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

Criminal Miscellaneous No.244 of 2025

KASHIF KHAN
Versus
THE STATE AND ANOTHER

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	13.02.2025.	**Mr. Adeel Ahmed Shah, Advocate for the petitioner.** **Rana Ali Raza, State Counsel.** Through the instant petition, the petitioner seeks post arrest bail in case FIR No.485, dated 28.05.2024 under sections 392 and 411, PPC, registered with Police Station Kohsar, Islamabad. 2. Brief facts as per the FIR are that on 28.05.2024 respondent No.2/complainant moved an application to the police alleging therein that yesterday i.e 27.05.2024 at around 5:40 p.m in Blue Area Fazal-e-Haq Road near NAYATEL, after leaving the office, he was waiting for a bus to go home, two persons wearing red clothes approached him on a motorcycle. At gun point, they snatched his mobile phone and valuable watch and fled away. One person had a pistol while the other was armed with a knife. 3. Learned counsel for the petitioner contended that the petitioner is innocent and has been falsely implicated in this case; that the petitioner is not

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nominated in the FIR; that there is no direct evidence against the petitioner; that no incriminating material has been recovered from the petitioner despite remaining on physical remand for several days; that investigation has been completed and the petitioner is no more required for further investigation.

4. Conversely, learned State Counsel vehemently opposed the bail petition while arguing that the petitioner was identified by respondent No.2 during the identification parade; that during investigation different motorcycles and frames have been recovered on the pointation of the petitioner; that there are some other FIRs of similar nature against the petitioner, therefore, he is not entitled to bail.

5. I have heard the arguments and perused the record.

6. Perusal of the record reveals that the petitioner was arrested on 12.08.2024. On 15.11.2024 the identification parade was held and petitioner was identified by respondent No.2. During investigation, some stolen motorcycles and frames of the motorcycles were recovered on the pointation of the petitioner, linking him to the commission of the offence. There are three other

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FIRs against the petitioner as such the petitioner has criminal history. There is no *malafide* or ill-will on the part of respondent No.2 or the local police to falsely implicate the petitioner in the instant case. The offence with which the petitioner has been charged falls within the ambit of prohibitory clause of section 497, Cr.P.C.

7. Robbers target innocent people and deprive them of their hard-earned money. This offence is increasing day by day in the society. In various authoritative pronouncements, including *PLD 2019 SC 527* and *2021 SCMR 387*, the Apex Court has reiterated that individuals involved in such offences should not be extended leniency.

8. For the reasons discussed above, the petitioner is not entitled for grant of bail, therefore, the instant petition is hereby **dismissed.**

9. Needless to mention, the above observations are tentative in nature, which shall in no way prejudice the Trial Court.

(INAAM AMEEN MINHAS)
JUDGE

R.Anjam.

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