

## **ORDER SHEET.**

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

**Criminal Misc. No. 658/B/2019.**

Israr Ahmed

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.
	04.11.2019.	Ch. Talat Mehmood Anjum, Advocate alongwith petitioner. Mr. Fareed Hussain Kaif, State Counsel. Mr. Shaukat Mehmood Malik, Advocate for respondent No.2. Ijaz Cheema, S.I, P.S. Bani Gala, Islamabad.

Through this Crl. Misc. petition, the petitioner has applied for pre-arrest bail in case FIR No.195, dated 19.07.2019, U/S 337-F(iii)/506(ii)/148/149 PPC, P.S. Bani Gala, Islamabad.

2. Brief facts referred in the above mentioned FIR got lodged by complainant/respondent No.2 Azhar Mehmood are that on 14.07.2019, he alongwith his father was cultivating crops in his own land with the help of tractor when Muhammad Qadeer armed with .30 bore pistol raised lalkara and extended threats that if any person cultivated the land he will be done to death and assaulted the complainant with the help of dandas, whereas Israr armed with hatchet, Muhammad Sayyab and Afzaal Ahmed armed with dandas also gave blow to the complainant as a result whereof he fell down whereas Israr gave hatchet blow on his leg.

3. Learned counsel for the petitioner contends that

petitioner is innocent and has falsely been implicated in this case; that bare reading of FIR reveals that FIR was lodged with delay after consultation and as such co-accused has been granted post-arrest bail, who was armed with dandas and as such the role of petitioner is also shrouded in mystery when no sharp edge injury has been alleged in the medical report of the complainant; that it is a case of further inquiry which has been lodged with malafide intention in order to settle the score with present petitioner as there is civil dispute pending before the Court of law between the parties.

4. Conversely, learned State Counsel as well as learned counsel for complainant contends that there is no denial that instant incident did not take place and presence of petitioner is verified, whereas he was armed with hatchet and gave blow on the leg of the complainant.

5. Arguments heard, record perused.

6. Tentative assessment of record reveals that petitioner has been nominated as accused in case FIR No.195, dated 19.07.2019, U/S 337-F(iii), 506(ii), 148, 149 PPC, P.S. Bani Gala, Islamabad. The petitioner has been assigned specific role of causing single hatchet blow on the leg of complainant. Although petitioner's side has denied such event but different statements recorded by the I.O in this case reflect that petitioner was present at the scene of occurrence, even medical evidence of Azhar

Mehmood reflects the injury as lacerated wound 5x1 cm muscle deep on left leg below left knee where stitches were applied. As such question of malafide is not apparent and by granting pre-arrest bail to the petitioner at this stage would further trivialize the matter and I.O would be precluded from recovery of weapon of offence, even petitioner has failed to justify any malafide on record.

7. The ocular and medical evidence is in line which *prima-facie* connects the petitioner with the alleged incident for causing injury on left leg of complainant, therefore, petitioner is not entitled for concession of bail and the same is hereby **dismissed** and ad-interim pre-arrest bail granted to the petitioner vide order dated 18.10.2019 is hereby **recalled**.

(MOHSIN AKHTAR KAYANI)  
JUDGE

Zahid