

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Misc. No. 978-B/2020
Muhammad Jawad
Versus
Muhammad Munsab Zaib, 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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30.09.2020	Petitioner (Muhammad Jawad) in person with Mr.Imran Feroz Malik, Advocate, Syed Shahbaz Shah, State Counsel, Mr. Khalid Hussain, Advocate for respondent No.1, Ch. Muhammad Javed Gujjar, Advocate for abductee/victim Zain Zia, Ameer Ali ASI with record.
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Through this petition, petitioner has prayed for pre-arrest bail in F.I.R No.383, dated 25.10.2019, under Section 365/381-A PPC, registered at Police Station Ramna, Islamabad.

2. According to the contents of FIR, on 24.10.2019 one Muhammad Suhail along with two assailants entered the house of complainant, stolen his car and household articles and also abducted his colleague namely Mst. Zain Zia.

3. Learned counsel for the petitioner contends that there is a delay of one day in reporting the matter to the police; that petitioner is not nominated in the F.I.R while the complainant effected compromise with co-accused namely Muhammad Suhail, who was specifically nominated in the F.I.R; that the alleged abductee is residing in the house of co-accused Muhammad Suhail; that nothing is to be recovered from his possession and that he has already joined investigation, therefore, is entitled to the concession of pre-arrest bail.

4. On the other hand, learned State Counsel assisted by the learned counsel for the complainant repelled the above submissions. It is contended that the abductee in her statement under Section 164 Cr. P.C has specifically nominated the petitioner; that he had been keeping himself away from the process of law for about eight months; that recovery of stolen articles is yet to be effected and that two co-accused are still at large, therefore, petitioner is not entitled to the concession of bail.

6. Arguments heard, record perused.

7. Perusal of record reveals that the alleged abductee in her statement under section 164 Cr. P.C has specifically named the petitioner. The recovery of alleged stolen articles i.e. mobile phone and laptop is still to be effected and that no malice or malafide on the part of complainant or police has been alleged, therefore, in presence of these facts, extra ordinary concession of pre-arrest bail cannot be extended to the petitioner.

8. Moreover, it is also noticed that the petitioner had been keeping himself away from the process of law for about eight months; declared a Proclaimed Offender on 06.02.2020 while two co-accused are still at large.

8. The pre-requisites for the grant of pre-arrest bail have elaborately been discussed by the Hon'ble Apex Court in PLD 1983 SC 82, wherein it is held that the petitioner is required to show the *malafides* of the police for getting the extraordinary concession. The present application is devoid of such grounds.

9. In view of above, the instant bail petition is **dismissed**. Ad-interim bail granted to the petitioner vide order dated 14.09.2020 is recalled.

10. Needless to mention that this is tentative assessment for the purpose of this petition only, which shall not affect/influence trial of this case in any manner.

(FIAZ AHMAD ANJUM JANDRAN)
JUDGE

Suhail