

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD. **JUDICIAL DEPARTMENT.**

Crl. Misc. No.386/B/2019.

Saeed Mumtaz Durrani

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.
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10.06.2019. Raja Bilal Farooq Kiyani, Advocate for the petitioner.
Mr. Adil Aziz Qazi, Advocate for respondent No.2.
Ms. Saima Naqvi, State Counsel.
Muhammad Rasheed, S.I, P.S Aabpara, Islamabad.

Through this petition, the petitioner has applied for post arrest bail in case FIR No.326/18, dated 09.09.2018, U/S 324/452/337-D PPC, P.S Aabpara, Islamabad.

2. Brief facts are that the above referred FIR was lodged by respondent No.2/complainant with the allegations that on 08.09.2018, at about 7:55 p.m, Saeed Mumtaz Durani, ex-husband of sister in law of respondent No.2 visited his house No.13, Street No.38, Sector G-6-1/3, Islamabad and when his son Abdul Ahad Faisal opened the door on door bell, Saeed Mumtaz Durani fired upon him but he rescued himself while entering into his house. Saeed Mumtaz Durani forcefully entered in the house and fired upon wife of respondent No.2/Uzma Faisal and thereafter fled away from the scene in Honda Civic No.IDN-7329. The motive of the said incident is family dispute of Saeed Mumtaz Durani with ex-wife/sister in law of respondent No.2.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has falsely been implicated in this case; that the petitioner was arrested on 12.10.2018, challan has been submitted in the Court, even evidence of major witnesses has

been recorded and there is no apprehension of tampering with prosecution evidence and no useful purpose would be served while keeping the petitioner behind the bars, who is languishing in jail for the last eight months.

4. Conversely, learned counsel for respondent No.2 and learned State Counsel contend that the petitioner has been charged with direct role of causing fire arm injuries to the lady, who has nothing to do with the family dispute; that the offence falls within prohibitory clause of section 497 Cr.P.C and the trial is about to conclude.

5. I have heard the arguments and perused the record.

6. From perusal of the record, it has been observed that the petitioner has been charged with direct role of causing two fire arms injuries to Uzma Faisal, sister in law of respondent No.2 on 08.09.2018, at about 7:55 p.m while entering into House No.13, Street No.38, Sector G-6-1/3, Islamabad by force.

7. It also reveals from the contents of the FIR that the petitioner also fired upon Abdul Hahad, son of respondent No.2. Weapon of offence has already been recovered from the petitioner. The challan has been submitted before the Court, charged has been framed on 01.04.2019 and at present statements of three star witnesses have been recorded and only two witnesses are left to be examined.

8. Keeping in view above background, prima facie the petitioner is connected with commission of heinous crime of causing grievous hurt to Uzma Faisal, whose medical certificate reveals that four injuries have been caused and she remained in the hospital for considerable period and the nature of injuries has been referred as Jurh Jaifah (Cavity deep). In such type of

circumstances, it is appropriate to issue direction to learned Trial Court to conclude the trial within specific period while relying upon 2011 SCMR 1332 (Rehmat Ullah vs. The State and another).

9. For what has been discussed above, the petitioner is not entitled for concession of post arrest bail, therefore, instant petition stands dismissed. However, learned Trial Court seized with the matter is directed to conclude the trial on or before 31.12.2019 under intimation to this Court.

(MOHSIN AKHTAR KAYANI)
JUDGE

R.Anjam