

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Misc. No. 557/B/2019.

Naziran Bibi

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.
	24.09.2019.	Mr. Muhammad Ashfaq Shahid, Advocate for petitioner. Barrister Ayesha Siddique Khan, State Counsel. Mian Saif Ullah, Advocate for respondent No.2. Tasneem ASI, P.S. Golra Sharif, Islamabad. Complainant in person.

Through this Crl. Misc. petition, the petitioner has applied for post-arrest bail in case FIR No.66, dated 04.02.2019, U/S 337-J/381/411/34 PPC, P.S. Golra Sharif, Islamabad.

2. As per the contents of FIR, complainant/ respondent No.2 Syed Bilal Firdous got lodged the instant FIR with the allegations that on 04.02.2019 his newly engaged domestic servant Shazia was present at complainant's home alongwith complainant's mother who after administering intoxicant to his mother, stole jewelry comprising of 06 bangles, 04 bracelets, 03 necklace, rings, I.D card, purse and cash Rs.50,000/- with 9mm pistol.

3. Learned counsel for the petitioner contends that petitioner has not been nominated in this case; that investigation has been completed and petitioner was sent to judicial custody after completion of physical

remand; that petitioner is behind the bars and is presently facing the trial; that one of the co-accused has been granted post-arrest bail on the basis of compromise and as such petitioner is entitled for benefit on the ground of further inquiry as well as on principle of consistency.

4. Conversely, learned counsel for the State as well as learned counsel for complainant/respondent No.2 contend that petitioner is habitual criminal who operated in gang which is apparent on record through CCTV footage; that four accused were arrested in this case, even recovery was effected; that petitioner was identified by the mother of complainant in Adyala Jail.

5. Arguments heard, record perused.

6. Tentative assessment of record reveals that petitioner was arrested in FIR No.66, dated 04.02.2019, U/S 337-J/381/411/34 PPC, P.S. Golra Sharif, Islamabad and was assigned the role of committing theft at the house of complainant after administering intoxicant to the mother of complainant. The petitioner got recovered some of the gold items stolen from the house of complainant, whereas co-accused was granted post-arrest bail on the basis of compromise with the complainant and the same does not create anything favourable for the petitioner. CCTV footage as well as photographic evidence confirms the role and presence of present petitioner.

7. The I.O has also produced copy of Forensic

Toxicology Analysis Report of the sample of Mst. Kaneez Akhtar/mother of complainant, which confirms the presence of Lorazepam in the urine and blood which is used as intoxicant by the accused including the petitioner for the commission of crime.

8. The petitioner was identified in Adyala Jail on 24.05.2019 and recovery of 16 tolas gold ornaments was effected on 19.05.2019 from the petitioner. Challan has been submitted in the Court and trial is in progress. The entire scenario discussed above *prima-facie* connect the petitioner with the alleged crime, even offence U/S 337-J PPC falls within the prohibitory clause of Section 497 Cr.P.C.

9. The petitioner alongwith co-accused after administering the intoxicant to the mother of complainant stole the valuable articles including the gold jewelry. Even otherwise, in such type of incident where robbery is committed after administering intoxicant to the owners of the house has to be seen as crime against the society. Challan has already been submitted in the Court and trial is likely to be concluded in near future, therefore, petitioner is not entitled for concession of post-arrest bail.

10. Keeping in view the above background, instant bail petition is devoid of merits and the same is hereby **dismissed**. However, while relying upon **2011 SCMR 1332 Rehmat Ullah V/s. The State and another** learned trial Court seized with the matter is directed to conclude

the trial within period of six months under intimation to
this Court.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid