

Form No: HCJD/C-121.

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

**Criminal Miscellaneous No.24/B of 2020**

**Rizwan Ali**

**VS**

**The State and another.**

<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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<b>04.02.2020.</b>	<b>Rana Nazim Khan Manj, Advocate for the petitioner. Mr. Musharaf Khan and Mr. Shafqat Ullah Khan, Advocates for respondent No.2/Complainant. Mr. Awais Haider Malik, learned State Counsel. Abdul Sattar, Inspector.</b>
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The petitioner, Rizwan Ali son of Muhammad Abbas, seeks bail after arrest in case F.I.R. No.185/19, dated 08.08.2019, for offence under Sections 302, 392, 411, 34 P.P.C. Police Station Secretariat, Islamabad.

2. The case of the prosecution against the petitioner is that a complaint was filed by respondent No.2, wherein it was alleged that his father had gone to buy goats for Eid-ul-Azha on 08.08.2019; in the afternoon he was informed by his cousin that his father has left for Islamabad with about 10 goats on a Suzuki Pickup car. When he did not arrive at the expected time the complainant contacted his cousin and made efforts to trace him, however, the dead body of his father was

found at Malwari Mor, Islamabad near Pir Sohawa.

3. The petitioner applied for bail after arrest, which was dismissed by the learned Additional Sessions Judge, Islamabad (West) on 03.01.2020, hence the petition.

4. Learned counsel for the petitioner, *inter-alia*, contended that the identification parade was not conducted in accordance with law; that the petitioner was identified by two persons Muhammad Nadeem and Jan Shair, however they did not describe the role of the petitioner; that the petitioner is neither the owner nor the driver of the Suzuki Pickup and as such has nothing to do with the matter. It was further contended that in the facts and circumstances the case against the petitioner is one of further inquiry. It was also submitted that the investigation stands concluded and the trial has commenced, hence the petitioner is not required for further investigation.

5. Learned State Counsel alongwith the counsel for the complainant, *inter-alia*, contended that in the identification parade the petitioner has been identified positively; that a pistol was recovered from him; that in the supplementary statement it was also the case that the deceased carries sum of Rs.450,000/, which was stolen; that the trial is at an

advanced stage inasmuch as there are twenty (20) witnesses out of which the evidence of 11 have been recorded and the case is pending before the Model Court, hence it is expected that the same would be concluded soon.

6. Arguments advanced by learned counsel for the parties have been heard and the documents placed on record examined with their able assistance.

7. The petitioner is imputed with offences mentioned hereinabove. Though, both sides argued the case on merit but this Court was also informed that the trial has commenced and out of twenty (20) witnesses, evidence of eleven (11) witnesses have been recorded, hence it is an advanced stage. Moreover, the case is pending before the Model Courts, therefore, it is expected that the trial would be concluded soon.

8. In this view of the matter at this stage it is inappropriate to interfere and enlarge the petitioner on bail.

9. For the above reasons, the instant petition is **dismissed**.

**(AAMER FAROOQ)**  
**JUDGE**