ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Crl. Misc. No. 04-B/2022

Raja Muhammad Tariq.
Vs.
The State.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	18.01.2022	Petitioner on ad interim pre arrest bail with Mr. Dil Muhammad Khan Alizai, Advocate, Mr. Muhammad Zeeshan Babar, learned State Counsel, Mr. FarhatUllahJan, Advocate for complainant, M. Ejaz ASI with record.

Through the instant CrlMisc, petitioner (*Raja Muhammad Tariq)* has prayed for pre arrest bail in case FIR No. 491, dated 03.11.2021, under sections 420, 468 and 471-PPC, Police Station Sabzimandi, Islamabad.

2. Learned counsel for the petitioner argued that a false case has been registered against the petitioner; that it is a civil dispute regarding which civil suit is pending; that the complainant has taken the sale price twice from the petitioner but subsequently backed out from the sale agreement, therefore, petitioner is entitled to the concession of pre arrest bail.

3. On the other hand, the learned State Counsel assisted by counsel for the complainant argued that petitioner is member of a gang who used to usurp valuable properties by preparing forged documents. The learned counsel further argued that the petitioner has prepared two forged agreements dated 07.11.2018 & 17.04.2019; that petitioner filed a civil suit which was withdrawn on 02.10.2019 and afterwards another suit was filed on 20.11.2019; that the statements of the stamp

vendors have been recorded by the police which further strengthen the case of the prosecution qua the guilt of the petitioner andthat the material collected by the prosecution connects the petitioner with the commission of alleged offence, therefore, he is not entitled to the concession of pre arrest bail.

4. Heard, record perused.

5. Record reveals that the instant FIR was registered on the direction of learned Additional Sessions Judge-IX (Ex-Officio Justice of Peace) on the application filed by the complainant regarding preparation of fake and forged agreements by the petitioner. After the registration of FIR, the petitioner has applied for pre-arrest bail which was declined by the Additional Sessions Judge (West) Islamabad vide order dated 14.12.2021.

6. It is settled principle that pre arrest bail is an extra ordinary relief, meant to save innocent from false implication. The discretion is to be exercised judicially keeping in view the attending circumstances of the case.

7. The Court has to consider the material available on record to ascertain whether *prima facie* some tangible evidence which, if left un-rebutted may lead to infer the guilt of accused. Reliance is placed upon case of *AlamZeb and another v. State and others* (**PLD 2014 S.C. 760**), *Muhammad Sarfraz Ansari. Vs. State and others.* (**PLD 2021 SC 738**) and *Resham Khan and another v. The State through Prosecutor General Punjab, Lahor*e (Crl. P No. 950 of 2021). It was further held by the Hon'ble Supreme Court of Pakistan in **2021 SCMR 1166**that *"grant of pre arrest bail in cognizable/non bailable offence is a remedy, most extra ordinary in the nature of judicial protection, extended by diverting usual course of law for the*

sole purpose of protecting reputation and honour of an innocent citizen"

8. In the present case, sufficient evidence in the shape of the statement of Maqsood Ahmad stamp vendor and his affidavit submitted to the I.O of the case, report of the Federal Treasury Officer Islamabad wherein it is stated that the stamp paper cannot be verified, statement of one Zafar Khan, affidavit of Mehmood Ali stamp vendor and list of reliance tendered in civil suit where the petitioner has relied upon the stamp papers and presented the same before the court of law which has been declared by the I.O of the case as forged documents.This aspect of the case attracts the above mentioned sections. Ample evidence is available on record which, prima facie, connects the petitioner with the commission of the alleged offence.

9. Furthermore, as per the statement of the I.O,the recovery of alleged forged original documents is yet to be effected from the petitioner, therefore, keeping in view the dictums laid down by the Apex Court, in the attending circumstances, petitioner is not entitled to extra-ordinary concession of pre arrest bail as the evidence floating on the surface of the record connects him with the commission of the alleged offence.

10. In view of above, instant CrlMisc is **dismissed**. Ad-interim pre arrest bail granted to the petitioner vide order dated 11.1.2022 is recalled.

(ARBAB MUHAMMAD TAHIR*)*
JUDGE

Kamran