

## **ORDER SHEET.**

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

**Criminal Misc. No. 761/B/2020.**

M. Daniyaal

Versus

The State, etc.

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
	24.06.2020.	Mr. Mudassar Rizwan, Advocate for petitioner. Mr. Zohaib Gondal, State Counsel. Muhammad Sagheer, Senior Postmaster GPO, Islamabad. Sajid Cheema, Inspector (Legal) and Suleman Shah, S.I/I.O.

Through this Crl. Misc. petition, the petitioner has applied for post-arrest bail in case FIR No.236, dated 01.10.2019, U/S 395/412/75 PPC, P.S. Shehzad Town, Islamabad.

2. Brief facts referred in the instant FIR registered on the complaint of Muhammad Ejaz Paracha are that on 01.10.2019 at about 09:30 a.m., he being the Post Master of Rawal Town Post office alongwith Pervez Akhtar Cash overseer, Farzand Hussain Security Guard, Ghulam Abbas Security Guard, Muhammad Ayub Driver were going towards Nilore Line post office for delivery of cash amount Rs.1,94,10,000/- in the official vehicle No.GA-121 and when they reached near Rawal Town Post Office at about 10:20 a.m. 06 armed dacoits on three motorcycles came there and snatched Rs.1,53,60,000/- alongwith official weapons from security guards and fled away.

3. Learned counsel for the petitioner contends that petitioner is not nominated in this case and even he has not been identified by any of the prosecution witness, even complainant has not been produced in the identification parade, therefore, identification parade has no legal worth; that recovery was already effected prior to the identification parade which has no admissible value in the eye of law; that other co-accused has been granted post-arrest bail by the Court of Magistrate, Section 30, Islamabad and as such principle of consistency is applicable.

4. Conversely, learned State Counsel contends that petitioner got recover an amount of Rs.10,00,000/- and a motorcycle in this case which was used in the alleged crime; that petitioner has been identified by one of the witness of incident; that petitioner is also involved in number of cases of similar nature, therefore, he is not entitled for concession of bail; that post-arrest bail granted to co-accused by the Court of Magistrate has already been challenged and cancellation in terms of Section 497(5) Cr.P.C. is pending before the Court.

5. Arguments heard, record perused.

6. Tentative assessment of record reveals that petitioner is involved in the armed dacoity committed in broad day light in which an amount of Rs.1,53,60,000/- was snatched. The petitioner was arrested in this case on 02.01.2020, and has been identified during the course of identification parade held on 10.01.2020. The petitioner

got recovered an amount of Rs.10,00,000/- from the looted amount and a motorcycle which was used in the said crime. I.O completed the investigation and submitted the challan on 06.02.2020 in the Court.

7. The record further reflects that petitioner is involved in similar type of cases in past, whereby, he was acquitted from those cases by the Court on the basis of compromise. The petitioner is *prima-facie* connected with the hideous crime of dacoity, which is reflected from recovery of huge amount of Rs.10,00,000/-, which could not be planted. The record further reflects that petitioner has also got recovered the bag of post office in which cash was delivered by the postal department, which further substantiate the case of prosecution. The offence with which petitioner has been charged falls within the ambit of prohibitory clause of Section 497 Cr.P.C., even Inspector (Legal) states that post-arrest bail granted to co-accused by the Court of Magistrate has already been assailed, therefore, he is not entitled for concession of post-arrest bail at this stage.

8. In view of above, instant post-arrest bail application is hereby *dismissed*. However, while relying upon 2011 SCMR 1332 (Rehmat Ullah Vs. The State), learned trial Court seized with the matter is directed to conclude the trial on or before 31.12.2020 under intimation to this Court.

(MOHSIN AKHTAR KAYANI)  
JUDGE