

ORDER SHEET
ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

Criminal Misc. No.87-B/2020

Tasneem ul Haq
Versus
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. |
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| 27.02.2020 | Malik Amir Dad Awan, Advocate for the petitioner. Mr. Umar Ali Satti, Advocate for the complainant. Mr. Zohaib Hassan Gondal, State Counsel alongwith Altaf, Sub-Inspector. |
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GHULAM AZAM QAMBRANI, J.:- The petitioner namely, Tasneem-ul-Haq s/o Ikram-ul-Haq Hasni, seeks his post arrest bail in case F.I.R No.131/2019, dated 22.10.2019 registered under Sections 324/34, 337(D), 337-A (ii), 337-F (ii) Pakistan Penal Code, 1860, at Police Station Shams Colony, Islamabad.

2. Briefly stated the facts of the prosecution case are that on 22.10.2019, the complainant alongwith his father and cousin were sitting on his shop situated at Al-karam Plaza at about 06:50 p.m. In the meanwhile, two vehicles came and stopped in front of his shop. The accused while armed with 30-bore pistol along with his accomplice alighted from the vehicle. The petitioner/accused started firing upon his father, which hit on his different parts. The other accomplice of the accused namely, Tariq while

armed with repeater 12-bore also aimed gun over them. Motive behind the occurrence is that the elder brother of the complainant took a vehicle from the petitioner and an amount of Rs.1.5 million is outstanding against him. Hence the instant case.

3. The learned counsel for the petitioner has contended that; the petitioner has been falsely involved in the instant case with malafide intention of the complainant; the instant case has been registered against the petitioner in connivance with the local police; the witnesses are *inter se* related to each other and interested witnesses therefore, they have given false statements against the petitioner; investigation qua the petitioner has been completed and he is no more required for the purposes thereof; story as narrated in the FIR is concocted; no specific role or injury has been attributed to the petitioner; the petitioner has not committed the alleged offences; offences are not attracted against the petitioner; no incriminating material was recovered from the petitioner; recovery is fake and planted; there is no direct or indirect evidence against the petitioner; involvement of the petitioner in the instant case is highly doubtful; there is nothing on record which could connect the petitioner with the commission of the alleged offences; the petitioner has been

incarcerated since his arrest; further incarceration of the petitioner will not serve any useful purpose; the case against the petitioner is that of further probe; hence urges for the grant of bail.

4. Conversely, the learned State Counsel assisted by the learned counsel for complainant has vehemently opposed the contentions raised by the learned counsel for the petitioner and contended that; the petitioner is nominated in the F.I.R with a specific role; recovery has been effected from the possession of the petitioner; sufficient incriminating material is available on record to connect him with the commission of the offences; empties were recovered from the place of occurrence; hence prayed for the dismissal of the instant bail petition.

5. I have heard the learned counsels for the parties and have perused the record with their able assistance.

6. Perusal of the record reveals that the petitioner is attributed direct role of firing at the father of complainant namely, Fazal Umer, as a result of which he sustained multiple injuries. The petitioner is specifically nominated in the FIR. Report under section 173 of Cr.P.C. has been submitted before the learned trial Court and the trial is about to start shortly. As per medical certificate, multiple entrance

and exit wounds have been received to the injured. Recovery has been affected from the petitioner. There is sufficient incriminating material placed on the record to refuse the concession of bail. Offences under section 324 and 337-D of PPC fall within the prohibitory clause of section 497 of Cr.P.C. As opined in the report of National Forensic Science Agency, the alleged recovered pistol from the possession of the petitioner is in proper working order and the crime cartridges cases CI-06A0565 to C3-06A0565 belongs to one group.

7. In view of above, the instant bail application is without merit and is hereby **dismissed**.

8. It is needless to mention here that the observations made hereinabove are tentative in nature and shall not design to influence the trial.

(GHULAM AZAM QAMBRANI)
JUDGE

Rana M.Jt.*