

HCJD/C-121  
**ORDER SHEET**

**ISLAMABAD HIGH COURT**  
**ISLAMABAD**

**Crl. Misc. No. 712-B/2012**

**Muhammad Rameez**  
Versus  
**The State & another.**

| S.No. of order<br>/ Proceeding | Date of order/<br>proceeding | Order with signature of Judge, and that of parties or counsel, where<br>necessary. |
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**07-02-2013**

**Mr Wasiq Hussain Malik Advocate for the  
petitioner.  
Raja Rizwan Abbasi Advocate for the  
complainant.  
Zahoor Awan, Standing Counsel  
Anar Luk S.I with record.**

Muhammad Rameez petitioner herein  
seeks post arrest bail in case FIR No. 91, dated  
21-08-2012, U/s 302, 324, 34, 337-F(ii) PPC,  
Police Station Nilore, Islamabad.

2. Brief facts of the case are that  
complainant Qaiser Naseer lodged the above  
said FIR stating therein that on the fateful day  
at about 1:30 p.m., he and his younger brother  
were on their way home. On reaching near the  
place of occurrence, the accused/petitioner  
alongwith three other co-accused had taken the  
position and on seeing them started firing. As a  
result of fire-shots of the co-accused he as well

as his brother got injured. His brother did not succumb to injuries and died on the spot. The present accused Muhammad Rameez was making aerial shots. The motive for the occurrence was that the sister of the complainant was divorced by maternal uncle of the accused.

3. The accused/petitioner was refused post arrest bail by the learned Addl. Sessions Judge, East-Islamabad on 04-12-2012, hence the present petition.

4. Learned counsel for the petitioner submitted that the petitioner has been charged for making aerial shots and as such, the allegation against the petitioner is of common intention, which would require evidence and as such, the case of the petitioner is one of further enquiry. It has further been submitted that one of the co-accused has already been enlarged on bail. Motive for the offence is not proved, therefore, the petitioner is entitled to the concession of bail.

5. On the other hand, learned standing counsel assisted by learned counsel for the complainant has submitted that the accused/petitioner facilitated the occurrence by making

aerial shots and is equally responsible for the alleged occurrence. It has further been submitted that the co-accused had been granted bail on medical grounds and the petitioner is therefore, not entitled to the same concession. Learned counsel further submitted that challan has already been submitted and instead of granting bail, a direction may be issued to the learned trial Court for conclusion of trial.

6. I have heard learned counsel for the parties and have also perused the record.

7. It is a daylight occurrence. All the accused have been given specific roles. Tentative assessment shows that all the accused shared common intention. The allegation of aerial shots is to be seen in the light of main offence. Making aerial shots, is infact to facilitate the commission of main offence and therefore, cannot be taken in isolation. To prove the same, though, evidence would be required, yet prima facie, involves the accused/petitioner in the commission of main offence. Challan has already been submitted in this case, so at this stage, releasing the petitioner on bail would not be in the interest of justice. In the circumstances, this bail petition is

dismissed. However, learned trial Court is directed to conclude the trial expeditiously preferably within three months.

**(RIAZ AHMED KHAN)**  
**JUDGE**

Wajid

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