

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

Cr.Misc.BA No.1365-P/2015

Date of hearing: _____

Petitioner (s) : _____

Respondent (s) : _____

JUDGMENT

ASSADULLAH KHAN CHAMMKANI, J.-

Petitioner Javed Mian Dad alias Javed, seeks bail in case FIR No.416 dated 17.06.2015, registered under sections 302/34 PPC, in Police Station Urmar, District Peshawar, wherein he alongwith co-accused Muhammad Irfan, is charged for committing the murder of Kamran Shah deceased.

2. Arguments heard and record perused.

3. Though complainant has charged the petitioner alongwith co-accused directly in the FIR for committing the murder of his deceased

brother, by throwing him in a well, but neither he nor anybody else has witnessed the incident. The dead body of the deceased had been recovered from a well known as “Chughal Zai Baba Well” by the locals, in decomposed condition but according to autopsy report, the cause of death of the deceased is firearm injury to his brain. Except positive FSL report qua a single empty of 30 bore pistol recovered from the crime venue and 30 bore pistol allegedly recovered on the pointation of the petitioner, which too, has been sent with a delay of more than a month, there is no other substantial evidence to connect the petitioner with the commission of offence while the evidentiary value of the above mentioned corroborative piece of evidence is yet to be determined during trial in light of other independent strong circumstances of the incident. On tentative assessment of the material available on record,

reasonable grounds exist which require further probe into the guilt of the petitioner, hence, I am inclined to exercise the discretion of bail in favour of the petitioner.

4. Accordingly, this petition is allowed.

Accused/petitioner is admitted to bail provided he furnishes bail bonds in the sum of Rs.3,00,000/- with two sureties each in the like amount to the satisfaction of learned Illaqa Judicial Magistrate/MOD, concerned. The sureties must be local, reliable and men of means.

Announced
24.08.2015

J U D G E

