

ORDER SHEET.

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

Criminal Misc. No. 94/B/2020.

Talha Javed

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.
	21.02.2020.	Mr. M. Sharjeel Javed Ch., Advocate for petitioner. Ms. Ramsha Izhar, State Counsel. Complainant/respondent No.2 in person. Ch. Nadeem Tahir, S.I, P.S. Ramna, Islamabad.

Through this Crl. Misc. petition, the petitioner has applied for post-arrest bail in case FIR No.417, dated 20.11.2019, U/S 406 PPC, P.S. Ramna, Islamabad, lodged on the complaint of complainant/respondent No.2 with the allegations that petitioner has misappropriated vehicle No.US-178, Suzuki Alto 660 CC, white colour, which was obtained by him from complainant on rent vide agreement dated 04.04.2019 @ Rs.2,500/- per day.

2. Learned counsel for the petitioner contends that petitioner is innocent and has falsely been implicated in this case; that investigation has been completed and challan has been submitted in the Court, however, trial has not yet commenced; that vehicle in question has already been handed over to the complainant and there is no likelihood of tempering with the evidence and issue relates to terms & conditions of agreement which is a civil dispute, hence, petitioner is entitled for

concession of post-arrest bail.

3. Conversely, learned State Counsel alongwith complainant/respondent No.2 in person contend that petitioner has misappropriated vehicle in question and has not paid due rent and damaged the property to the tune of Rs.3,80,000/-; that vehicle in question was recovered and handed over to complainant through court of law; that number of other criminal cases have been registered against the petitioner, therefore, he is not entitled for concession of post-arrest bail.

4. Arguments heard, record perused.

5. Perusal of record reveals that petitioner has been involved in criminal case FIR No.417, dated 20.11.2019, U/S 406 PPC, P.S. Ramna, Islamabad for misappropriation of vehicle No.US-178, Suzuki Alto, which was handed over to the petitioner on rent vide agreement dated 04.04.2019 @ Rs.2500/- per day.

6. The tentative assessment of record reveals that vehicle in question was recovered and handed over to the complainant and the relationship of the parties is based upon agreement which is yet to be adjudicated upon and petitioner is behind the bars since 20.11.2019. Challan has been submitted in the Court and petitioner is no more required for the purpose of investigation. The offence with which petitioner has been charged does not fall within the prohibitory clause of Section 497 Cr.P.C. The registration of other criminal cases is not a ground to refuse the bail to the petitioner as he has

already been granted post-arrest bail in those cases, which were registered for commission of minor offence.

7. The question relating to terms & conditions of agreement and misappropriation of vehicle in question are yet to be determined by the trial Court and as such the case of petitioner is one of further inquiry, therefore, while considering the wisdom laid down in cases reported as PLD 1995 SC 34 (Tariq Bashir and 5 others Vs. The State) and PLD 2017 SC 733 (Muhammad Tanveer Vs. State), instant petition is allowed. Petitioner is admitted to post-arrest bail, subject to furnishing of bail bonds in the sum of Rs.2,00,000/- (Rupees Two Hundred Thousand Only) with one surety in the like amount to the satisfaction of the learned trial Court.

(MOHSIN AKHTAR KAYANI)
JUDGE