

Form No: HCJD/C-121.

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

**Criminal Miscellaneous No.667/B of 2020**

**Gul Saddique**

**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>
	<b>12.05.2020.</b>	<b>Sardar Muhammad Tariq Fareed Gopang, Advocate for the petitioner. Mian Moazzam Habib, Advocate for respondent No.2/Complainant. Mr. Tofeeq-ul-Irfan Raja, learned State Counsel. Saifullah, S.I.</b>

The petitioner, Gul Saddique S/o Aziz Ullah, seeks bail after arrest in case F.I.R. No.465/19, dated 21.11.2019 under Sections 302, 397, 34 P.P.C., Police Station Karachi Company, Islamabad.

2. The case of the prosecution against the petitioner is that on the complaint of respondent No.2, the above-mentioned F.I.R. was registered. It was alleged in the complaint that the brother of the complainant was sitting in green belt at G-9/1 Islamabad alongwith his friend namely Alina when unknown persons fired at him as a result of which he died.

3. The petitioner applied for bail after arrest before the Additional Sessions Judge

(West), Islamabad, which was dismissed, vide order dated 15.02.2020.

4. Learned counsel for the petitioner, *inter-alia*, contended that the petitioner is not nominated in the F.I.R.; that there is no incriminating evidence against him; that the sole basis for implicating the petitioner in the case is the recognition of the petitioner in the identification parade by Alina; that the alleged recovery effected from the petitioner is not valid; that the identification parade was conducted after one week of the arrest of the petitioner. It was further contended that since the investigation stands concluded, hence the petitioner is not required for further investigation and also under the facts and circumstances the case against the petitioner is one of further inquiry.

5. Learned State Counsel alongwith the counsel for the complainant, *inter-alia*, contended that the petitioner has been positively identified in the identification parade with a specific role. In this behalf, it was submitted that Mst. Alina identified the petitioner as one on the motorbike; that wallet of the deceased was recovered from the house of the petitioner; that in the investigation the petitioner has been found guilty; that the trial has already commenced.

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 implicated in the offence mentioned hereinabove. Admittedly, he is not nominated in the F.I.R., however, he was arrested on 05.12.2019. The identification parade was conducted on 13.12.2019 in which Alina, who is the eye witness of the case, identified the petitioner as one of the assailants. In the identification proceedings, the role of the petitioner has been specifically mentioned. Wallet of the deceased was recovered from the house of the petitioner and the argument on behalf of the petitioner that the same was implanted is to be examined in detail during the course of trial.

8. Report under Section 173 Cr.P.C has been filed and the trial has already commenced, hence at this stage I am not inclined to grant the concession of bail to the petitioner.

9. In view of the above, the instant petition is **dismissed**.

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