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HCJD/C-121
ORDER SHEET

ISLAMABAD HIGH COURT
ISLAMABAD

Crl. Misc. No. 945-B of 2018.

Muhammad Irfan

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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08-01-2019. Raja Haider Ali Advocate, for the petitioner.
Mirza Irfan Ghazanfar Advocate, for the complainant.
Mr Rabi Bin Tariq, State Counsel.
Mr Muhammad Hanif, S.I/I.O. with record.

The petitioner Muhammad Irfan son of Muhammad Ramzan has sought post arrest bail in case FIR No. 361, dated 06-09-2018, registered under sections 324, 148 and 149 of Pakistan Penal Code 1860 (hereinafter referred to as "**PPC**") at Police Station Bhara Kahu, Islamabad.

2. Brief facts as narrated in the FIR are that on 06-09-2018 at about 11:00 a.m. the accused/petitioner alongwith others had fired indiscriminately outside the complainant's house. Earlier another criminal case was registered wherein the petitioner is one of accused. Hence, the FIR.

3. The learned Counsel for the petitioner has contended that; the latter is innocent and has been falsely implicated in the instant false, fabricated and baseless case with malafide intention; the petitioner has not been ascribed specific role and the story of the FIR is concocted; no incriminating material has been recovered either from possession or on pointation of the petitioner; involvement of the petitioner is highly doubtful, therefore, it is the case of further inquiry; there is nothing on the record which could connect the accused / petitioner with the commission of the alleged offence; the petitioner has been incarcerated for the last one and half month; investigations qua the petitioner have been completed and he is no more required for the purposes of further investigations; hence urges for the grant of bail. Reliance is placed on the case "*Qurban Ali v. The State and others*" [2017 SCMR 279].

4. The learned State Counsel and the learned Counsel for the complainant have appeared alongwith Muhammad Hanif, Sub Inspector. They have opposed the grant of bail. It has been alleged that; the petitioner is involved in the commission of the offence; he is also an accused in a case relating to murder of the complainant's son; empties were recovered from the place of occurrence; there is previous enmity between the parties and the alleged attack was intended to temper with evidence and intimidate the complainant so as to pressurise her to enter into a compromise; the petitioner is a hardened, and desperate criminal; they have, therefore prayed for the dismissal of the instant petition.

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

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6. It is an admitted position that son of the complainant was murdered and FIR No. 312/2018, dated 29-07-2018, was registered. The petitioner is one of the accused in the said case. It is alleged that while he was enjoying pre-arrest bail in the said case, he alongwith others had fired indiscriminately outside the house of the complainant so as to intimidate her with the intent of forcing her to enter into a compromise. The petitioner is nominated in the FIR. There is sufficient incriminating material placed on record to refuse the concession of bail. Moreover, it cannot be ruled out that if released on bail the petitioner may tamper with evidence and subvert the course of justice.

7. In the circumstances, a case for extending the concession of bail is not made out. The present petition is, therefore, accordingly, ***dismissed.***

Needless to mention that this is a tentative assessment, which shall not affect the trial of this case in any manner.

(CHIEF JUSTICE)

Tanveer Ahmed.