

Judgment Sheet

IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH.

JUDICIAL DEPARTMENT

Cr.M/B.No. 768-A/2018.

JUDGMENT

Date of hearing: 22/10/2018

*Petitioner (Raj Malikdad) By Mr. Junaid Anwar
Khan, Advocate.*

State by: Mr. Yasir Zahoor Abbasi, Assistant AG.

Complainant by: Nemo.

SYED MUHAMMAD ATTIQUE SHAH, J:-


Accused/petitioner Raj Malik Dad seeks his release on bail in case FIR No. 21 dated 24.05.2018 under Section 302/324/148/149/295/201 PPC read with Section 15 AA KPK of Police Station Karor, District Torgar.

2. Brief but essential facts of the case as per FIR are that complainant Said Muhammad Khan S/o Abdul Akbar reported the matter to the local police that he along with Said Rehman S/o Wazit Khan were coming out of the mosque after offering Zohar Prayers and when came in the courtyard of mosque, Zubair and Zuqaib Ahmed


armed with knives, Zahir Dad S/o Latif armed with pistol were present. Zubair and Zuqaib attempted at the life of Said Rehman by inflicting Churri blows to him while Zahir Daad made firing upon Said Rehman with 30 bore pistol as a result of which he died on the spot. On hue and cry of the complainant, his relatives as well as the relatives of the accused party duly armed with Kalashnikovs and knives attracted to the spot. Raj Malik Daad made firing with Kalashnikov which resulted into death of Mst. Sahib Roza as well as firearm injury to Rubina Bibi. Atta Ullah inflicted knife blows to Bakhtmeen Khan and Taj Ameen. Naseeb Dad inflicted Churri blow to Dalil Khan. Occurrence was witnessed by the complainant and his companions present at the spot.

3. Arguments heard and record gone through.

4. Perusal of record reveals that accused/petitioner is charged for making effective firing upon Mst. Sahib Roza as well as Mst. Rubina Bibi. Mst. Sahib Roza succumbed



to the injuries at the spot, while Mst. Rubina Bibi was injured. The record further suggests that post mortem examination of deceased Mst. Sahib Roza was not conducted to ascertain the apparent cause of her death. Similarly, during course of investigation no statement of injured Mst. Rubina Bibi could be recorded. It is also worth mentioning that one Zahir Daad also lodged report regarding the present incident vide FIR No. 22 dated 24.05.2018 of Police Station Karor, which is a cross version of present case. When both the FIRs are read in juxtaposition, it seems that it was a free fight between the parties resulting into injuries to several persons as well as murders from both sides. Keeping in view the cross versions as well as the fact that there is neither any medico-legal report nor postmortem reports of the deceased to substantiate the version of complainant. Therefore, at present the case against the accused/petitioner squarely falls within the ambit of further inquiry. Co-accused Zuqaib, charged for the murder of deceased Said Rehman, has already been granted bail by this



court vide order dated 01.08.2018, thus on the basis of principle of consistency too, accused/petitioner deserves concession of bail.

5. Resultantly, the petition in hand is accepted. Accused/petitioner be released on bail on furnishing bail bonds in the sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of Judicial Magistrate/MOD concerned, who shall ensure that sureties are local, reliable and men of means.

Announced.
Dt.22.10.2018.


JUDGE

Tufail/*

Hon'ble Justice Syed Muhammad Attique Shah.