

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Misc. No. 525/B/2019.

Noor Raheem

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.
	20.08.2019.	Mr. Muhammad Jahangir Khan, Advocate for petitioner. Ms. Saima Naqvi, State Counsel. Anwer Zeb, ASI. P.S. Tarnol, Islamabad.

Through this Crl. Misc. petition, the petitioner has applied for post-arrest bail in case FIR No.24, dated 18.01.2019, U/S 392/411 PPC, P.S. Tarnol, Islamabad.

2. Brief facts referred in the instant case FIR got lodged by the complainant/respondent No.2 are that he alongwith his friend Wahid was going towards hotel on 16.01.2019 at about 08:00 p.m. when they were stopped by two young boys on CD 70 motorcycle armed with pistol and snatched mobile phone and fled away from the scene. The motorcycle on which alleged accused fled away has been identified as RIR-6256.

3. Learned counsel for the petitioner contends that investigation has been completed against the petitioner, challan has been submitted in the Court but trial has not yet been commenced; that petitioner is entitled for concession of post-arrest bail as all the allegations have to be proved by the prosecution during the trial; that

petitioner is behind the bars since 10.02.2019.

4. Conversely, learned State Counsel contends that petitioner has been identified during the course of identification parade; that pistol and mobile has been recovered alongwith motorcycle which was used in the incident and said motorcycle belongs to present petitioner.

5. Arguments heard, record perused.

6. Tentative assessment of record reveals that petitioner has been arrested in criminal FIR No.24, dated 18.01.2019, U/S 392/411 PPC, P.S. Tarnol, Islamabad, who has allegedly snatched mobile phone from the complainant on gun point alongwith his co-accused. The pistol used by the petitioner was also recovered alongwith mobile as well as motorcycle allegedly used in the said crime bearing No.RIR-6256, which belongs to the petitioner and as such petitioner is *prima-facie* connected with the alleged crime.

7. The petitioner has also been identified during the course of identification parade. Challan has been submitted in the Court on 18.07.2019, even another FIR No.65, U/S 13/20/65 AO has also been registered against the petitioner. The petitioner is connected with hideous crime of armed robbery which falls within the prohibitory clause of Section 497 Cr.P.C., as such no ground of post-arrest bail in favour of petitioner comes on record, therefore, instant post arrest bail petition is hereby **dismissed** and while relying upon **2011 SCMR**

1332 (Rehmatullah Vs. The State) learned trial Court seized with the matter is directed to conclude the trial within period of 06 months under intimation to this Court.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid