

(Appellate Jurisdiction)

MR. JUSTICE MUNIB AKHTAR  
MR. JUSTICE OAZI MUHAMMAD AMIN AHMED

*(Against the order dated 01.10.2021 passed by the Islamabad High Court Islamabad in Crl. Misc. No. 931-S/2021)*

... Petitioner(s)

... Respondent(s)

For the Petitioner(s)	:	Mir Afzal Malik, ASC
For the State	:	Mr. Niaz Ullah Khan Niazi, Advocate General, Islamabad with Nawaz, I.O.
For the Respondent(s)	:	Mr. Khurram Masood Kiani, ASC
Date of Hearing	:	09.12.2021

## ORDER

**Oazi Muhammad Amin Ahmed, J.:-** Behind bars since, 24.4.2021, the petitioner, a maid employed in a household within the precincts of Police Station Shalimar Islamabad, was suspected by her employer to have stolen gold ornaments valuing Rs.2.5 million; during investigation, pursuant to her disclosure, she led to the recovery of some of the stolen articles.

She has been denied bail throughout, lastly by a learned Judge-in-Chamber of the Islamabad High Court vide impugned order dated 01.10.2021, an order, strenuously defended by the learned Advocate General Islamabad on the ground that trial, being in progress with an accelerated pace is likely to conclude soon and, thus, it would be rather inexpedient to release her near fag-end of the case.

2. Heard. Record perused.

3. Be that as it may, offences complained do not fall within the prohibitory clause of section 497 of the Code of Criminal Procedure, 1898. Doors for petitioner's release, being a female with

no past record, are statutorily wider and, thus, her continuous detention, is certainly serving no useful purpose.

Evidentiary value of recovery dated 25.4.2021, allegedly attributed to the petitioner, *au fait*, accomplished by a male police officer in violation of subsection 5 of section 176 of the Code *ibid* is to be best adjudged during the trial inasmuch as the petitioner was taken into custody on 24.4.2021 and could not be held in police custody in violation thereof. A case for grant of bail stands made out. Petition is converted into appeal and allowed. Appellant/petitioner is admitted to post arrest bail on her furnishing bond in the sum of Rs.50,000/- with two sureties in the like amount to the satisfaction of the learned trial Court.

**Judge**

**Judge**

Islamabad, the  
9<sup>th</sup> December, 2021  
Azmat/\*