

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

Cr.Misc. BA No.1901-P/2015

Date of hearing: _____

Petitioner (s) : _____

Respondent (s) : _____

JUDGMENT

ASSADULLAH KHAN CHAMMKANI, J.- Petitioner

Waqif, seeks bail in case FIR No.1014 dated 21.09.2015, registered under sections 399/400/401 PPC and S.15 Khyber Pakhtunkhwa Arms Act, 2013, in Police Station Yakatoot, Peshawar.

2. Allegations against the petitioner are that he being a member of gang of dacoits and thieves, on 21.09.2015 at 12.00 hours, alongwith co-accused was present in the graveyard of Rehman Baba for the purpose of dacoity, thus was nabbed by the local police and from his possession a 30 bore pistol alongwith 5 live rounds was recovered from his possession.

3. Arguments heard and record perused.

4. In absence of any previous history of the petitioner qua his involvement in the cases of dacoity and theft as well as qua the factum of his preparation for the

purpose of dacoity at the time of his arrest, application of sections 399, 400 and 401 PPC, requires further probe. So far as recovery of 30 bore pistol from possession of the petitioner is concerned, punishment of S.15 Khyber Pakhtunkhwa Arms Act, 2013, does not fall within the Prohibitory Clause of S.497 Cr.P.C. and in such like cases bail is a rule and refusal thereof an exception. There exists no exceptional circumstance to clog the way of bail to the petitioner.

5. 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
19.11.2015.

J U D G E.