

Form No: HCJD/C-121.
ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Criminal Misc. No. 680 of 2020

Zain ul Abidin
Vs
The State, 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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20-05-2020. Nemo for the petitioner.
Mr. Muhammad Sohail Khurshid, State Counsel.
Mr. Sher Ahmed, S.I and Mr. Akhtar, S.I with
record.

No one is in attendance on behalf of the petitioner. Moreover, the Investigating Officer was asked to show whether any incriminating material has been brought on record during the course of investigation. He candidly conceded that no incriminating material could be collected against the petitioner so far. He has, however, stated that efforts are being made to properly and fairly investigate the alleged offences.

2. It is noted that the august Supreme Court in case titled "*Mst. Sughran Bibi Vs. The State*" [**PLD 2018 SC 595**] has held and observed as follows:

"(vi) Ordinarily no person is to be arrested straightaway only because he has been nominated as an accused person in an FIR or in any other version of the incident brought to the notice of the investigating officer by any person until the investigating

officer feels satisfied that sufficient justification exists for his arrest and for such justification he is to be guided by the relevant provisions of the Code of Criminal Procedure, 1898 and the Police Rules, 1934. According to the relevant provisions of the said Code and the Rules a suspect is not to be arrested straightaway or as a matter of course and, unless the situation on the ground so warrants, the arrest is to be deferred till such time that sufficient material or evidence becomes available on the record of investigation prima facie satisfying the investigating officer regarding correctness of the allegations leveled against such suspect or regarding his involvement in the crime in issue."

3. It is expected that the Investigating Officer, not only in this case but in every case, shall have regard to the above law laid down by the august Supreme Court.

4. The petition is, therefore, accordingly disposed of.

CHIEF JUSTICE

Saeed.