

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

Criminal Miscellaneous No.29/2020

Ahsan Akhlaq
Vs.
The State and another

S.No. of order/ proceeding	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
(02)	24.01.2020	Mr.Mohsin Khan Abbasi, Advocate alongwith petitioner in person. Mr. Zohaib Hassan Gondal, State Counsel. Chaudhary Noor.M.Ullah, A.S.I.

Through instant petition, petitioner seeks bail before arrest in F.I.R No.512 dated 19.11.2019, offence under section 420, 468, 471 PPC, registered with Police Station Tarnol, Islamabad.

2. Briefly stated facts of the case are that on 19.11.2019, A.S.I Noor Muhammad lodged F.I.R No.512/2019, with ACLC, Islamabad with the averments that on that day, at about 10:20am they were checking the vehicles at Peshawar Road, Tarnol; in the meantime, Toyota Corolla Car bearing registration No.LEA-3773 Engine No.3156888 Chassis No.ZZE122-9302453 came from Rawalpindi side which was signaled to stop. On checking, the driver disclosed his name as Muhammad Mansoor Khan, resident of Rawalpindi. On checking, the chassis number of the vehicle was found suspected. On query, the above mentioned person could not produce any registration book of the said vehicle, thereafter the vehicle was impounded under section 550 Cr.P.C. It has been further alleged that after recording Rapt. No.18 dated 14.10.2019, the vehicle was sent to the Forensic Science

Laboratory, Islamabad, where it was found that the chassis numbers of the vehicle were tempered.

3. Learned counsel for the petitioner contends that petitioner has been falsely involved in the case with ulterior motive; that the petitioner is a bonafide purchaser of the said vehicle which was purchased from one Muhammad Faqir Hussain through an Iqrar Nama dated 07.04.2018, which is part of the record; that there is no evidence on record to connect the petitioner with the commission of the alleged offence; that the offences under Section 420, 471 PPC are bailable; that section 468 PPC does not attract in the matter and also punishment of the offence under Section 468 PPC does not fall within prohibitory clause of Section 497 Cr.P.C.

4. On the other hand, learned State counsel vehemently opposed the instant petition on the ground that the petitioner is involved in the commission of offence and prayed for rejection of the petition.

5. Heard arguments of the learned counsel for the parties and perused the available record.

6. The date of occurrence has been mentioned as 14.10.2019 whereas F.I.R has been registered on 19.11.2019 with an inordinate and unexplained delay of more than one month. Perusal of the record further reveals that the petitioner is a bonafide purchaser of the vehicle in question vide agreement dated 07.04.2018 duly witnessed by the marginal witness. The record further transpires that on the very beginning date, the above stated Muhammad Mansoor Khan was not arrested, the vehicle was

impounded under Section 550 Cr.P.C and thereafter again he was called by the police for explanation wherein he stated that the vehicle is the ownership of petitioner and the petitioner produced the original registration book of the vehicle in question, which is on the record and original Iqrar Nama/sale deed of the vehicle. The record is silent about the genuineness of registration book. Tentative assessment of the record shows that there is no evidence on record to connect the petitioner with the commission of alleged offences. Petitioner is not nominated in the F.I.R. *Prima facie*, petitioner is entitled to the grant of bail before arrest as the case of petitioner falls within the ambit of further inquiry under Section 497 (2) Cr.P.C. The alleged offences under Sections 420, 471 PPC are bailable in nature and the punishment provided for the alleged offence under Section 468 PPC does not fall within prohibitory clause of 497 (2) Cr.P.C. Therefore, I accept the instant petition for grant of bail before arrest and confirm the ad-interim pre-arrest bail already granted to the petitioner by this Court vide order dated 16.01.2020. He is present in Court. He is directed to associate with the investigation agency as and when required.

~~(GHULAM AZAM QAMBRANI)~~
JUDGE

Rana.M.Ift*