

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Misc. No. 343/B/2019.

Adnan Arif

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.
	18.06.2019.	Syed Abaid Ullah Shah, Advocate for petitioner. Mr. Fareed Hussain Kaif, State Counsel. Ghulam Abbas Khan, ASI.

Through this Crl. Misc. petition, the petitioner has applied for post-arrest bail in case FIR No.380, dated 04.09.2018, U/S 395/412 PPC, P.S. Golra, Islamabad.

2. Brief facts referred in the instant case are that complainant got lodged the instant FIR with the allegations that four unknown persons armed with pistols entered into his house i.e. House No.927, Street No.3, Sector G-14/4, Islamabad on 03.09.2018 at about 09:30 p.m. and detained all the family members including complainant's son, wife, nephew and one of his friend and snatched gold jewelry, mobile phones, cash, ATM card, driving license and fled away in Toyota car grey colour.

3. Learned counsel for the petitioner contends that petitioner has falsely been implicated in this case, who is neither nominated in the FIR, nor any incriminating evidence is available against the petitioner; that

petitioner is behind the bars since 08.10.2018 and no useful purpose would be achieved by keeping the petitioner behind the bars.

4. Conversely, learned State Counsel has resisted the instant post-arrest bail on the ground that petitioner has been identified during the course of identification parade and even recovery has been effected from him and there is likelihood of early conclusion of trial in near future, therefore, petitioner is not entitled for concession of post-arrest bail.

5. Arguments heard, record perused.

6. From the tentative assessment of record, it reveals that petitioner has been charged in case FIR No.380, dated 04.09.2018, U/S 395/412 PPC, P.S. Golra, Islamabad with the allegations that he alongwith three others co-accused armed with pistols entered into House No.927, Street No.3, Sector G-14/4, Islamabad at about 09:30 p.m. and snatched jewelry weighing 06 tola, cash Rs.1,34,000/-, 08 mobile phones including Sims, driving license, arms license, ATM cards, cross cheque of Rs.75,000/-, cheque book and keys of car and fled away from the scene on Toyota Corolla car grey colour.

7. The petitioner was arrested on 08.10.2018 and during the course of physical remand recovery of some jewelry items have been effected from the petitioner and he has also been identified during the course of identification parade held on 12.10.2018 in the District Jail Adyala.

8. Cursory glimpse of record reflects that petitioner is member of gang of dacoits, who are used to commit offence of dacoity and at present six different cases of similar nature have been registered against the petitioner and others co-accused. Investigation officer has submitted challan in the trial Court on 21.11.2018 and at present charge has been framed. The offence with which petitioner has been charged falls within the prohibitory clause of Section 497 Cr.P.C. and as such *prima-facie* petitioner is connected with the alleged crime, which is hideous in nature and granting bail to the petitioner at this stage would amount to trivialize and play down the gravity of offence allegedly committed by him. Hence, petitioner is not entitled for bail on merit and the same is hereby **dismissed**. In such type of situation it is appropriate to pass direction to the trial Court to conclude the trial within shortest possible time while relying upon 2011 SCMR 1332 (Rehmatullah Vs. The State).

9. Keeping in view the above, learned trial Court seized with the matter is directed to conclude the trial within period of six months under intimation to this Court excluding the Courts vacation.

(MOHSIN AKHTAR KAYANI)
JUDGE