ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

JUDICIAL DEPARTMENT.

Crl. Misc No.513-B of 2025

Muhammad Iqbal Jahan

Vs.

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.
	14.04.2025	Mr. Muhammad Ayaz Gondal, Advocate for Petitioner. Ch. Qaiser Nazeer Sipra, Advocate for complainant/respondent. Ms. Balqees Rahat, State Counsel. SI Malik Iftikhar Ahmed, P.S Tarnol

Muhammad Asif, J. Through the instant petition, the Petitioner/accused (Muhammad Iqbal Jahan) seeks pre-arrest bail in case FIR No.853/24, dated 14.10.2024, offences under Section 324/34 PPC, registered with Police Station Tarnol, Islamabad. Sections 337-D/337-F(iii) PPC were added vide Zimni No.5, dated 04.11.2024.

2. The facts of the case are elaborately mentioned in the bail petition and FIR, the same need not be reproduced.

3. The learned counsel for the petitioner argues that the petitioner is innocent and has falsely been implicated in this case by the complainant with malafide intention to humiliate him at the hands of law enforcement agencies; that there is insufficient evidence to substantiate the claim of the instant FIR, therefore, the petitioner is entitled to the

concession of bail.

4. On the other hand, learned State Counsel assisted by learned counsel for the complainant argued that the earlier pre-arrest bail petition of the petitioner was turned down by the learned Additional District & Sessions Judge, West-Islamabad; that Medico-Legal Certificate (**'MLC'**) supports the version of the complainant; that recovery of the crime weapon is yet to be affected, therefore, petitioner is not entitled to the concession of pre-arrest bail.

5. Arguments heard, record perused.

6. Perusal of the record reveals that the petitioner has been nominated in the FIR with the specific role of causing firearm injuries to Riaz and Asfandyar (complainant's brother and cousin) on their vital parts, such injuries are duly corroborated with the Medico Legal Certificate and the statements of PWs under Section 161 Cr.P.C. The crime weapon through which severe injuries were caused is yet to be recovered.

7. The remedy of extraordinary concession of pre-arrest bail is meant to save the innocent from false implication, rigours of trial and humiliation. The Hon'ble Apex Court in case of *"Gulshan Ali Solangi and others v. The State through P.G. Sindh"* **(2020 SCMR 249)** has graciously held that "grant of pre-arrest bail is a remedy

routed into equity; at a cost to hamper the investigation, this judicial protection is extended, solely to save the innocent from the horrors of abuse of the process of law with a view to protect his dignity and honour. It cannot be granted in every run-of-the-mill criminal case, particularly to the accused confronted prima facie charges structured upon material/evidence, warranting custody, that too, based on positions/pleas verification whereof, is consequent upon the recording of evidence."

8. At the bail stage, only tentative assessment is to be considered, and deeper appreciation of evidence is not warranted by law. Nothing has been brought on the record to show any ill-will or malafide on the part of the complainant or Police, which is the basic requirement for the grant of pre-arrest bail. Hence, circumstances warrant to refrain from extending the benefit of extraordinary relief. My view is strengthened by the case law of the Hon'ble Supreme Court of Pakistan **(2019 SCMR 1129).**

9. The cumulative effect of the above discussion/ findings is that, while evaluating all available material tentatively, this Court has concluded that a specific and the exact role is attributed to the petitioner for causing firearm injuries on the person of injured Riaz and Asfandyar (complainant's brother and cousin) on their vital parts i.e. on neck and abdomen. The ocular evidence finds support

with the medical evidence. Sufficient material is available on record to connect the petitioner with the commission of offence.

10. Accordingly, given the above, the petitioner failed to make out any prima facie case for the grant of pre-arrest bail; as such, the petitioner is not entitled to any concession. The instant petition stands dismissed, and the interim bail already granted to him vide order dated 11.03.2025 is hereby recalled.

11. Observations made in this order are tentative in nature, which shall in no way prejudice the proceedings before the learned trial court, where the case be decided on its own merits.

MUHAMMAD ASIF
(JUDGE)

/SHOAIB/