

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
PESHAWAR
(Judicial Department)

Cr.Misc. BA No.1601-P/2015

Date of hearing: _____

Petitioner (s) : _____

Respondent (s) : _____

JUDGMENT

ASSADULLAH KHAN CHAMMKANI, J.- Petitioner

Muhammad Irfan, seeks bail in case FIR No.416 dated 17.06.2015, registered under sections 302/34 PPC in Police Station Urmar, wherein he alongwith co-accused Javed (already on bail), is charged for committing the Qatl-e-Amd of Kamran Shah deceased.

2. Arguments heard and record perused.

3. It appears from the record that neither complainant nor anybody else has furnished the ocular account of the incident. Though petitioner has been directly charged by complainant in the FIR for the murder of the deceased, but has not furnished the source of his satisfaction qua complicity of the petitioner in the commission of offence. Similarly, according to the allegations in the FIR, the deceased was done to death by

the accused by throwing him in a well known as “Ghughal Zai Baba Well”, but as per autopsy report, firearm injury was found on the person of the deceased. The petitioner has not confessed his guilt before the competent court of law. Co-accused Javed, whose role is identical to that of the petitioner has already been granted bail by this court against which no BCA has been filed, therefore, on the principle of consistency, the petitioner is also entitled to concession of bail.

4. Accordingly, this petition is allowed. Accused/petitioner is admitted to bail provided he furnishes bail bonds to the tune of Rs.3,00,000/- with two local, reliable and resourceful sureties each in the like amount to the satisfaction of learned Illaqa Judicial Magistrate/MOD, concerned.

Announced
30.10.2015.

J U D G E

7. For what has been discussed above, Suo motu notice given to accused Shakir stands withdrawn. He is admitted to bail on already existing bail bonds, on merits. Since this court has already directed expeditious conclusion of trial while dealing with the bail petition of co-accused Farman, therefore, office is directed to send the record to the quarter concerned within two days, positively.

announced:
19.10.2015

J U D G E

