

ISLAMABAD HIGH COURT, ISLAMABAD

NO. _____ IHC/Jude. Deptt.

(REVISED FORM OF BLUE SLIP)

Case No. Cr M. 532-B-2014.

Raja Waqas Shafique

. Titled

 V_S

The state etc.

- (a) Judgment approved for reporting Yes / No
- (b) Judgment any comment upon the Conduct of the
Judicial Officer for Quality of the impugned
judgment is Desired to be made. Yes No

(In case the answer is the affirmative Separate confidential note may be Sent to the Registrar drawing his Attention to the particular aspect).

Initial of the Judge.

NOTE

1. If the slip is used, the Reader must attach on top of first page of the judgment.
2. Reader may ask the Judge writing the judgment whether the judgment is to be approved for Reporting of any comment is to be made about the Judicial Officer/ quality of judgment.
3. This slip is only to be used when some action is to be taken.

Form No: HCJD/C-121.

ORDER SHEET.**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**
JUDICIAL DEPARTMENT.

Crl. Misc. No.532-B-2014

Raja Waqas Shafique

Vs.

The State & Another

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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29.09.2014 Raja Gul Nawaz, Advocate for the petitioner.
Mr. Jahangir Khan Jadoon, Standing Counsel
with Muhammad Iqbal, SI with record.

Through the present bail petition, the petitioner seeks post arrest bail in connection with FIR No.225/2013 dated 30.07.2013 u/s 302/34 PPC, registered at P.S. Koral, Islamabad.

2. As per narrated facts, instant FIR was lodged on the written complaint of complainant, who alleged that his daughter (deceased) was in nuptial ties with the petitioner who on 30.07.2013 at about 1:a.m, imparted information to him that his daughter was in injured condition, thereupon the complainant accompanied by his son namely Naqash Mehmood scurried to the house of petitioner, where he found his daughter in blood pool having bullet mark on her head. The complainant alleged that his daughter was done to death by the petitioner, Safeer Ahmed and Raja Shafique Ahmed conjointly.

3. Feeling aggrieved, the petitioner applied for post arrest bail, which was dismissed by the learned Additional Sessions Judge, East, Islamabad.



4. Learned counsel for the petitioner has argued that petitioner is absolutely innocent having no nexus with the baseless/false/flimsy and vague allegations; that admittedly, the occurrence is un-witnessed and is based on hypothesis; that joint imputations addling accused with none of fault at their parts is a question to be answered by the prosecution, as padding work is not sustainable in law and is always deprecated by higher as well as superior judiciary; that the whole prosecution story has been concocted against the petitioner and his family members through fabricated evidence; that the recovery effected from the petitioner is also a result of concoction and fabrication; that the petitioner is not a previous convict and the bail petition of the co-accused has been allowed from this Hon'ble Court; that investigation of the case is complete and petitioner is no more required for any further investigation. Learned counsel has placed reliance on 2001 SCMR 941 & 2010 P. Cr. LJ 1750.

5. Learned Standing Counsel has vehemently opposed the grant of bail on the ground that petitioner is nominated in FIR. Moreover, as per statement of Rizwan, brother of deceased, the present petitioner gave a fire short on the head of the deceased, as a result of which, she died. According to the postmortem report of the deceased, the deceased sustained fire arm injury on the left side of the scalp, and there was no blackening and charring. This fact reflects that the fire arm injury is not apparently caused by any suicide attempt. Recovery has been effected from the petitioner.




6. Arguments heard. Record as well as the relevant law and case law quoted have been perused.

7. Admittedly, unnatural death of the deceased by fire arm injury occurred in the house of the petitioner. The petitioner is the husband of the deceased therefore heavy responsibility incurs upon the petitioner to explain his position with regard to murder committed inside his house. Moreover, recovery of weapon and empties lying at the side of dead body prima facie are the sufficient proof to connect the petitioner with the commission of instant offence.

8. It is also a fact on record that empties matched with the fire tests conducted by the expert with the same weapon which was recovered from the possession of the accused. Therefore, at this verge, the question raised with regard to recovery needs deeper appreciation, which is not permissible while deciding bail petition.

9. Prior to bail petition, co-accused Raja Muhammad Shafique & Muhammad Safeer Raja were granted bail by this Court, but case of present petitioner is altogether different and is not at par to the case of co-accused, who have been granted bail.

10. Moreover, a question also raises in the mind regarding veracity of evidence of child witness in view of other development of the prosecution case, which in my view, is not a material favouring the petitioner.

 11. No reasonable grounds exist in favour of the petitioner for grant of bail, hence prayer

sought through this petition is hereby declined.
Consequently, instant bail petition is dismissed.

12. The learned trial court should not be influenced by the above observations, as the same are tentative in nature.

13. Moreover, expeditious trial is the right of accused. Therefore, learned trial court is directed to conclude the trial expeditiously.


(NOOR-UL-HAQ N. QURESHI)
JUDGE

Approved for Reporting 

Zawar

Blue Slip Added.
WZ

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