ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Misc No. 153-B/2014

Khurram Shahzad
versus
The State, etc.

S. No. of order/ proceeding	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	21.04.2014	Mr. Muhammad Yousaf, Advocate for petitioner. Mr. Jahangir Jadoon, Standing Counsel along with Ishtiaq ASI with record.

Through the instant Criminal Misc. the petitioner seeks post arrest bail in case FIR No.116 dated 17.02.2014, under section 381-A PPC, registered at Police Station Margalla, Islamabad.

2. Precisely, the facts of case are that on 14.02.2014, from the area of Behria University, Motor Cycle of the complainant was stolen by unknown thieves. Hence, this case.

3. Learned counsel for the petitioner has argued that the petitioner is innocent and has falsely been implicated in this case; that the petitioner is not nominated in the FIR; that no recovery has been effected from the petitioner and alleged recovery if any, is planted one; that case of the petitioner is of further inquiry and probe; that the petitioner is behind the bars since his arrest and no more required for further investigation. He prayed for grant of bail.

4. Learned Standing Counsel while opposing the bail petition has argued that the involvement of accused in this case is proved from the recovery effected.

5. Arguments heard, record perused.

6. From the record, it transpires that there is no iota of evidence available on record with regard to theft committed.

During investigation no such evidence has been collected by the prosecution. Only the prosecution is relying upon the recovery of stolen motorcycle effected from the petitioner without documents later on identified by the complainant. The said recovery with tentative assessment, hardly falls with purview of section 411 PPC which is punishable for three years as such not covered by prohibitory clause of section 497 Cr.PC. in these circumstances, the petitioner, in my view, deserves for grant of bail. Therefore, while accepting the instant criminal Misc. the petitioner is ordered to be enlarged on bail subject to his furnishing bail bonds in the sum of Rs.100,000/- with PR bonds in the like amount to the satisfaction of learned trial court.

(NOOR-UL-HAQ N. QURESHI)
JUDGE

Imran