

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, MINGORA
BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)

Cr.M.BA. No.420-M/2015.

JUDGMENT

Date of hearing: 10.11.2015.

Petitioner (Aziz Ullah) by Qazi Farid Ahmad Advocate

Respondent/State by Mr. Sabir Shah AAG.

MUHAMMAD DAUD KHAN, J.- Through instant petition, Aziz Ullah, the petitioner, seeks post arrest bail in case FIR No.966 dated 16.12.2014, registered u/ss 302 PPC/ 13 AO, P.S. Mingora, District Swat.

2. As per prosecution case, petitioner after committing murder of his sister Seema Gul and one Lal Bahadar by firing at them with pistol, was over powered by the local police alongwith crime pistol and a case vide FIR mentioned above was registered against him.

3. It is pertinent to mention that the prayer of petitioner for his release on bail has been rejected on merit by the learned lower Court and during pendency of his bail petition on merit before this Court, it was dismissed as withdrawn. The petitioner moved the lower Court on fresh ground of compromise effected between the parties, which was refused vide order dated

20.10.2015, hence the instant petition for release of petitioner on the basis of compromise.

4. Learned counsel for petitioner mainly stressed the release of petitioner on the basis of compromise effected between the parties. As per record it is a case of *honor killing* which has been lodged on the report of petitioner who was arrested red handed on the spot alongwith crime pistol after committing murder of his sister alongwith one Lal Bahadar on the pretext of Karo-Kari(Honor killing) as his sister had run away with the said Lal Bahadar, which is duly supported by the recoveries of blood and empties from the places of both the deceased as well as their Post Mortem Reports. Though in the lower Court, the legal heirs of both the deceased had produced compromise with the petitioner and recorded their statements in respect of compromise but the same cannot be taken into consideration at this stage. Section 302 PPC is compoundable but according to Section 345 Cr.PC, in cases of '*Karo Kari*' (Honor Killing), Section 302 PPC has not been declared as compoundable. The offence with which the petitioner is charged falls under the prohibitory clause of Section 497 Cr.PC. Besides, trial against the petitioner has been commenced and most of prosecution witnesses have been examined and the trial could be concluded in the near future, therefore, petitioner is not entitled to the concession of bail at this stage.

In view of above, this petition being devoid of any force is dismissed. However, the learned trial Court is directed to conclude the trial expeditiously.

The above observations of this Court should be considered tentative in nature and in no way prejudice the case of either party during trial.

Announced
Dt: 10.11.2015.

J U D G E

"A.Qayum".