ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Crl. Misc. No. 613-B of 2022

Muhammad Zubair
Vs.
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.
	27.05.2022	Mr. Zubair Shah, Advocate for petitioner. Mr. Shahbaz Shah, State Counsel. Mr. Ameer, S.I.

Through the instant Crl. Misc. petitioner *(Muhammad Zubair)* has prayed for post-arrest in FIR No.204, dated 09.11.2021, under section 392/411 PPC, Police Station Shams Colony, Islamabad.

2- According to the allegations set-forth in the FIR, on 09.11.2021 at about 12:30 p.m. within the area of Street No. 30 Shams Colony, when the complainant had been on his way to house in Naseer Abad Rawalpindi on Motor Cycle, three motorbike riders intercepted him and snatched amount of Rs. 953,000/-, cell phone, purse containing Rs. 4,000 cash, ATM, and ID cards at gun point.

3- Learned counsel argued that the petitioner is not nominated in the FIR; that recovery is planted; that at the most offence under section 411 PPC is attracted which does not fall within the ambit of prohibitory clause of Section 497 Cr.P.C; that investigation is complete and petitioner is no more required for further probe; that petitioner is previous non-convict while mere involvement in other cases of like nature is no ground to refuse bail when case otherwise calls for further inquiry. Learned counsel placed reliance upon case laws reported as 2021 PCr.LJ 1380 Islamabad & 2020 YLR 891.

4- On the other hand, learned State Counsel repelled the above submissions by arguing that petitioner is habitual offender, offence alleged is heinous while sufficient incriminating material is available on record which *prima facie* connects the petitioner with the commission of alleged offence, therefore, not entitled for the concession of bail.

5- Arguments heard, record perused.

6- Record reveals that the petitioner was duly identified by the complainant during identification parade held on 21.01.2022 with specific role of snatching the amount at pistol point. In addition, part recovery of the snatched amount of Rs. 30,000/- was also affected from his possession on 25.03.2022 while identification of the petitioner was also visible from the CCTV footage of Safe City Cameras.

7- Record further reveals that petitioner is also involved in following cases:-

S.No.	F.I.R No.	Police Station	Offence under Section
1	393 dated 24.08.2021	Sabzi Mandi	**392 PPC**
2	568 dated 29.09.2021	Tarnol	**392 PPC**
3	462 dated 08.10.2021	Sabzi Mandi	**392 PPC**
4	477 dated 20.10.2021	Sabzi Mandi	**392 PPC**
5	677 dated 07.12.2021	Tarnol	**392 PPC**

8- As mentioned above, the petitioner is involved in five other cases of like nature. It is significant to note that the cases pertain to a particular area falling within the territorial limits of Police Station Sabzi Mandi and Tarnol. The alleged occurrence took place within short span of time and the

modus operandi reflects evil designs of the petitioner in committing the offence of robbery which is in rampant increase nowadays and cannot be taken lightly.

9- In addition, the alleged offence is not only heinous but is an offence against the society. The way the things have gone, it can easily be inferred that the petitioner is a *habitual offender* which disentitles the petitioner to pray for release on bail. Reliance is placed upon case law titled as ***Waqas-ur-Rehman alias Moon v. The State*** **(2021 SCMR 1899)**.

10- In view of above, in presence of sufficient tangible evidence, petitioner has not been able to make out a case for grant of post-arrest bail at this stage. Consequently, instant bail petition is **dismissed**.

11- The observations made hereinabove are tentative in nature and shall have no impact upon merits of the case.

(ARBAB MUHAMMAD TAHIR)
JUDGE

//Kamran//