

Judgment Sheet

**ISLAMABAD HIGH COURT**  
**ISLAMABAD**

**Crl. Misc. No.270-B of 2012**

Zahid Shah

Versus

The State, etc.

*Petitioner by:* ***Mr. Saif Ullah Serohey, Advocate.***

*State by:* ***Mr. Rehan-ud-Din Khan, Standing Counsel***  
***Mr. Fayyaz, ASI with record.***

*Complainant by:* ***Complainant in person.***

*Date of decision:* ***30.05.2012.***

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**SHAUKAT AZIZ SIDDIQUI; J:** Petitioner, Zahid Shah seeks post arrest bail in case FIR No. 445 dated 29-08-2011, under Sections 381-A, 411, 419 & 109 PPC, registered at P.S Kohsar, Islamabad, as his request for grant of bail has been declined by the learned Judicial Magistrate, as well as by the learned Sessions Judge Islamabad; vide orders dated 21-02-2012 and 10-04-2012 respectively.

2. Learned counsel for petitioner submitted that petitioner has been falsely implicated in this case due to malafide and ill-will of local police. He further submitted that there is an inordinate delay in lodging of FIR; co-accused of petitioner has already been granted bail and petitioner is behind the bars, ever since his arrest on

19-10-2008; date of arrest of petitioner and occurrence of the instant case, clearly indicates that at the time of alleged commission of offence, petitioner was in Jail, therefore, this fact requires further probe and inquiry, as envisaged under Section 497(2) Cr.P.C.

3. Conversely, learned standing counsel submitted that petitioner is desperate, habitual and hardened criminal, involved in so many cases of like nature. Learned standing counsel added that petitioner is head of a gang, operating in twin cities; petitioner is so much influential that he manages the receipt of money in jail and officials of ICT police and Central Jail Adiyala, seem to be his allies. Learned standing counsel concluded his arguments with the prayer of rejection of bail plea.

4. Complainant of the case also explained events took place, subsequent to the theft of his vehicle and sworn an affidavit, which has been made part of the file. Complainant also informed that about 21 cases of identical nature are registered against the petitioner in District Nowshera, and petitioner is proclaimed offender. Complainant further submitted that he has serious threat to his life, as members of this organized **MAFIA** are found everywhere, including in ranks of police of ICT.

5. I have heard the learned counsels, as well as complainant of the case, perused the record and affidavit sworn by complainant.

6. It is astonishing to note that petitioner has been operating from Central Jail, Adiyala, having facility of Cell Phone. It is also a matter of concern that petitioner, received an amount of Rs.55,000/- in Jail, who later on was identified, in identification parade, conducted on the direction of I.G (Prisons). Such type of acts cannot be performed without the active collaboration of Jail staff and officials of ICT Police. The mannerism, in which petitioner operated and received the amount from complainant, in fact, is a slap on the face of law enforcing authorities. Alarming increase of such type of offences, leads to only belief that criminals, like petitioner have support of some influential persons, including police of ICT and staff of Central Jail, Adiyala.

7. In this view of the matter, I direct Inspector General of Police ICT, and Inspector General (Prisons) to hold inquiries and paste liability against the culprits and identify those, who provide protection and support to such like gangs. They are further directed to submit compliance report to the Registrar of this Court, for perusal and passing any further order, if need be.

8. As far as request of petitioner for grant of bail is concerned, prima facie, there is sufficient incriminating material available on the file to connect him with the commission of offence. Moreover, his track record does not make him entitle, that discretion may be exercised in his favour. Complainant of the case has not only been deprived

of his vehicle, but has been looted in the compound of Adiyala Jail, as well; therefore, instant petition is dismissed.

9. Office is directed to send copies of this order to the I.G of ICT Police and I.G (Prisons) forthwith.

**(SHAUKAT AZIZ SIDDIQUI)**  
**JUDGE**

**APPROVED FOR REPORTING.**

"Saeed"

Blue slip added