he is not entitled for concession of bail.

5. Arguments heard, record perused.

6. Tentative assessment of record reveals that petitioner is involved in the armed dacoity while detaining the family members and children of complainant and looted cash amount Rs.16,70,000/-, gold jewelry and other items on gun point.

7. The record further reflects that an amount of Rs.50,000/- was recovered from the petitioner on his pointation and a pistol used in the said crime was also recovered, which prima-facie connects the petitioner with the hideous crime of dacoity. The petitioner has taken a specific stance that he was identified by the woman folk of the complainant's family when he was under treatment in PIMS hospital as he was injured in another armed robbery, this aspect if considered at this stage would amount to deeper appreciation, which is not permissible at bail stage. Even challan has been

submitted in the Court and petitioner has been charged with the offence which falls within the ambit of prohibitory clause of Section 497 Cr.P.C. The petitioner has argued that other co-accused have been granted post-arrest bails by the lower forums, which are *prima-facie* contrary to the settled principles of law. However, at this stage, this Court will not interfere into those orders as any observation at this stage might effect the case especially when the challan has already been submitted in the Court, therefore, 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 on or before 31.12.2020 under intimation to this Court.

(MOHSIN AKHTAR KAYANI)  
JUDGE

Zahid