## JUDGMENT SHEET IN THE PESHAWAR HIGH COURT, PESHAWAR

(Judicial Department)

## Cr.Misc.BA No.1368-P/2015

Date of hearing:		-
Petitioner (s):	 	
Respondent (s):		

## **JUDGMENT**

## ASSADULLAH KHAN CHAMMKANI, J.-

Petitioner Faqir Hussain, seeks bail in case FIR No.375 dated 23.06.2015, registered under sections 324/427/34 PPC, in Police Station Parang Charsadda, wherein he alongwith co-accused Ihsanullah and Amanat, is charged for attempting at the lives of complainant and his sons Sajjad Ahmad and Waqas Ahmed by firing at them, as a result, motorcar parked inside their house was hit while they luckily remained unscathed. A brawl inter-se petitioner

Faqir Hussain and sons of the complainant has been alleged as motive behind the incident.

- 2. None on behalf of the complainant has sustained any injury in the incident due to alleged firing of the petitioner, therefore, at the moment, applicability of section 324 PPC and intention to do the complainant party away, is a debatable question to be properly answered by the prosecution during trial after recording evidence whereas punishment of section 427 PPC, does not fall within the Restrictive limb of S.497 Cr.P.C., hence, the case of the petitioner being arguable for the purpose of bail, I am inclined to exercise the discretion of bail in his favour.
- 3. Accordingly, the petition is allowed. Petitioner is admitted to bail provided he furnishes bail bonds in the sum of Rs.3,00,000/-with two local and reliable sureties each in the

like amount to the satisfaction of learned Illaqa

Judicial Magistrate/MOD, concerned.

**Announced 27.08.2015** 

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