

**ORDER SHEET.**

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

**Criminal Misc. No. 507/B/2019.**

Muhammad Safeer Bhatti

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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19.08.2019.

Sahibzada Saad ul Amin, Advocate for petitioner.  
Ms. Saima Naqvi, State Counsel.  
Yaseen, S.I, P.S. Khanna, Islamabad.

Through this CrI. Misc. petition, the petitioner has applied for post-arrest bail in case FIR No.185, dated 04.06.2019, U/S 337-F(i), 337-F(v), 337-A(ii), 337-A(v), 452/34 PPC, P.S. Khanna, Islamabad.

2. Brief facts referred in this case are that instant FIR was got lodged by complainant Rafaqat Ali with the allegations that on 20.05.2016 his business partner Muhammad Safeer Bhatti in order to take revenge attacked upon his servant namely Arshad Ali, who received different injuries at the hands of Muhammad Safeer Bhatti/petitioner armed with churri, Sanawar armed with tokka, Nazar armed with spade, whereas fourth accused Mehtab tide legs of the injured person during the incident.

3. Learned counsel for the petitioner contends that investigation has been completed to the extent of present petitioner and is no more required for the

purposes of investigation; that challan has been submitted in the Court but trial has not yet been commenced; that single injury was ascribed to the petitioner in the FIR is simple in nature and during the course of investigation police has not confirmed the version of the complainant as well as injured person to the extent of injury caused by the petitioner, which is a case of further inquiry; that offence with which petitioner has been charged does not fall within the prohibitory clause of Section 497 Cr.P.C.

4. Conversely, learned State Counsel contends that no one has put appearance on behalf of respondent No.2 despite service of notice. He further contends that individual role could only be considered during the course of trial; that *prima-facie* involvement of petitioner is apparent on record and no ground of further inquiry exists on record.

5. Arguments heard, record perused.

6. From the cursory glimpse of record, it reveals that petitioner is nominated in the above mentioned criminal case on the charges of causing churri blow on the lip of respondent No.2, which resulted in to sharp edge injury whereas other three co-accused have also caused different injuries to respondent No.2.

7. The tentative assessment of police record as well as medical evidence is silent qua the injury on lip rather it is on the cheek. The injury attributed to present petitioner seems to be simple in nature, whereas other

injuries were caused and attributed to other co-accused who are still absconder. The investigation to the extent of petitioner has been completed, weapon of offence has not been recovered. Even the I.O has stated before this Court that no churri was used by the petitioner. Such opinion of the I.O creates ground of further inquiry, although the *ipsi dixit* of the police is not binding upon the Court, however, at this stage the accused is behind the bars since 13.06.2019 and no useful purpose would be achieved by keeping the petitioner behind the bars especially when the offence with which petitioner has been charged does not fall within the prohibitory clause of Section 497 Cr.P.C. The ground of further inquiry is also apparent on record, therefore, instant post-arrest bail application is allowed, subject to furnishing of bail bonds in sum of Rs.2,00,000/- (Rupees Two Lac only) with one surety in the like amount to the satisfaction of learned trial Court.

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

Zahid