

ORDER SHEET.

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

Criminal Misc. No. 84/B/2020.

Akash Munir alias Kashi

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.
	24.02.2020.	Mr. M. Shakeel Mughal, Advocate for petitioner. Ms. Ramsha Izhar, State Counsel. Mr. Muhammad Zulfiqar, Advocate for respondent No.2. Umar Hayat, S.I, P.S. Sihala, Islamabad.

Through this CrI. Misc. petition, the petitioner has applied for post-arrest bail in case FIR No.279, dated 29.07.2019, U/S 324, 337-F(i) PPC, P.S. Sihala, Islamabad.

2. Brief facts referred in the instant FIR lodged on the complaint of Muhammad Qasim/respondent No.2 are that he alongwith his brother Muhammad Mudassir when reached near the shop to purchase milk in Dhoke Awan at 10:00 P.M. the petitioner Akash Munir alias Kashi started abusing him and during the said event Ejaz Khan came on spot. The petitioner also extended life threats to the complainant's brother and then brought his rifle from his house and fired upon the complainant's brother, which crossed through right arm while bruising the chest.

3. Learned counsel for the petitioner contends that petitioner is no more required for the purpose of

investigation, even challan has been submitted in the Court on 20.08.2019 and charge has been framed on 22.11.2019 but trial is not insight and as such no useful purpose would be achieved by keeping the petitioner behind the bars especially when there is clear cut difference between ocular and medical evidence.

4. Conversely, learned State Counsel as well as learned counsel for complainant/respondent No.2 contend that petitioner is directly nominated in FIR for causing fire-arm injury to the injured/PW Muhammad Mudassir; that there is no difference in the ocular and medical evidence as supplementary statement was recorded on the very first day whereby rifle has been changed with pistol, which was recovered from petitioner during the course of physical remand; that trial is in progress, therefore, petitioner is not entitled for concession of post-arrest bail.

5. Arguments heard, record perused.

6. Cursory glimpse of record reflects that petitioner has been nominated as accused in criminal case FIR No.279, dated 29.07.2019, U/S 324, 337-F(i) PPC, P.S. Sihala, Islamabad for causing single fire-arm injury upon the right arm of Mudassir at 10:00 P.M. in front of shop. The ocular account referred by the complainant in the FIR/complaint reflects that petitioner was armed with "rifle" but subsequently he has recorded supplementary statement in which rifle has been converted into pistol .30 bore, which has also

been recovered from the petitioner during the physical remand as such the change of weapon justifies the case of further inquiry, even otherwise, the entry & exit wound on the right arm spell out from the medico-legal report that the injury is on the non-vital part of body and injured has been discharged from the hospital on the same day. As such investigation has been completed and the petitioner is no more required for the purpose of investigation. Charge has been framed but despite five dates of hearing prosecution has failed to produce the evidence. Petitioner is behind the bars since 31.07.2019 and as such no useful purpose would be served by keeping the petitioner behind the bars. In such eventuality, petitioner is entitled for concession of post-arrest bail. Hence, instant petition is allowed. Petitioner is admitted to post-arrest bail, subject to furnishing of bail bonds in the sum of Rs.2,00,000/- (Rupees Two Hundred Thousand Only) with one surety in the like amount to the satisfaction of the learned trial Court.

(MOHSIN AKHTAR KAYANI)
JUDGE