

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD. JUDICIAL DEPARTMENT.

Criminal Misc. No. 738/B/2019.

Muhammad Abbas Siddique & another

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. Sajjad Haider Malik, Advocate alongwith petitioners. Barrister Ayesha Siddique Khan, State Counsel. Abdul Qadir, husband of complainant in person. Mukhar Ahmed, ASI, P.S. Karachi Company, Islamabad.

Through this Crl. Misc. petition, the petitioners Muhammad Abbas Siddique and Muhammad Bilal Siddique have applied for pre-arrest bail in case FIR No.403, dated 14.03.2019, U/S 337-A(i)/337-F(i)/354/452 PPC, P.S. Karachi Company, Islamabad lodged on the complaint of respondent No.2 Mst. Kaneez Fatima, who alleged that her husband Molana Abdul Qadir has an altercation with Abbas and his brother Bilal in Masjid, who later on assaulted the complainant and her daughters at her home in which complainant's clothes were torn and she and her daughters were injured, who received injuries at the hands of petitioners.

2. Learned counsel for the petitioners contends that instant FIR has been lodged with malafide, no such incident took place in the home as stated by the complainant and both the parties are close relatives *inter-se*; that complainant and her husband intend to

dispossess the petitioners alongwith their family from the house which is jointly in the possession of both the parties; that civil litigation is pending between the parties before the Courts of law and as such the very registration of FIR is based on malafide.

3. Conversely, learned State Counsel alongwith complainant's husband contend that petitioners have been nominated with specific role, who are real nephews of complainant's husband; that ocular account is corroborated with medical evidence, even torn shirt of complainant is with police and sticks which were used by the petitioners have yet to be recovered, therefore, petitioners are not entitled for concession of bail.

4. Arguments heard, record perused.

5. Tentative assessment of record reveals that both the petitioners have been nominated as accused in case FIR No.403, dated 14.03.2019, U/S 337-A(i)/337-F(i)/354/452 PPC, P.S. Karachi Company, Islamabad, lodged on the complaint of respondent No.2, who has nominated both the accused with specific role of causing injuries to complainant as well as her daughters and also alleged that clothes of complainant have been torn during the said incident by the petitioners.

6. The MLR available on record reflects that complainant Mst. Kaneez Fatima and her daughter Momina Qadir received injuries, although the injuries are *Shajjah-e-Khafifah* and *Shajjah-e-Damia* but it *prima-facie* linked the petitioners with the alleged occurrence

and role ascribed in the complaint to the petitioners. The torn shirts of Kalsoom Bibi and Amina Bibi have also been recovered by police vide recovery memo dated 14.11.2019, which further linked the petitioners with the alleged crime of Section 354 PPC as such the element of malafide and further inquiry is not visible on record. By granting pre-arrest bail at this stage would hamper the investigation agency and I.O of this case shall be precluded from the recovery of weapon of offence, therefore, in this backdrop, instant pre-arrest bail application is hereby dismissed and ad-interim pre-arrest bail granted to the petitioners by this Court vide order dated 21.11.2019 is hereby recalled.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid