

**ORDER SHEET.**

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

**Crl. Misc. No.518/B/2019.**

Musshataq Hussain

Versus

The State etc.

| <b>S. No. of order/ proceedings</b> | <b>Date of order/ Proceedings</b> | <b>Order with signature of Judge and that of parties or counsel where necessary.</b> |
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| 08.08.2019. | Mr. Muhammad Arif Khan, Advocate for the petitioner.<br>Barristr Ayesha Siddique Khan, State Counsel.<br>Complainant/respondent No.2 in person. |
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Through instant petition, the petitioner has prayed for post arrest bail in case FIR No.203/19, dated 26.05.2019, U/S 394, PPC, P.S Sabzi Mandi, Islamabad.

2. Brief facts referred in the FIR lodged by complainant/respondent No.2 are that he is working as contractor and he alongwith Ijaz Hussain and Jahfar Abbas was going towards his residence at Islamic University double road on motorcycle No.BKK-8707 Honda 125 and when at about 7:40 p.m, they reached IJP road opposite Shell Pump, the complainant stopped the motorcycle in order to attend a called, three unknown persons aged about 20/21 approached him and snatched the motorcycle and on resistance one accused persons fired in air, whereas two accused persons made direct fires upon the complaint, one hit on his belly whereas the second fire hit on his chest and got injured. There-after the accused persons fled away.

3. Learned counsel for the petitioner contends that investigation has been completed and challan has been submitted before the Court; that the petitioner is not nominated in the FIR; that the motorcycle and weapon of offence have been recovered

from co-accused and the petitioner has only been involved on the basis of identification parade, which required proper verification at the time of trial.

4. Conversely, learned State Counsel contends that the complainant/respondent No.2 identified the petitioner during identification parade and the petitioner is involved in another case of similar nature, therefore, he is not entitled for concession of post arrest bail.

5. I have heard the arguments and perused the record.

6. Perusal of the record reveals that the petitioner has been arrested in case FIR No.203/19, dated 26.05.2019, U/S 394, PPC, P.S Sabzi Mandi, Islamabad for snatching motorcycle No.BKK-8707 Honda 125 from the complainant/respondent No.2 alongwith his two co-accused and allegedly made firing and as a result of the same, the complainant/respondent No.2 seriously injured.

7. The tentative assessment of the record reflects that the petitioner was arrested in another case of similar nature, whereafter the other two accused alongwith the petitioner were identified by the complainant/respondent No.2 in identification parade conducted in District Jail. The motorcycle snatched by the petitioner and his co-accused was also recovered from other co-accused. The entire scenario reflects that the petitioner is hardened and desperate criminal, who not even snatched the motorcycle rather attempted to murder the complainant/respondent No.2 by making firing.

8. The investigation has been completed and the offence with which the petitioner has been charged falls within prohibitory clause of section 497, Cr.P.C. Grant of bail to the petitioner at

this stage would amount to trivialize and play down the gravity of the offence allegedly committed by the petitioner and his accomplices. Prima facie, sufficient material is available on file to connect the petitioner with the hideous offence allegedly committed by him. Therefore, the petitioner is not entitled for concession of post arrest bail.

9. For what has been discussed above, the instant petition is **dismissed**. In the light of judgment reported as **2011 SCMR 1332 (Rehmat Ullah vs. The State and another)**, learned Trial Court seized with the matter is directed to conclude the trial within period of 06 months from the date of receipt of copy of this order under intimation to this Court.

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

R.Anjam