JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.1680 of 2023
Asad Umar
Versus
The State and others

Date of Hearing / Decision:	24.05.2023.
Petitioner by:	Dr. Babar Awan, Ms. Amna Ali and Malik Tariq Noon, Advocates.
Respondents by:	Mr. Arshid Mehmood Kiani, learned Deputy Attorney General. Malik Abdur Rehman and Mr. Fahad Ali, learned State Counsel. Mr. Muhammad Riaz, DSP (Legal), Islamabad Police.

MIANGUL HASSAN AURANGZEB, J:- Through the instant writ petition the petitioner, Asad Umar, seeks a direction to the respondents to provide him the list of all the FIRs registered in the Islamabad Capital Territory (**"ICT"**) in which he has been nominated as an accused. Furthermore, it is prayed that the petitioner may not be arrested till such time that he is informed about all the FIRs registered against him and he is in a position to apply for bail before arrest from the Courts of competent jurisdiction.

2. Learned counsel for the petitioner contended that generally an application for bail before arrest is instituted in the Court of first instance, but in exceptional cases, the matter can be agitated before the High Court in Constitutional jurisdiction. In support of this contention, learned counsel for the petitioner placed reliance on the judgment reported as Sh. Zahoor Ahmad Vs. The State (PLD 1974 Lahore 256).

3. This petition was first taken up for hearing on 19.05.2023 on which date the learned State Counsel along with DSP (Legal), Islamabad Police tendered appearance on Court's call. They had prepared a list of eighteen FIRs registered at different Police Stations at Islamabad in which the petitioner had been nominated as an accused. A copy of this list was handed over to the learned counsel for the petitioner.

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4. Today, learned counsel for the petitioner submitted that the petitioner had obtained bail before arrest in sixteen FIRs and in two FIRs the petitioner intends to apply for bail before arrest but is not in a position to do so since he is presently under detention at Central Jail Adyala, Rawalpindi pursuant to an order passed by the District Magistrate, Islamabad under Section 3(1) of the Maintenance of Public Order Ordinance, 1960 (**"the MPO"**).

5. The two FIRs in which the petitioner has not been granted bail before arrest are as follows:-

> *"i. FIR No.281, dated 06.05.2023 registered at Police Station Margalla under Sections 148, 149, 186, 188, 341 and 109 of the Pakistan Penal Code, 1860 (**"PPC"**) read with Section 16 of MPO.*
> *ii. FIR No.271, dated 10.05.2023 registered at Police Station Tarnol under Sections 440, 506-ii, 353, 341, 382, 109, 148, 149, 186, 188 and 123-A PPC."*

6. Learned counsel for the petitioner submitted that in the above mentioned FIRs, he was not able to apply for bail before arrest as there were several other cases registered against him and on 10.05.2023, the petitioner had been arrested and detained pursuant to an order passed by the he District Magistrate, Islamabad under Section 3(1) of the MPO.

7. In view of the above, I am inclined to dispose of the instant petition with the direction to the respondents not to arrest the petitioner in the above mentioned two FIRs for a period of two days after his release from detention or custody in any case. Order accordingly.

(MIANGUL HASSAN AURANGZEB)
JUDGE

*Sultan**
24.05.2023

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