

Case No. Crl. Misc. No.62271-B of 2023

Sr. No.	Date of order	Order with signature of Judge, and that of parties of counsel, where necessary.
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Through instant petition, Abdul Rehman (petitioner/accused) seeks post-arrest bail in case arising out of F.I.R. No.126/2023 dated: 01.05.2023 registered under Sections: 302, 148, 149 PPC at Police Station: Mitha Tiwana, District: Khushab.

2. After hearing learned counsel for the parties, learned Deputy Prosecutor General and going through the available record with their able assistance, it has been noticed that briefly, as per crime report (F.I.R.) got recorded by Muhammad Sadiq (complainant), on 01.05.2023 at about 08:40 p.m. five accused persons (whose names were not mentioned in the F.I.R.) while two of them armed with pistols whereas three armed with hunters, stopped Ahmad Nawaz (maternal nephew of the complainant) when he was about to cross Railway Phatak, three persons who were armed with hunters gave blows with hunters to Ahmad Nawaz (mentioned above) whereas two accused persons who were armed with pistols caused firearm injuries to Ahmad Nawaz, who became severely injured and succumbed to the injuries on the way to the hospital. Though petitioner was not nominated in the first information report, however, on Court's query learned Deputy Prosecutor General under instructions of the police official (present before the Court) and after himself going through the available record apprises that petitioner was arrested under Section: 54 Cr.P.C. on 10.05.2023, sent to jail on the same day and was duly identified

during identification test parade on 18.05.2023 by Muhammad Sadiq (complainant) and eyewitnesses, namely, Muhammad Nawaz and Muhammad Ashraf that he was the person who was armed with hunter at the time of occurrence; further apprises that hunter was recovered from him and after thorough investigation, he has been found involved in the occurrence. Therefore, reasonable grounds are available on the record to connect the petitioner with the commission of alleged offence and punishment of the same does fall in the ambit of prohibition contained in Section: 497 Cr.P.C.

So far as ground of juvenility of the petitioner is concerned, suffice it to say that as per birth certificate of the petitioner annexed with this petition (available at page No.16 of the instant petition), date of birth of the petitioner has been mentioned as 08.01.2007 meaning thereby that he was more than sixteen years of age on the day of occurrence i.e. 01.05.2023, therefore, when there are reasonable grounds available on the record to connect the petitioner with the commission of heinous offence then he does not deserve concession of bail even on the ground of juvenility and in this regard, sub-Section: (4) of Section: 6 of the Juvenile Justice System Act, 2018 can be advantageously referred which is hereby reproduced for ready reference :-

“6(4) Where a juvenile of more than sixteen years of age is arrested or detained for a heinous offence, he may not be released on bail if the Juvenile Court is of the opinion that there are reasonable grounds to believe that such juvenile is involved in commission of a heinous offence.”

Furthermore, heinous offence has been defined under sub-Section: (g) of Section: (2) of the Act *ibid* which is hereby reproduced:-

“2(g) “heinous offence” means an offence which is serious, gruesome, brutal, sensational in character or shocking to public morality and which is punishable under the Pakistan Penal Code, 1860 (Act XLV of 1860)

or any other law for the time being in force with death or imprisonment for life or imprisonment for more than seven years with or without fine.”

3. In view of what has been discussed above, instant petition filed by the petitioner for grant of post-arrest bail is without merits and same is hereby **dismissed**. It goes without saying that observations made hereinabove are just tentative in nature, strictly confined to the disposal of instant bail petition and will have no bearing upon trial of the case.

(Farooq Haider)
Judge

APPROVED FOR REPORTING.

(Farooq Haider)
Judge

This order has been dictated,
pronounced, prepared and
signed on 13.12.2023.

**Jftikhar*