

HCJD/C-121
ORDER SHEET

ISLAMABAD HIGH COURT
ISLAMABAD

Crl. Misc. No. 935-B of 2020.

Muhammad Imran.

VERSUS

The State, etc.

S.No. of order/ Proceeding	Date of hearing	Order with signature of Judge, and that of parties or counsel, where necessary.
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03. 10.09.2020. Mr Ghulam Nabi Balouch, Advocate for the petitioner.
Ms Fouzia Akbar Cheema, Advocate for the complainant.
Mr Rabi bin Tariq, State Counsel.
Mr Asjad Mehmood, SHO, Mr A. Hameed, SI and Mr Nawab Khan, I.O. with record.

The petitioner Muhammad Imran son of Muhammad Ibrahim has sought post-arrest bail in case, FIR No. 365, dated 27.06.2020, registered under section 496-A/34 of Pakistan Penal Code, 1860 (hereinafter referred to as "**PPC**") at Police Station Koral, Islamabad.

2. Brief facts as alleged in the FIR are that on 25.06.2020, the complainant had reported that the petitioner and other co-accused had abducted his daughter and another relative. Hence, the instant FIR.

3. The learned counsel for the petitioner has contended that; the latter is innocent and has been falsely involved in the instant case with malafide intention and ulterior motives; there is contradiction in the statement of the complainant; the petitioner has not abducted daughter

of the complainant; the petitioner has no criminal record; offence is not attracted against the petitioner; during physical remand no recovery was affected from the petitioner; there is no independent witness of the alleged occurrence; offence does not fall within the prohibitory clause of section 497 of Cr.P.C.; the petitioner has been incarcerated for more than two months; investigations qua the petitioner have been completed and he is no more required for the purposes thereof; further incarceration of the petitioner will not serve any useful purpose; there is two days delay in registration of the instant FIR; story as narrated in the FIR is false, frivolous and vexatious; report under section 173 of Cr.P.C. has been submitted before the learned trial Court; the complainant has registered the instant case at the instance of others to humiliate, harass, pressurize and blackmail him; the case against the petitioner is that of further probe; there is no chance of abscondance of the petitioner or tampering with the prosecution evidence; hence prayed for the grant of post arrest bail.

4. The learned State Counsel assisted by the learned counsel for the complainant appeared alongwith Asjad Mehmood, SHO, A. Hameed, SI and Nawab Khan, I.O. They have opposed the grant of bail. It was argued that; the petitioner is nominated in the FIR; specific role has been attributed to him; incriminating material was recovered from him; FIR was lodged promptly; the complainant was searching for her daughter; the petitioner is involved in commission of offence; statement of the abductee under section 164 of Cr.P.C. was recorded on 28.07.2020; offence under section 365-B of Cr.P.C. was added after recording her statement under section 164 of Cr.P.C.; the petitioner has committed a heinous offence; hence prayed for dismissal of the instant bail petition.

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

6. The petitioner was nominated in the FIR with a specific role. One of the victims was later recovered and her statement under section 164 of Cr.P.C. was recorded. The latter had described the role of the petitioner and the co-accused. Thereafter, offence under section 365-B of Cr.P.C. was added, which falls within the ambit of prohibitory clause of section 497 of Cr.P.C. Sufficient incriminating material has been brought on record to, prima facie, connect the petitioner with the commission of the alleged offence. Deeper appreciation of evidence is not possible at bail stage. Investigations qua the petitioner have been completed and report under section 173 of Cr.P.C. has been submitted before the learned trial Court. This Court is satisfied that a case for granting bail is not made out. In the facts and circumstances of the instant case, this Court is not inclined to extend the concession of bail at this stage and, therefore, this petition is accordingly ***dismissed***. This Court expects that the learned trial Court will conclude the proceedings expeditiously.

Needless to mention that the observations recorded in the instant petition are based on tentative assessment, which will obviously not prejudice the proceedings before the learned trial Court.

(CHIEF JUSTICE)

*Asad K/**