

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

**CRL.MISC. NO.27 /2020**

**Hidayat ur Rehman Vs The State, etc.**

| <b>Serial No. of order/ proceeding.</b> | <b>Date of order/ proceedings</b> | <b>Order with signatures of judge, and that of parties or counsel, where necessary.</b> |
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| 03) | 28.01.2020 | Mr. Mohsin Abbas, Advocate for petitioner.<br>Mr. Zohaib Hassan Gondal, State counsel with Murtaza, SI,. |
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**GHULAM AZAM QAMBRANI, J.** The petitioner [Hidayat ur Rehman] seeks post arrest bail in case FIR No.587 dated 13.11.2019, under section 377-B, PPC, registered at Police Station Golra Sharif, Islamabad.

2. Brief facts of the case are that the complainant [Syed Zain Ali] lodged a complaint against the petitioner stating therein that the accused took his brother Zulqarnain (mentally disordered); aged about 14 years, in a room, put off his shalwar and tried to commit sodomy with him, hence, the instant FIR.

3. Learned counsel for the petitioner submitted that prosecution case is highly doubtful, bogus and lacks tangible evidence; that the petitioner has not committed any offence and a false case has been lodged against him; that the offence does not fall within the ambit of prohibitory clause of Section 497 Cr.P.C.; that the petitioner is not a previous convicted in any criminal case and that prosecution case needs further probe into the matter.

4. On the other hand, learned State counsel vehemently opposed the grant of bail to the petitioner.

5. Arguments heard, record perused.

6. Tentative assessment of the record shows that the petitioner allegedly took the brother of the complainant in a room and attempted to commit sodomy with him but failed as the complainant and his father reached at the place of

occurrence. In case of any attempt, Section 511 PPC provides punishment for a term which may extends to one half of the longest terms of imprisonment provided for the offence. There is an affidavit on record, sworn by the complainant stating therein that they have settled the dispute with the accused and he does not want to pursue the case anymore and that if the accused is discharged of the case, he has no objection.

7. Perusal of the medical certificate of the victim does not disclose any sign or marks of violence on the person of the victim, which makes the case of the petitioner one of further inquiry. Furthermore, the petitioner is no more required to the prosecution for further investigation.

8. In view of the circumstances mentioned above, case of petitioner, *prima facie*, becomes that of further inquiry covered by subsection (2) of section 497 Cr.P.C. This petition is allowed and petitioner is admitted to post arrest bail subject to furnishing bail bonds in the sum of Rs.1,00,000/- (one lac) with one surety in the like amount to the satisfaction of learned Trial Court.

9. The observations made above are tentative in nature and are strictly confined to the decision of this bail petition only.

(GHULAM AZAM QAMBRANI)  
JUDGE

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