

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

**CRL.MISC. NO.14-B /2020**

**Afzaal Ahmad Abbasi & another Vs the State etc**

Serial No. of order/ proceeding	Date of order/ proceedings	Order with signatures of judge, and that of parties or counsel, where necessary.
---------------------------------------	-------------------------------	---

03	23.01.2020	Mr. Majid Ahmad Abbasi, Advocate alongwith petitioners. Mr. Imran Ahmad Abbasi Advocate for complainant. Malik Mazhar Javed, State counsel with Azmat Bhatti ASI & Iftikhar ASI. P.S Koral.
----	------------	---

**GHULAM AZAM QAMBRANI, J**

Petitioners/accused Afzaal Ahmad Abbasi and Umer Hayat Abbasi seek bail before arrest in case FIR No. 562, dated 29.11.2019, offence Under Sections 452, 337-A (i), 354,& 34 Police Station Koral, Islamabad.

2. Briefly the prosecution case as narrated by the complainant Mst. Najeeba Bibi is that she alongwith her daughter Eisha Umer were present at their house, when her ex-husband Umer Hayat alongwith his son Afzaal forcibly entered into the house at about 8.00 PM, gave them severe beating, Afzaal made a pistol blow on her face whereupon she became seriously injured. The accused persons threatened them to leave the house. On their hue and cry accused fled away from the place of occurrence. Motive behind the occurrence is that the accused wanted to occupy house of the complainant.

3. The petitioners moved bail before arrest before the learned Additional Sessions Judge-III, East-Islamabad which was dismissed vide order dated 04.01.2020.

4. Learned counsel for petitioners inter alia, contends that the FIR was registered by the complainant malafidely and merely to humiliate the petitioners. Further submits that case of prosecution

is false, frivolous and baseless; that there is no evidence against the petitioners to connect them with the commission of alleged offence; that the complainant got registered the instant FIR just to convert the civil proceedings into criminal proceedings with malafide intention and ulterior motive. Lastly, prayed for confirmation of pre-arrest bail granted to them vide order dated 13.01.2020.

5. On the other hand, learned counsel for complainant assisted by learned State Counsel vehemently opposed the confirmation of pre-arrest bail to the petitioners contending that it is a promptly lodged FIR; that recovery is yet to be affected from the petitioners; that the civil suit has already been dismissed on 20.6.2019.

6. Arguments heard, record perused.

7. Perusal of record *prima facie* reveals that the petitioner Afzaal Ahmad Abbasi is nominated in the FIR and has been assigned a specific role of causing fatal injury on face of the complainant, who is his step-mother. Recovery of crime weapon allegedly used in the commission of offence is yet to be effected from him. Petitioner Afzaal Ahmad Abbasi has failed to establish any malafide on the part of complainant to falsely involve him in the commission of alleged offence. Sufficient evidence is available against him. Therefore, to his extent, no case for grant of pre-arrest bail is made out. As such, pre-arrest bail already granted to him vide order dated 13.01.2020 is hereby re-called. This petition to his extent is hereby dismissed.

8. As far as the case of Umer Hayat Abbasi petitioner is concerned, record, *prima facie*, reveals that the civil suit filed by him has been dismissed vide order dated 20.6.2019. No specific role is attributed to him in the FIR. His case falls within the ambit of further inquiry under Section 497(2), Cr.P.C. Deeper appreciation of evidence at bail stage is not permissible. Guilt of the petitioner is yet to be

established against him after recording prosecution evidence before the learned Trial Court. In such circumstances, pre arrest bail already granted to him (Umer Hayat), is hereby confirmed on the same bail bonds already submitted by him.

**(GHULAM AZAM QAMBRANI)**  
**JUDGE**

**S.Akhtar**