

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Misc. No.363-B/2019

Zafeer Abbasi, etc

Versus

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.
(2)	25.06.2019	Mr. Bilal Hassan Sabri, Advocate for petitioners. Petitioners in person. Ms. Saima Naqvi, State Counsel. Ch. Ejaz Hussain Warriach, Advocate for complainant. Sohaib ASI with record.

Through this petition, petitioners Zafeer Abbasi and Muhammad Sajid have prayed for pre-arrest bail in case FIR No.33 dated 18.03.2019 under sections 354, 506, 337-A(iii), 337-F(i)/34 PPC, registered at Police Station Margalla, Islamabad.

2. Brief facts of instant case are that on 18.03.2019 when the complainant was sitting in the chamber of her counsel for drafting of agreement, petitioners and their companions assaulted her in the premises of District Courts, Islamabad.

3. Learned counsel for petitioners contends that offences leveled in the FIR have not been made out and as such medical report reveals that injury is *shajjah-i-khafifah* which is otherwise bailable and has been confirmed by the medical board duly constituted on their application. Learned counsel further contends that entire record reflects that case is of further inquiry and *malafide* on the part of prosecution as well as complainant is visible and petitioners

are entitled for concession of pre-arrest bail when principal accused has already been granted post arrest bail in similar case by the Court of competent jurisdiction.

4. Conversely, learned counsel for complainant initially contended that parties have resolved the matter and entered into compromise, however, later on he contended that the complainant was striped in public place and her clothes have not been taken into possession by the I.O. and offence under section 354-A PPC is attracted, sentence of which is death. Learned counsel further contends that initial report dated 18.03.2019 refers injury of complainant as *Shajjah-i-Hashmiah* [337-F(iii) PPC] caused through blunt weapon which is non-bailable offence.

5. Arguments heard, record perused.

6. Tentative assessment of record reflects that complainant was assaulted in the District Courts, Islamabad when she was sitting in the chamber of her lawyer for the purpose of recording of her compromise deed and one Imran Abbasi with present petitioners alongwith their Counsel Rameez Abbasi, Advocate assaulted her in the public view and caused injuries in result whereof, offences under sections 354, 506, 337-A(iii), 337-F(i)/34 PPC have been referred in the FIR.

7. Investigation Officer has been confronted as to whether he has taken into possession clothes of complainant whereby, he replied that the complainant has not yet given her clothes to him in order to add section

354-A PPC in this case. I.O. when confronted as to whether he has identified the accused/concerned lawyer, who has assaulted young lady, he replied that neither information was given to him nor the said accused has yet been identified by the complainant.

8. Surprisingly, photographs of all the accused persons have been appended with record, even counsel who has attacked upon lady is also reflected in the photographs available on record, therefore, statement given by the I.O. is contrary to record.

9. Keeping in view the conduct of Investigation Officer, SSP, Islamabad is directed to initiate inquiry against the I.O. who has not investigated the matter in accordance with law and has given favour to the accused party. Record further reveals that video content is appended with the petition, even still photographs dated 19.03.2019 are available on record which show presence of petitioners in the District Courts premises, who have assaulted the complainant. No malice on the part of complainant is visible which may lead to un-necessary harassment to the petitioners.

10. Petitioners are *prima facie* connected with the offence in which they assaulted young lady in District Courts, Islamabad and caused injuries which were confirmed from MLR.

11. In view of above reasons, I am not inclined to accept instant bail petition same stands dismissed. Order

dated 27.05.2019 whereby, petitioners Zafeer Abbasi and Muhammad Sajid were granted ad-interim pre-arrest bail is hereby recalled.

(MOHSIN AKHTAR KAYANI)
JUDGE

Imran