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

Criminal Misc. No.31-B of 2022
Rafi Hameed
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.
	31.01.2022	Mr. Ghulam Mustafa Kandwal, Advocate for the petitioner, Mr. Ishraq Abbasi, Advocate for complainant, Mr. Sohail Khursheed Gujjar, State Counsel, Ikhlaq ASI P.S. Khanna, Islamabad with record.

Through the instant Crl Misc, petitioner (Rafi Hameed) prays for pre arrest bail in FIR No. 522, dated 08.11.2021, Under Section 380-PPC, Police Station Khanna, Islamabad.

2. Record reveals that the subject FIR was registered on 08.11.2021 while petitioner's first pre arrest bail petition was dismissed due to non appearance on 07.12.2021. He, after delay of 6 days filed second pre arrest bail petition which was dismissed vide order dated 28.12.2021.

3. In view of the law laid down by the Hon'ble Supreme Court of ***Pakistan in case of Shahzaib and others v. The State (PLD 2021 SC 886) and Azam Saleem and another v. The State and others(PLD 2021 SC 894***), the petitioner has to furnish satisfactory explanation for his absence in the first petition. In case, the explanation is found unsatisfactory, the second petition is held not maintainable and liable to be dismissed without going into the merits of the case.

4. In the present case, there is a delay of six (6) days in between the dismissal of first pre-arrest bail petition due to non appearance and filing of the second pre arrest bail petition.

5. In order to show his bona fide, petitioner had to place on record copy of first pre arrest bail petition, order there upon and to satisfy the Court regarding reasons for non appearance at the time of hearing first pre arrest bail petition. Likewise, the petitioner, in his second pre arrest bail petition, has not given the reasons of non appearance and the delay in filing second bail petition. Mere mentioning of the fact of filing successive bail petitions is not enough to discharge liability of advancing satisfactory explanation.

6. There is no record annexed with the petition to show as to when the petitioner filed first pre arrest bail petition. The FIR was registered on 08.11.2021 whereas petitioner had been enjoying ad interim pre arrest bail for about one month and twenty days till 28.12.2021 when his second pre arrest bail petition was dismissed on merits.

7. Filing of pre-arrest bail petitions again and again amounts to misuse of law and it also increases the backlog of the Courts and this growing trend should have to be stopped by the learned Courts below. Reliance is placed upon case of *Muhammad Sadiq v. State* (**2015 SCMR 1394**).

8. In view of above, the conduct of the petitioner disentitles him to ask for extra-ordinary concession of pre arrest bail.

Consequently, the instant petition is **dismissed**. Ad interim pre arrest bail granted to the petitioner vide order dated 14.01.2022 is recalled.

(ARBAB MUHAMAMD TAHIR)
JUDGE

A.R.Ansari