

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Misc. No. 676/B/2020.

Ghulam Haider

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.
	11.05.2020.	Mr. Moneeb Ahmed, Advocate for petitioner. Mr. Mudassir Latif Abbasi, State Counsel. Sarfraz Ahmed, S.I. P.S. Bani Gala, Islamabad.

Through this Crl. Misc., petitioner has prayed for post-arrest bail in case FIR No.47, dated 14.02.2020, U/S 380, 454, 411 PPC, P.S. Bani Gala, Islamabad, lodged on the complaint of respondent No.2, who alleged that he was working as chowkidar in Bahria Town and on 14.02.2020 when he was going nearby market for certain grocery items and while coming back he heard voices coming from house No.50, on which he informed Bahria Security Control whereupon Muhammad Afsar and Waqas, supervisors alongwith Muhammad Pervez, Waheed Zaman, supervisor Ehtisham and driver Rasalat reached there and cordoned off the house however, 05 persons fled away from the said house from the back wall whereas two of the accused were taken into custody on spot whereas one of them was arrested from some distance. The accused persons also left their two motorcycles. The

arrested persons were identified as Ajmal, Asad and Ghulam Haider (present petitioner), who also got recovered the stolen articles comprising of two electric irons.

2. Learned counsel for the petitioner contends that petitioner is no more required for the purposes of investigation; that challan has been submitted in the Court and one of co-accused has already been granted bail by this Court as such principle of consistency is applicable.

3. Conversely, learned State Counsel contends that investigation has been completed and petitioner is operating in a gang, therefore, he is not entitled for concession of bail.

4. Arguments heard, record perused.

5. The tentative assessment of record reveals that petitioner was arrested in the above mentioned FIR and allegedly involved in theft of household articles, he was caught red handed by the complainant with the help of Bahria Security from the place of occurrence. Two irons (اسٹریاں) were recovered on pointation of petitioner, challan has been submitted in the Court and the offence with which petitioner has been charged does not fall within the ambit of prohibitory clause of Section 497 Cr.P.C.

6. In view of above, petitioner is no more required for further investigation and his further incarceration in jail is not justified, who has already spent two and half

months behind the bars, even no useful purpose would be achieved by keeping the petitioner behind the bars. As per I.O The petitioner is first offender and no other criminal case is registered against him, therefore, while relying upon PLD 1995 SC 34 (Tariq Bashir and 5 others Vs. The State), PLD 2017 SC 733 (Muhammad Tanveer Vs. The State) whereby grant of bail in such type of cases is rule and refusal is an exception, instant petition is allowed and the petitioner is admitted to post arrest bail subject to his furnishing of bail bonds in the sum of Rs.2,00,000/- (Rupees Two Lac only) with two sureties in the like amount to the satisfaction of learned trial Court.

(MOHSIN AKHTAR KAYANI)
JUDGE