

## **ORDER SHEET.**

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

**Criminal Misc. No. 707/B/2019.**

Javed Ahmed alias Tanoli

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.
	28.11.2019.	Mr. Muhammad Shehzad Qureshi, Advocate for petitioner. Barrister Ayesha Siddique Khan, State Counsel. Suleman Shah, S.I, P.S. Golra Sharif, Islamabad.

Through this Crl. Misc. petition, the petitioner has applied for post-arrest bail in case FIR No.48, dated 23.01.2019, U/S 395/412/400/109 PPC, P.S. Golra Sharif, Islamabad.

2. Brief facts referred in the above mentioned FIR got lodged by complainant/respondent No.2 Mst. Shaheen Bano are that on 23.01.2019 at about 04:30 p.m. her tenant Waqalat called her on the upper story to open the door, when she opened the door four young boys came alongwith pistol inside the house and pointed gun towards her head, whereas one of the co-accused pointed pistol upon her minor daughter Momina and snatched jewelry comprising of four gold sets of 36 tola, earrings, rings, 18 bangles, 02 karay weighing 60 tola as well as cash Rs.1,00,000/- alongwith title documents of the land and tablet during the course of alleged dacoity.

3. Learned counsel for the petitioner contends that petitioner has not been nominated in this case directly

and he has been involved with malafide and even description of dacoits given in the FIR does not match with the petitioner who is more than 50 years of age; that petitioner was arrested on 09.04.2019 and has almost spent 06 months behind the bars, however, trial has not yet been commenced.

4. Conversely, learned State Counsel alongwith I.O contends that petitioner has been identified in this case during the course of identification parade, even recovery has been effected from the petitioner and challan has been submitted in the Court; that in such type of cases bail could not be granted.

5. Arguments heard, record perused.

6. Tentative assessment of record reveals that complainant/respondent No.2 alleged that four unknown persons alongwith Waqalat (her tenant) entered into her house and on gunpoint snatched gold jewelry comprising of different gold sets, bangles, earrings, rings, tablet, cash alongwith title document of the properties. It has further alleged that two of the accused persons have pointed pistols upon the complainant as well as on her daughter.

7. The record shows that petitioner was arrested by the local police on 09.04.2019 and he has been sent to judicial lockup for identification parade, whereby complainant identified him during the course of identification parade held on 23.04.2019 and even petitioner got recovered two gold bangles, necklace and

*karra* belonging to the complainant on 09.05.2019, where-after challan has been submitted in the Court on 02.06.2019. The police arrested five co-accused in this case and even it has been apprised that six other criminal cases of similar nature have been registered against the petitioner. The offence with which petitioner has been charged falls within the prohibitory clause of Section 497 Cr.P.C. and as such granting bail at this stage would further trivialize the matter.

8. Petitioner is involved in hideous crime which creates panic in the society at large. Investigation *prima-facie* connects the petitioner with the alleged crime. In such type of situation where challan has been submitted in the trial Court and trial is likely to be commenced, bail could not be granted. Reliance is placed upon 2011 SCMR 1332 (Rehmat Ullah Vs. The State), therefore, instant post-arrest bail application is hereby dismissed and learned trial Court seized with the matter is directed to conclude the trial within period of six (06) months under intimation to this Court

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**