

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

Crl. Misc. No.767-B/2020

Muhammad Adnan

versus

The State & another

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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22.06.2020

Mr. Muhammad Safdar Ali Bhatti, Advocate for petitioner.

Mr. Hasnain Haider, State Counsel.

Imtiaz, ASI, P.S. Secretariat, Islamabad.

MOHSIN AKHTAR KAYANI, J: Through this criminal miscellaneous petition, the petitioner has prayed for post arrest bail in case FIR No.16, dated 15.01.2020, under Section 392 PPC, P.S. Secretariat, Islamabad.

2. Brief facts as referred in the instant case are that Muhammad Farhan (Respondent No.2) submitted a complaint having allegations that on 15.01.2020, he along with his family members were robbed of cash amount of Rs.96,000/-, two gold rings amounting to Rs.100,000/-, two mobile phones (Huawei Y9S & Huawei Y62) in Lake View Park. As soon as the robber left, the complainant made hue and cry, whereupon the robber was apprehended with the help of people gathered there. On arrival of the police officials, the robber i.e. present petitioner was formally arrested and the said snatched articles were recovered. The petitioner applied for his post arrest bail before the learned Magistrate and learned Sessions Judge, Islamabad, which were rejected vide orders dated 11.02.2020 and 24.02.2020. Hence, the instant post arrest bail application.

3. Learned counsel for petitioner contends that the petitioner has no criminal record whatsoever, rather he has

falsely been implicated in the instant FIR and confined in the jail for the last six (06) months; that complete challan of the instant case has been submitted before the learned trial Court but the trial has not yet been commenced; that the petitioner is behind the bars since his arrest and investigation of the case has been completed, therefore, keeping the petitioner behind the bars would serve no useful purpose.

4. Conversely, learned State Counsel opposed the instant post arrest bail application on the grounds that, *prima facie*, petitioner has been caught red-handed in possession of the snatched articles rendering him to be the real culprit, therefore, the instant post arrest bail application may be dismissed.

5. Arguments heard, record perused.

6. The tentative assessment of record reveals that petitioner has been nominated in case FIR No.16, dated 15.01.2020, under Section 392/411 PPC, P.S. Secretariat, Islamabad with a specific role of committing robbery on gun point in the premises of Lake View Park, whereby he snatched cash, mobile phones and jewelry articles from complainant and his family members, however he was arrested immediately after the incident along with pistol and all the snatched articles were recovered, which, *prima facie*, links the petitioner with the commission of heinous crime of robbery.

7. The *challan* has been submitted in the Court on 18.02.2020 and trial is likely to be commenced sooner. The petitioner has been charged with the offence falling within the prohibitory clause of Section 497 Cr.P.C. and even no ground of further inquiry has been demonstrated by the petitioner in this case.

8. In view of above, the instant post arrest bail application is without merits, therefore, the same is hereby **DISMISSED**.

9. However, while considering the analogy drawn from case reported as **2011 SCMR 1332 (Rehmat Ullah vs. The State)**, the learned Trial Court seized with the matter is directed to conclude the trial within the period of 06 months, under intimation to this court.

MOHSIN AKHTAR KAYANI)
JUDGE

Khalid Z.