

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

Criminal Misc. No. 995-B/2020  
Asim Gulfraz  
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.
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05.10.2020	Mr. Muhammad Shahzad Qureshi, Advocate for petitioner. Syed Shahbaz Shah, State Counsel. Sardar Muhammad Tariq Farid Gopang, learned ASC for respondent No.2/complainant. Rafaqat Hussain ASI with record.
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This is post-arrest bail petition by accused/petitioner (Asim Gulfraz) in F.I.R. No.116 dated 11.06.2019, under Section 377-B PPC, Police Station Shahzad Town, Islamabad.

2. According to the allegations set-forth in the F.I.R, on 11.06.2019, at about 04:30 pm, within the area of Frash Town, Islamabad a boy wearing maroon colour clothes, forcibly took away the son of the complainant Muhammad Shahwaiz, aged eight years to newly constructed shops, where he was sexually abused and during the course, the assailant tried to choke his neck but her son escaped.

3. Learned counsel for the petitioner contends that the petitioner is not nominated in the F.I.R; he is behind the bars for about thirteen months; is of tender age; punishment provided for the offence is up to seven years; that the investigation is complete and that mere involvement in other cases of like nature without conviction is no ground to refuse bail when the case, otherwise, calls for further inquiry.

Learned counsel placed reliance upon case law reported as PLD 2020 SC 356.

4. On the other hand, learned State Counsel assisted by learned counsel for respondent No.2/complainant states that the medical evidence corroborates the allegations while the victim duly identified the petitioner during identification parade; the offence alleged is heinous and cannot be taken lightly while pursuant to Criminal Law Amendment Act, 2018, the punishment of the offence has been enhanced to twenty years with fine, therefore, in presence of involvement in two other cases of like nature, petitioner is not entitled to the concession of bail. Reliance is placed on 2013 YLR 1603 (Lahore), 2009 SCMR 174 and PLD 2006 Lahore 302.

5. Arguments heard, record perused.

6. Record reveals that the occurrence of about 04:30 pm was reported to the police on that very day at about 06:00 pm while the M.L.R and the D.N.A reports support the version set-forth in the FIR. In addition, the alleged victim identified the petitioner during identification parade and had also given the details of the occurrence in his statement under section 161 Cr.P.C.

7. Moreover, pursuant to the Criminal Law Amendment Act, 2018, the punishment for the offence under Section 377-B PPC has been enhanced to *fourteen years which may be extended up to twenty years and with fine not less than one Million rupees* which falls within the ambit of prohibitory clause of Section 497 Cr.P.C.

8. In addition, it is also noticed that no enmity of the present complainant with the petitioner has been alleged. It is beyond imagination that why the real mother of a boy will stigmatize her own son in such like heinous offence.

9. Record further reveals that there were marks of violence on the neck of victim boy while pistol and knife, allegedly used during the occurrence, have been recovered from the accused/petitioner. Accused/petitioner is also involved in two other cases of like nature. The offence alleged is an offence against the society and, therefore, cannot be taken leniently.

10. The case laws relied upon by learned counsel entail distinct facts and circumstances, therefore, do not extend any help to the petitioner.

11. In view of above tentative assessment, the petitioner has not been able to make out a case of further inquiry, consequently, the instant bail petition is accordingly dismissed.

12. It is an admitted position that the challan has been submitted and the trial is likely to commence, therefore, while placing reliance upon case law reported as *Rehmatullah V. State (2011 SCMR 1332)*, the learned trial court is directed to conclude the trial of the case within a period of two months.

13. Needless to mention that this is tentative assessment for the purpose of this petition only, which shall not affect/influence trial of this case in any manner.

**(FIAZ AHMAD ANJUM JANDRAN)**  
**JUDGE**