

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

Cr.Misc. BA No.1988-P/2015

Date of hearing: _____

Petitioner (s) : _____

Respondent (s) : _____

JUDGMENT

ASSADULLAH KHAN CHAMMKANI, J.-

Petitioners Nihar Ali and Jabbar, seek bail in case FIR No.164 dated 30.09.2015, registered under sections 302/34 PPC, in Police Station Parmoli, District Swabi, wherein they are charged for committing the murder of Gul Hayat deceased with firearm on a motive of previous blood feud.

2. Complainant Muhammad Hayat stated at the bar that he being poor is unable to bear the expenses of private counsel, therefore, would rely on the arguments of learned State counsel.

3. Arguments of learned counsel for the petitioner and learned State counsel heard. Record perused.

4. The incident has taken place on 30.09.2015 at 05.00 hours, in a vacant plot near the house of complainant, situated at a distance of 8/9 Kilometers from Police Station Parmoli Swabi, but it has been reported with abnormal delay of 8 hours at 13.30 hours, for which no

explanation, much less plausible, has been furnished by the complainant, therefore, possible of consultation and deliberation on the part of the complainant to charge the accused, cannot be ruled out. No source of light has been disclosed by the complainant in his report while the time of incident is 05.00 hours and by such time in the month of September dark still prevails. Besides, a general role of firing has been attributed to both the petitioners while as per FSL report the recovered empties have been fired from one and the same weapon and as per autopsy report, dimensions of injuries on the person of the deceased are one and the same, therefore, it is yet to be determined as to whether the incident is the doing of single person or otherwise. On tentative assessment of the material available on file and discussed above, the case of the petitioners requires further probe into their guilt of the petitioners, therefore, I am inclined to exercise the discretion of bail in their favour.

5. Accordingly, this petition is allowed. Accused/petitioners are admitted to bail provided each one of them furnishes bail bonds to the tune of Rs.3,00,000/- with two sureties each in the like amount to the satisfaction of learned Illaqa Judicial Magistrate/MOD concerned.

Announced
11.11.2015.

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 For what has been discussed above, Suo motu notice given to accused Shakir stands withdrawn.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

