

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Misc. No. 577/B/2019.

Muhammad Asif Bakhsh

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.
	26.09.2019.	Mr. Irfan Hussain, Advocate for petitioner. Mr. Fareed Hussain Kaif, State Counsel. Complainant/ respondent No.2 in person. Haider, ASI, P.S. Karachi Company, Islamabad.

Through this Crl. Misc. petition, the petitioner has applied for post-arrest bail in case FIR No.417, dated 07.11.2018, U/S 392/411 PPC, P.S. Karachi Company, Islamabad.

2. Brief facts referred in the instant FIR registered on the complaint of Hamad Ali Khan/respondent No.2 are that he was deprived of his motorcycle No. AHP-108-ICT Honda 125 CC on 07.11.2018 on gun point in the blue area by two persons.

3. Learned counsel for the petitioner contends that petitioner is innocent and has falsely been implicated in this case; that investigation has been completed and petitioner is no more required for the purposes of investigation; that petitioner is juvenile of 16 years of age, who is student of 9th class; that motorcycle snatched in the alleged incident was recovered from the co-accused; that challan has been submitted in the Court and trial has not yet been commenced.

4. Conversely, learned State Counsel alongwith complainant contend that petitioner was identified during the course of identification parade and he is involved in three other cases of similar nature registered at Police Stations Industrial Area and Karachi Company; that challan has been submitted in the Court and trial will be commenced in near future, therefore, petitioner is not entitled for concession of post-arrest bail.

5. Arguments heard, record perused.

6. From the cursory glimpse of record, it reveals that snatched motorcycle was recovered from co-accused Anjum in this case who was arrested on 24.03.2019, whereas petitioner was arrested on 29.06.2019 and identified by the complainant during the course of identification parade held on 05.07.2019. Challan has been submitted in the Court, however, trial has not yet been commenced. The record of NADRA as well as birth certificate issued by CDA reveals that petitioner was borne on 07.12.2002 and is approximately 17 years of age, therefore, case of petitioner falls within the parameters of Juvenile Justice System Act, 2018 and as such privileges available to the petitioner being juvenile is protected under the law and entitled for concession of bail.

7. Even otherwise, the snatched motorcycle of the complainant was recovered from co-accused, as such the ground of further inquiry is apparent on record and case of the petitioner falls within the purview of

Section 497(2) Cr.P.C. The petitioner is admittedly student of 9th class, therefore, while considering the exceptions of Section 497 Cr.P.C., instant post-arrest bail application is allowed, subject to furnishing of bail bonds in sum of Rs.2,00,000/- (Rupees Two Lac only) with one surety in the like amount to the satisfaction of learned trial Court.

8. It is pertinent to mention here that the petitioner through the instant Crl. Misc. petition has sought bail after arrest in case FIR No.417, dated 07.11.2018, U/S 392/411 PPC, P.S. Karachi Company, Islamabad, whereas from the police record, it reflects that vide daily diary No.22 offence U/S 201 PPC has also been added, therefore, as the petitioner has already been admitted to post arrest bail in offences U/S 392/411 PPC, therefore, he is also admitted to post-arrest bail in offence U/S 201 PPC subject to furnishing of above referred bail bonds.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid