

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

Cr.Misc.BA No.1843-P/2015

Date of hearing: _____

Petitioner (s) : _____

Respondent (s) : _____

JUDGMENT

ASSADULLAH KHAN CHAMMKANI, J.- Petitioner

Wajahat, seeks bail in case FIR No.509 dated 28.06.2015, registered under section 302 PPC, in Police Station MRS, Kohat, wherein he alongwith absconding co-accused Sajid Naseeb and Khamshed is charged for committing the Qatl-e-Amd of deceased Mohib Khan with sharp object.

2. Arguments heard and record gone through.
3. None is charged in initial report written down by Qabil Khan ASI, who on receipt of information qua murder of a person in the fields of Military Dheri form Dhoda road, rushed there, found a human dead body and shifted it to the hospital for postmortem examination. The dead body of the deceased remained un-identified till his

post-mortem and burial. Later on, Sikandar Khan father of the deceased on getting information about the factum of recovery of a human body by the police, he went to Police Station where from the record about features of the deceased and his last worn garments taken into possession by the police, he identified the deceased to be his son Mohib Khan, therefore, he charged the present petitioner and co-accused for his murder. None has come forward to furnish the ocular account of the incident. Sinkandar Khan is also not the eyewitness of the occurrence. The source of the basis of which he got satisfied qua complicity of the petitioner in the commission of offence has not been disclosed by him. The petitioner has not confessed his guilt before the competent Court of law. Mere recovery of a weapon of offence i.e. (stone), without being stained with blood, and a pair of chappal, without being identified, allegedly on the pointation of the petitioner, in absence of direct evidence or other strong circumstantial evidence, would not be sufficient to reasonably connect the petitioner with the commission of offence, rather evidentiary value of

these pieces of evidence is yet to be determined during trial in light of other strong circumstances / pieces of evidence.

At the moment, on tentative assessment the case of the petitioner requires further probe into his guilt, therefore, he is entitled to concession of bail.

4. 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
03.11.2015

J U D G E