

ORDER SHEET.

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

Criminal Misc. No. 671/B/2019.

Muhammad Imran

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. |
|-------------------------------------|-----------------------------------|--|
| | 30.10.2019. | Mr. Tariq Mehmood Butt, Advocate for petitioner. Ms. Saima Naqvi, State Counsel. Ch. Hafeez Ullah Yaqoob and Mr. M. Aslam, Advocates alongwith complainant/ respondent No.2. Iftikhar Ali, S.I, P.S. Bani Gala, Islamabad. |

Through this CrI. Misc. petition, the petitioner has applied for post-arrest bail in case FIR No.207, dated 05.10.2018, U/S 324/336/337-(ii) PPC, P.S. Bani Gala, Islamabad.

2. Brief facts referred in the above mentioned FIR got lodged by complainant/respondent No.2 Rameez Ayub are that he is resident of Rawal Town, Islamabad and Muhammad Imran is his old friend, who called him on 05.10.2018 at about 06:00 p.m. to visit him near Chak Shahzad stop for the purpose of selling of goat in the Jungle Area, Dhoke Parri and when he reached near Jungle Area, katcha path, he has gone to attend a call of nature when Imran pointed pistol toward him and fired upon him which hit on his face and Imran fled away from the scene.

3. Learned counsel for the petitioner contends that petitioner is innocent and has falsely been implicated in

this case as there is no source of light referred in the said incident and no motive has been alleged to involve the petitioner; that investigation has been completed and petitioner is no more required for the purposes of investigation.

4. Conversely, learned State Counsel as well as learned counsel for complainant contends that petitioner is directly nominated with specific role and as such challan has been submitted in the Court, therefore, he is not entitled for concession of bail.

5. Arguments heard, record perused.

6. Tentative assessment of record reveals that petitioner has been nominated as accused in case FIR No.207, dated 05.10.2018, U/S 324/336/337(ii) PPC, P.S. Bani Gala, Islamabad. The petitioner has been assigned specific role of causing firearm injury upon the face of respondent No.2, aged about 30 years, who has received an entry wound of firearm on his left cheek due to which his facial nerve was damaged and said firearm injury exit from posterior triangle of the neck. The complainant remained in hospital for a considerable time. Investigation has been completed, one firearm empty was recovered from place of occurrence and weapon of offence was also recovered on the pointation of petitioner on 14.10.2018. Charge was framed against the accused/petitioner on 28.03.2019, however, trial has not yet concluded.

7. The petitioner is *prima-facie* connected with the

hideous offence of attempt to murder by causing firearm injury on the vital part of body of the complainant which is apparent from medical evidence. The offence with which petitioner has been charged falls within the prohibitory clause of Section 497 Cr.P.C. and as such there is no ground of further inquiry available on record, even in such type of situation where charge has been framed and all the witnesses are available, bail could not be granted as it would amount to further trivialize the matter. Therefore, petitioner is not entitled for concession of bail 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 on or before 30.06.2020, under intimation to this Court.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid