

**JUDGMENT SHEET**

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

**Cr.M.BA. No.150-B/2018.**

**Ijaz Muhammad alias Ijaz Khan  
Vs.  
The State, etc.**

**JUDGMENT**

For Petitioner: Pir Liaqat Ali Shah and  
Farooq Khan Sokeri Adv

For Respondents: 166 By Qudusullah Khan

Gandapur Adv, A.G. Others By Abdul Latif Khan  
Baloch Adv: and Sultan Mahmood Adv:

Date of hearing: 10.01.2019

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**SHAKEEL AHMAD, J.-** The petitioner, who is at present in judicial custody, is charged under sections 302/324/148/149 PPC for the double murder of Shehr Yar and Haider Ali and for having attempted on the life of complainant. In order to secure bail for himself on the ground of ailment and infirmity within the meaning of 1<sup>st</sup> proviso to section 497, Cr.P.C, he first applied to the Additional Sessions Judge-IV, Bannu, but his application was dismissed, hence this petition.

2. The allegation against the petitioner as set forth in the crime report, is that he alongwith his co-accused had made indiscriminate firing on account of which the brothers of the complainant namely Shehr Yar

and Haider Ali succumbed to their injuries while the complainant escaped unhurt, luckily. The petitioner, after commission of offence, had fled away from the scene of crime.

3. Earlier, prayer of the petitioner for his examination by the standing medical board was acceded to by the Court below. On 15.02.2018, he was examined by the board and submitted its report, wherein it was opined that petitioner is suffering from following ailment:-

1. Hypertension.
2. Diabetes mellitus.
3. Burning feets due to diabetics neuropathy.
4. Back-ache due to disc bulge at L4-L5.
5. Eye: Bilateral cataracts. Diabetic maculopathy disc Pallor needs Vitreo Retinal Suregon opinion needs treatment.

3. Vide order dated 22.6.2018, this Court again referred the petitioner to standing medical board to clarify whether he cannot be treated in the jail and he needs specialized treatment outside the jail. Subsequent report of the standing medical board dated 07.11.2018, was received with the following opinion.

“Standing Medical Board is of the opinion that has MRI Brain, according to Radiologist report shows prominent internal and external cerebrospinal fluid (CSF) spaces prominent ventricular system. He is having mild brain atrophy with ischemic changes keeping in view his clinical condition and radiological he

should be managed in a tertiary care hospital”.

4. It is true that in all the said reports, petitioner is said to be suffering from some ailment and he is in need of the treatment in a tertiary care hospital, however, the board has not opined that the ailment from which petitioner is suffering, is likely to have hazardous effects on his life and his health would be deteriorated if remained inside the jail. After going through the reports, I am satisfied that the petitioner can get proper treatment for the diseases, which are easily amenable to him in the tertiary care hospital at Bannu as an under-trial prisoner.

5. The petition is, therefore, dismissed. I, however, observe that if the petitioner is in need of any specialized treatment in the tertiary care hospital, it would be burden of the jail authorities to provide the same subject of course to the jail rules relating to that subject.

Announced.

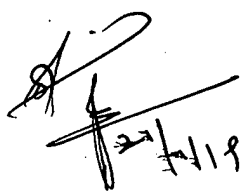
Dt: 10.01.2019

Kifayat/\*

(S.B)

Hon'ble Mr. Justice Shakeel Ahmad

  
JUDGE

  
27/1/19