

JUDGMENT SHEET

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

Cr.Misc.B.A.No.912-A/2018

JUDGMENT

Date of hearing.....07-12-2018.....

*Petitioner (s)... (Naeem Khan) by Qazi Muhammad Arshad,
Advocate.....*

*Respondent (s)..... (The State etc) by Sardar Muhammad
Asif, Assistant Advocate General and
Zulfiqar Ahmad, Advocate*

Accused-petitioner, Naeem Khan son of Alamgir is admitted to bail in case F.I.R No.16 dated 13.05.2018 under section 324/336 PPC, Police Station Jalkot, Kohistan,

SYED MUHAMMAD ATTIQUE SHAH, J.-

Accused-petitioner, Naeem Khan son of Alamgir, after having been refused bail by the learned lower Court in case F.I.R No.16 dated 13.05.2018 under section 324/336 PPC, Police Station Jalkot, Kohistan, has approached to this Court for the same relief by filing the instant bail petition.

2. Brief facts of the case, as narrated in the F.I.R. by Abdul Sattar complainant in injured

condition to the police are that he was cleaning his rifle at his home at about 8.00 AM, which was suddenly and accidentally went off and the bullet in its chamber got hit on his right thigh and knee, as a result thereof, he sustained injuries. He did not charge anybody in his report and the occurrence was stated to have witnessed by inmates of his house including his brothers Abdul Ghaffar and Bakhtiar Ahmad, who alongwith other took him for treatment.

3. Arguments of the learned counsel for the accused/petitioner and AAG heard and record perused with their valuable assistance.

4. Perusal of record reveals that the complainant himself lodged the report to the police and clearly mentioned in his report that the occurrence had occurred due to his negligence and nobody has fired at him and he was hit on his right thigh and knee accidentally, when he was cleaning his rifle at his home. Astonishingly, the complainant has changed his mind after long twenty days when he recorded his statement under section 164 Cr.P.C on 01.06.2018, wherein, he charged the present accused/petitioner for the offence. The injury caused to the complainant being on non-vital part of his body needs further probe into the guilt of present accused/petitioner by the learned trial Court

after recording evidence of the prosecution. Thus, in view of peculiar facts and circumstances of the present case, the role of accused/petitioner becomes that of '*further inquiry*' into his guilt under subsection 2 of section 497 Cr.P.C.

5. Additionally, the accused/petitioner is no longer required to the police for the purpose of investigation, as complete challan has been submitted in the case; therefore, no useful purpose is going to be served by keeping him behind the bars.

6. The observations rendered hereinabove being tentative in nature, would not affect the mind of the learned trial Court in any manner whatsoever, during trial of the case

7. Consequently, this bail application is accepted and accused-petitioner is admitted to bail, subject to his furnishing bail bonds in the sum of Rs.200,000/- (Rupees two lacs), with two sureties each in the like amount, to the satisfaction of the *Illaq*a/Duty Judicial Magistrate, Dassu Kohistan.

Above are the detailed reasons of short order of this Court of even date.

Dt.07-12-2018.

J U D G E

M.Saleem/*

(SB) Mr. Justice Syed Muhammad Attique Shah