

Form No: HCJD/C-121.

**ORDER SHEET.**

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

**Criminal Miscellaneous No.693/B of 2019**

**Imran Walayat  
VS  
The State & another.**

<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>
	<b>04.12.2019.</b>	<b>Rana Abid Farooq, Advocate for the Petitioner. Ch. Zaheer Farooq, learned counsel for respondent No.2/Complainant. Azhar Shah, DSP (Legal). Rasheed, ASI.</b>

Through the instant petition, the petitioner, namely Imran Walayat son of Muhammad Walayat, seeks bail after arrest in case F.I.R. No.131/19, dated 21.06.2019, for offence under Sections 419, 420, 468, 471, 380, 411, 34 P.P.C., Police Station Secretariat, Islamabad.

2. The case of the prosecution against the petitioner is that the latter, on e-mail made booking in the Ramada Hotel, Islamabad impersonating the same to be on behalf of State Bank of Pakistan. He alongwith others stayed in the hotel for few days, used the facilities and while leaving took away various items from the hotel. It was also alleged that a rent a car of the hotel was booked but the payment was not made.

3. The petitioner applied for bail after arrest before the Judicial Magistrate (West) Islamabad, which was dismissed, vide order dated 08.08.2019. Application was also filed before the Sessions Court (West), Islamabad, which also was dismissed, vide order dated 20.09.2019.

4. Learned counsel for the petitioner, *inter-alia*, contended that the petitioner never sent any e-mail calling himself to be an employee of State Bank of Pakistan; that the dispute only is about various items of the hotel room which the petitioner does not know are missing. It was further contended that a rent a car was booked and the controversy arose due to the same. It was submitted that under the facts and circumstances, the case against the petitioner is one of further inquiry.

5. Learned Counsel for the complainant/ respondent No.2, *inter-alia*, contended that the petitioner alongwith others impersonated themselves as employees of State Bank of Pakistan and used the hotel facilities. It was contended that the accused utilized the facilities and did not make the payment, hence is liable for the same. It was also contended that report under Section 173 Cr.P.C. has been filed.

6. Arguments advanced by learned counsel for the parties have been heard and the documents placed on record examined with their able assistance.

7. The petitioner is imputed with the offences mentioned hereinabove. None of the offences fall within the prohibitory clause as provided in Section 497 Cr.P.C; where such is the case, grant of bail is a rule and refusal is an exception. Reliance is placed on "*Tariq Bashir Vs. The State*" (**PLD 1995 SC 34**). The exceptions provided in the above judgment are not attracted in the facts and circumstances of the case. Even otherwise, the investigation stands concluded and the petitioner is not required for the same. Nothing is to be recovered, hence the continued incarceration of the petitioner shall not serve any purpose.

8. For the above reasons, the instant petition is **allowed** and the petitioner is enlarged on bail in the abovementioned case subject to furnishing bail bonds in the sum of Rs.2,00,000/- (Rupees Two Hundred Thousand Only) with one (01) surety in the like amount to the satisfaction of the learned Trial Court. It is clarified that the observations made hereinabove are tentative in nature and

shall not prejudice the learned Trial Court at the time of trial.

**(AAMER FAROOQ)**  
**JUDGE**

*\*M. Zaheer Janjua\**