

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

**Crl. Misc. No.948-B-2021**

Mst. Attiya Bibi

***Versus***

The State and 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)</b>	27.09.2021	Mr. Muhammad Furqan Shabbir and Mr. Muhammad Asif, Advocates for the petitioner. Rao Sabir Hussain, Advocate for respondent No.2. Mr. Zohaib Hassan Gondal, State Counsel. Usman Tipu, S.P (Rural), Abdul Ikram, DSP, Khurram Shehzad, S.H.O, P.S Koral, Islamabad. Basharat, ASI, S.I, Forensic Team Incharge. Ameer Ali, ASI, P.S Koral, Islamabad.

**MOHSIN AKHTAR KAYANI J.** Through the instant petition, the petitioner is seeking post arrest bail in case FIR No.780/21, dated 05.09.2021, under Sections 392/411/34 PPC P.S Koral, Islamabad.

2. Brief facts referred in the instant FIR lodged on the complaint of Imtiaz Hussain Qazi/respondent No.2 are that on 19.08.2021 at about 09:00 a.m, he was present alongwith his wife in his house, when mate Attiya reached in the said house, who has been informed that there is no usual work today, but she again appeared at about half an hour, when complainant's wife opened the door and Attiya present petitioner entered into the house for daily routine work in the kitchen, whereafter two young boys entered into the said house, wearing white clothes, one tall person, brown complexion, aged about 22/25 years armed with pistol, whereas the

second one having middle height armed with pistol tied the complainant and his wife and immediately took the keys of the Almirah from the dressing table and snatched gold jewelry comprising of four gold bangles, two gold sets of three tolas, one locket of one tola, two mobile phones, OPPO-A53 and fled away from the scene, whereas present petitioner is in league with the said accused persons.

3. Learned counsel for the petitioner contends that petitioner is a woman, who has been involved in this case without any justification, even challan has been submitted in the Court and she is no more required for the purpose of investigation. He further contends that no specific role has been attributed to the petitioner in the entire crime scene.

4. Conversely, learned counsel for respondent No.2/complainant and learned State Counsel contend that both the accused persons referred in the alleged incident, one of them is the husband of the present petitioner, who is main mastermind of the entire arm robbery and even recovery of Rs.50,000/- and gold ear rings further connects the petitioner with the hideous crime.

5. Arguments heard and record perused.

6. Perusal of record reveals that petitioner has been nominated in the above mentioned case with the specific allegation that she has facilitated two arm robbers, who entered into the house of the complainant on the fateful date and tied the hands of the complainant and his wife and snatched gold

jewelry and two mobile phones after unlocking the Almirah lying in the bed room, which is only accessible after the information of the present petitioner. The investigation further reveals that two accused persons referred in the said case, who were armed, entered into the house, one of them is husband of the present petitioner, even amount of Rs.50,000/- and one pair of ear-rings gold has been recovered on the pointation of present petitioner.

7. Superintendent of Police (S.P), Rural, DSP alongwith S.H.O, P.S Koral have categorically stated before this Court that fingerprints have also been obtained from the crime scene and incident was reported on the fateful day, however, application was received later on and there is no apparent delay in lodging of this case. The challan has been submitted in the Court on 13.09.2021 and as such prime facie involvement of petitioner in the hideous crime is visible on record. The offence with which petitioner has been charged falls within the prohibitory clause of Section 497 Cr.P.C. and she could not be excluded from the criminal liabilities on the ground that she is a woman as instant case is of hideous nature, where a family has been deprived of from their hard earned property including gold and mobile phones and two accused persons are still at large.

8. In such like situation, the bail could not be granted, however, it would be appropriate to issue direction to the learned Trial Court to conclude the trial within specific period. Reliance is placed upon

**2011 SCMR 1332 (Rehmatullah Vs. The State and another).**

9. For what has been discussed above, instant criminal miscellaneous petition stands **DISMISSED.** However, learned Trial Court seized with the matter is directed to conclude the trial within Six (06) months under intimation to this Court.

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

RAMZAN