

HCJD/C-121
ORDER SHEET

ISLAMABAD HIGH COURT
ISLAMABAD

Crl. Misc. No. 842-B of 2020.

Maqbool Ahmed.

VERSUS

The State, etc.

S.No. of order/ Proceeding	Date of hearing	Order with signature of Judge, and that of parties or counsel, where necessary.
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03. 06.08.2020. Raja Rizwan Abbasi, Advocate for the
petitioner.
Syed Zain-ul-Haq, Advocate for the
complainant.
Malik Talha Ahmed Rahim, State Counsel.
Mr Turab-ul-Hassan, SI with record.

The petitioner Maqbool Ahmed son of Manzoor Ahmed has
sought post-arrest bail in case, FIR No. 183, dated 23.04.2018, registered
under sections 376 and 364-A of Pakistan Penal Code, 1860 (hereinafter
referred to as "**PPC**") at Police Station Abpara, Islamabad.

2. Brief facts as narrated in the FIR are that on 23.04.2018, the
complainant's daughter namely, Ms Misbah Laraib aged 13 years, did not
return from school. It was alleged that some unknown persons had
abducted her. Hence, the instant case.

3. The learned counsel for the petitioner has contended that;
this is third bail petition of the latter on statutory ground; the petitioner is
innocent and has been maliciously involved in the instant case; due to

Covid-19, the trial of the case was suspended and its conclusion is not in sight; the petitioner has been incarcerated in the instant case for more than two years and is, therefore, entitled to the concession of bail under section 497(3) of Cr.P.C.; there has been significant progress in the instant case after the arrest of the petitioner; delay in conclusion of trial cannot be attributed to the present petitioner; the petitioner is entitled to the concession of bail on statutory ground; the victim was medically examined and the report does not confirm the alleged offence; offences are not attracted against the petitioner; investigations qua the petitioner have been completed and he is no more required for the purposes thereof; the victim had not named the petitioner in her statement recorded under section 164 of Cr.P.C.; the petitioner has no criminal record; there is no chance of abscondance of the petitioner or tampering with the prosecution evidence; hence prayed for the grant of post arrest bail.

4. The learned State Counsel assisted by the learned counsel for the complainant appeared alongwith Turab-ul-Hassan, SI. They have opposed the grant of bail. It was argued that; the victim has not exonerated the petitioner from commission of the offences; the petitioner has been attributed a specific role in commission of the offences; the DNA and ossification tests reports do not state /mention that the petitioner has not committed the offences; the petitioner has committed a heinous offence and is not entitled for concession of bail; report under section 173 of Cr.P.C. has been submitted before the learned trial Court; charge against the petitioner was framed on 19.03.2019 and so far nine

prosecution witnesses have been examined; trial of the case is expected to conclude shortly; hence prayed for dismissal of instant bail petition.

5. The learned counsels for the parties have been heard and record perused with their able assistance.

6. This is the third bail petition filed by the petitioner. The petitioner is seeking bail on statutory ground. Earlier petitions were dismissed vide orders, dated 30.08.2018 and 24.02.2020. There is sufficient material brought on record to, prima facie, connect the petitioner with the commission of the offence. The gravity of the offence raises concerns that if released on bail the petitioner may repeat the offence. Nine witnesses have already been examined. This court has been informed that the remaining three witnesses will be produced before the court so that trial can be concluded at the earliest.

7. In the facts and circumstances of the case in hand, this Court is not inclined to extend the concession of bail, hence the same is hereby ***dismissed***.

Needless to mention that the observations recorded in the instant petition are based on tentative assessment, which will obviously not prejudice the proceedings before the learned trial Court.

(CHIEF JUSTICE)

Asad K/*