

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

**Criminal Misc. No. 958/B/2020.**

Ranjha alias Shareef

*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.
	22.09.2020.	Mr. Sher Afzal Khan Marwat, Advocate for petitioner. Mr. Hasnain Haider Thaheem, State Counsel. Mr. Kashif Ahmed Khan, Advocate for complainant. Munir Ahmed, Inspector P.S. Khanna, Islamabad.

Through this Crl. Misc., petitioner has prayed for post-arrest bail in case FIR No.262, dated 23.05.2018, U/S 302/148/149/337-A(i)/337-A(ii)/337-F(i)/337-F(ii) PPC, P.S. Khanna, Islamabad.

2. Brief facts referred in the instant FIR lodged on the complaint of Bakhat Munir/respondent No.3 are that on 23.05.2018 his brother Arshad Khan was murdered by Aurangzeb alias Ranga by inflicting hatchet blow on his head and another blunt injury was caused by co-accused Naveed by using iron rod to the deceased, whereby present petitioner Ranjha alias Shareef commanded *lalkara* to his sons and other co-accused for commission of the offence and resorted to indiscriminate aerial firing.

3. Learned counsel for the petitioner contends that petitioner is innocent and has falsely been implicated in this case, who was arrested on 13.08.2020 with specific

role of causing indiscriminate firing and raising *lalkara*, which could only be settled after recording of evidence as to whether petitioner has actively participated in the alleged crime or not; that no specific injury has been attributed to the petitioner in any manner and as such case of petitioner falls within the ambit of further inquiry; that co-accused Muhammad Latif has already been granted post-arrest bail by this Court.

4. Conversely, learned State Counsel as well as learned counsel for complainant contend that petitioner has been nominated as accused with specific role and even petitioner remained fugitive from law for the period of 02 years, therefore, he is not entitled for concession of post-arrest bail, especially when trial has almost concluded.

5. Arguments heard, record perused.

6. The tentative assessment of record reveals that petitioner has been nominated in the above mentioned FIR with specific role of indiscriminate aerial firing and raising *lalkara* on a trivial dispute and as such no injury has been ascribed to the petitioner in any manner which was attributed to the co-accused.

7. Besides the above referred position, petitioner remained fugitive from law for a period of two years but in such circumstances when petitioner has not caused any injury to the deceased or to any other person his bail could not be denied on mere abscondence especially when he is no more required for the purposes

of investigation. Reliance is placed upon 2020 SCMR 451 (Atta Ullah Vs. The State).

8. Learned State counsel alongwith learned counsel for the complainant contend that petitioner being father of other co-accused has been nominated in this case, who commanded *lalkara*, which resulted into murder of innocent person, however, effect of *lalkara* could only be determined after recording of evidence viz. a viz. the role of aerial firing and in such circumstances bail could not be withheld as matter of punishment. Reliance is placed upon 2012 YLR 1233 (Muhammad Shaukat Vs. The State and another), 2008 PCrLJ 1602 (Muhammad Munir Ahmed Vs. The State), 2003 SCMR 958 (Tariq Zia Vs. The State), 2002 SCMR 1415 (Abdul Rehman Vs. Javed and 2 others), 1996 SCMR 1654 (Muhammad Sadiq and another Vs. The State), 1994 SCMR 2161 (Rafiq Khan Vs. The State).

Even otherwise, the petitioner is 73 years of age, who is an old man and behind the bars for the last more than one month with the role of raising *lalkara*. In such circumstances, bail has been granted. Reliance is placed upon 2017 SCMR 279 (Qurban Ali Vs. The State and others). Investigation has already been completed and challan has been submitted in the Court, hence, petitioner is entitled for concession of post-arrest bail in this case.

9. In view of above, instant petition is allowed and the petitioner is admitted to post arrest bail subject to

his furnishing of bail bonds in the sum of Rs.1,00,000/-  
(Rupees One Lac only) with one surety in the like  
amount to the satisfaction of learned trial Court.

(MOHSIN AKHTAR KAYANI)  
JUDGE/

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