ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Misc No. 244-B/2014

Shams Uddin
versus
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.
	25.06.2014	Mr. Malik Muhammad Saeed, Advocate for the petitioner. Mr. Faisal Rafique Malik, DAG. Muhammad Aslam Sahi, SI.

Through the instant Criminal Misc. the petitioner seeks post arrest bail in case FIR No.342 dated 03.07.2013, under section 342/447/448, 395/506(ii) PPC, 6/7 ATA 1997, registered at Police Station Sabzi Mandi, Islamabad.

2. Brief facts of the case are that on 03.7.2013 complainant Haji Bashir was present at his shop No.151, situated in Sabzi Mandi I-11/4, Islamabad alongwith his four employees when at about 10:00 a.m. Amanullah alongwith 10/12 persons, apparently Afghani, forcibly entered into his shop, overpowered the persons present there on gunpoint and by extending life threats took over Rs.3, 35000/- from the locker. They kept the complainant and his employees hostage for about one hour and when the neighboring shopkeepers gathered around the shop, accused fled away. The complainant was told by the

shopkeepers that assailant party belonged to *Bhatta Mafia*.

3. Mainly, it is contended by learned counsel for the petitioner that a false case has been registered against the petitioner with malafide intention and ulterior motive on the part of complainant in connivance with the local police. That no incriminating material has been recovered from the petitioner during the course of investigation. That the FIR is full of surmises and conjectures and was registered upon a hearsay version. That investigation of the case has been completed and petitioner is no more required for further investigation. That the petitioner is previously non-convict and non-record holder. He prayed for grant of bail.

4. Conversely, learned Deputy Attorney General has vehemently opposed the grant of bail.

5. We have heard the arguments, perused the record made available.

6. Mr. Faisal Rafique Malik, D.A.G on query raised by the Court has disclosed that only one Danda (Club) was recovered from possession of the petitioner, referring FIR shows that the present petitioner was allegedly armed with Kalashnikov. No other allegation has been attributed to the present petitioner except his presence at the scene of incident duly armed with Kalashnikov. The same being

circumstantial evidence not to be proved unless specifically supported during trial with its description. Furthermore, co-accused Ghulam Khan has already been granted bail by this Court, vide order dated 14.2.2014. Therefore, we are of the opinion that the petitioner deserves for grant of bail. Hence, he is ordered to be enlarged on bail subject to furnishing his bail bonds in the sum of Rs.200,000/- with one surety in the like amount to the satisfaction of trial court.

(ATHAR MINALLAH)
JUDGE

(NOOR-UL-HAQ N. QURESHI)
JUDGE

Imran