

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

**CRL.MISC. No.820 -B/2020**

**Khalid Khan**

***Versus***

**The State & another**

Serial No. of order/ proceeding.	Date of order/ proceedings	Order with signatures of judge, and that of parties or counsel, where necessary.
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02

08.07.2020

M/s. Najibullah Khan Khattak & Mubashir Najib  
Advocates for petitioner.

Mr.Zohaib Hassan Gondal, State Counsel with  
Muhammad Afzal S.I.

**Ghulam Azam Qambrani, J:** Through this application filed under Section 497 Cr.P.C, the petitioner (namely Khalid Khan) seeks grant of post arrest bail in case FIR No.165, dated 13.04.2020, under section 364-A PPC, registered at Police Station Khanna, Islamabad.

2. Briefly, the prosecution case is that on 13.04.2020, the complainant Hayat Khan s/o Khitab Gul lodged above stating therein that on 13.04.2020, when he came back to his house, other children told him that her daughter Mst. Saleena Hayat is not present at home and get away from home by Khalid Khan, who abducted her for the purpose of committing zina with her, hence the instant FIR.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely roped in the instant case; that the petitioner has been proved innocent after complete investigation; that there is no probability of conviction of accused; that the petitioner is

juvenile and previously non-convict; that in the absence of medical report of the abductee, no offence under section 364-A PPC is made out and that the case of petitioner is one of further inquiry and probe.

4. On the other hand, learned state counsel vehemently opposed the grant of bail to the petitioner by contending that sufficient material is available on the record to connect the petitioner with the commission of the alleged offence; that the petitioner is nominated in the FIR and the alleged abductee was also recovered from the accused/petitioner, therefore, he is not entitled for grant of bail.

5. Arguments heard, record perused.

6. From the tentative assessment of the record it appears that the alleged abductee Mst. Saleena Hayat in her statement under section 164 Cr.P.C before the learned Judicial Magistrate 1<sup>st</sup> Class, Islamabad dated 22.04.2020 stated that she had contracted marriage with the petitioner Khalid Khan with her free will and consent and that no one had abducted her. She further stated that she left her parent's house with her free will and her nikah was solemnized with Khalid Khan at his parents house. Thereafter, the police recovered her from the house of Khalid Khan. The police has also prepared a discharge report on 24.04.2020, but the learned Judicial Magistrate Section 30, Islamabad disagreed with the said report and sent the petitioner/accused behind the judicial lock-up vide order dated 24.04.2020. As such, case of petitioner falls within ambit of further inquiry in terms of Section

497 (2) Cr.P.C. The petitioner is previously non-convict. Never involved in any criminal case. He is behind the bar and is no more required to the police for further investigation.

7. Keeping in view the facts and circumstances in the instant case, I find it a fit case for grant of bail to the petitioner. This petition is allowed and the petitioner is granted bail after arrest subject to his furnishing bail bonds, in the sum of Rs.2,00,000/- (Rupees two lac only) with one surety in the like amount to the satisfaction of the learned Trial Court.

8. Before parting with this order, it is, however, clarified that the observations made hereinabove are just tentative in nature and the same are strictly confined to the disposal of the instant bail petition. The learned Trial Court shall proceed with the trial without being prejudiced from any observation.

**(GHULAM AZAM QAMBRANI)**  
**JUDGE**

S.Akhtar