

Form No:HCJD/C-121

ORDER SHEET
IN THE LAHORE HIGH COURT
LAHORE
JUDICIAL DEPARTMENT

CrI. Misc. No.80368-B/2021

Muhammad Danish VS The State and another

No. of order/ proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of parties or counsel, where necessary
02.	27.01.2022	Barrister Muhammad Ahmad Pansota, Advocate for the petitioner. Mr. Muhammad Ahmad Saeed, DPG along with Akram, ASI with record. Nemo for the complainant despite notice.

Muhammad Danish, petitioner seeks post arrest bail in case FIR No.500 dated 01.07.2021 offence under Sections 377 PPC registered at Police Station Kot Radha Kishan District Kasur.

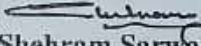
2. Precisely the prosecution story as set out in the FIR is that the petitioner along with his co-accused committed unnatural offence with Muhammad Ayyaz aged about 11 years son of complainant.

3. Heard. Record perused.

4. This is a post arrest bail petition and only tentative assessment of the evidence/material produced before the Court can be made at this stage. The concise allegation against the petitioner and his co-accused is that of commission of sodomy with the alleged victim. Learned Law Officer under instructions and after perusal of record has informed that the alleged victim was medically examined and his DNA test was conducted, which was matched to the extent of Bilal, co-accused of the petitioner, meaning thereby the DNA was negative in respect of the petitioner. Reliance may be placed on the case law reported as "Muhammad Nauman Hanif vs. The State and

another" (2016 SCMR 1399). The petitioner is behind the bars since 07.07.2021 and no more required for the purpose of investigation. No useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

5. Considering all these circumstances, case of the petitioner calls for further inquiry within the ambit of Sub-Section (2) of Section 497, Code of Criminal Procedure. This petition is, therefore, allowed and the petitioner is admitted to post arrest bail subject to his furnishing bail bond in the sum of Rs.1,00,000/- (rupees one lakh only) with one surety in the like amount to the satisfaction of learned trial court. Before parting with this order, it is clarified that the observations made in this order are purely tentative in nature and relevant only for the disposal of this bail petition which shall not influence the learned trial court in any manner, whatsoever.


(Shehram Sarwar Ch.)
Judge

Arshad