

**IN THE PESHAWAR HIGH COURT,**  
**PESHAWAR**  
(Judicial Department)

**Cr.Misc.BA NO.168-P/2016**

Date of hearing: \_\_\_\_\_

Petitioner (s) : \_\_\_\_\_

Respondent (s) : \_\_\_\_\_

**ORDER**

**ASSADULLAH KHAN CHAMMKANI, J.-** Petitioner

Naseer Khan, seeks bail in case FIR No.1617 dated 15.12.2015, registered under section 17 (3) Offences Against Property (Enforcement of Hudood) Ordinance, 1979, in Police Station Pahari Pura.

2. According to version of complainant Nadir Khan on the fateful day he having in his possession rupees thirty lacs, when reached near the shop of one Mashooq, four persons present there, forcibly snatched the amount from him at gun point and made their escape good from the spot; that he identified one of the culprits to be Naseer Khan (present petitioner).

3. Arguments heard and record perused.

4. The incident allegedly took place on 08.12.2015 in Haji Camp Adda in front of Rawalpindi Bus Stand, Peshawar, but has been reported after a delay of six

days, for which the explanation furnished by complainant that the elders were trying to patch up the matter between him and the accused, disturbs a prudent mind, as in such like incidents the first option of the victim be to rush the Police Station for bringing the law into motion for redressal of his grievance. No recovery of the alleged snatched amount has been effected from the petitioner either from his direct or indirect possession or on his pointation nor has he confessed his guilt before the competent Court of law. Besides, the sketch of petitioner drawn by the local police on the pointation of the complainant does not correspond with the features and structure of the petitioner as manifest from his snap annexed with the petition. During the course of arguments learned counsel for the petitioner contended that the amount allegedly snatched from complainant was actually the ownership of some twenty eight peoples and he in order to grab the same and to exonerate himself, invented a false drama in the shape of instant case by implicating the petitioner with whom he has got a money dispute. He also referred a Jirga decision arrived between the petitioner and the complainant wherein the complainant on the offer of the Jirga members was reluctant to take Oath on the Holy Quran regarding truthfulness of the present incident and

according to the Jirga verdict his version was held to be a false story.

5. In view of what has been discussed above, reasonable grounds exist which make the case of the petitioner arguable for the purpose of bail. Resultantly, this petition is allowed. Accused/petitioner is admitted to bail provided he furnishes bail bonds in the sum 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**  
**01.02.2015**

**J U D G E**









