

رجسٹرڈ

No.CrI.P.944/2015-SCJ

سپریم کورٹ آف پاکستان

اسلام آباد، مورخہ 7-1-2016

PESHAWAR HIGH COURT
PESHAWAR.

Receipt No. 348
Date 8/1/16
For action
Signature

منجانب:

رجسٹرار

سپریم کورٹ آف پاکستان، اسلام آباد

منجانب:

رجسٹرار

پشاور ہائی کورٹ، پشاور

40 DR/P

عنوان : CrI.P.944/2015

Danish

بنام

The State & another

اپیل برخلاف فیصلہ مورخہ 23-11-2015 پشاور ہائی کورٹ، پشاور

بابت Cr.M.1878/2015

جناب عالی

سپریم کورٹ آف پاکستان نے مقدمہ عنوان بالا کا فیصلہ مورخہ 6-1-2016 کو صادر کر دیا ہے۔ جس کی مصدقہ نقل برائے مزید کارروائی / عملدرآمد آپ کو ارسال کی جاتی ہے۔

حکم نامہ لف ہذا ہے

خیر اندیش

نذر عباس

اسسٹنٹ رجسٹرار (شعبہ عملدرآمد)

برائے رجسٹرار

سپریم کورٹ آف پاکستان، اسلام آباد

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put up file

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11-1-16

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Asif Saeed Khan Khosa
Mr. Justice Mushir Alam
Mr. Justice Sardar Tariq Masood

Criminal Petition No. 944 of 2015

(Against the order dated 23.11.2015 passed by the Peshawar High Court, Peshawar in Criminal Miscellaneous B.A. No. 1878-P of 2015)

Danish

...Petitioner

versus

The State, etc.

...Respondents

For the petitioner:	Mrs. Ruqia Samee, ASC
For the respondents:	N.R.
Date of hearing:	06.01.2016

ORDER

Asif Saeed Khan Khosa, J.: After hearing the learned counsel for the petitioner and going through the relevant record of the case appended with this petition we have noticed that in the FIR a collective allegation had been leveled against respondent No. 2 and his co-accused regarding jointly firing at Shahzad Khan deceased and no specific injury to the deceased stood attributed to respondent No. 2. Respondent No. 2 had been admitted to post-arrest bail by the High Court mainly on the ground that his plea of *alibi* stood *prima facie* established through some official record confirming that on the date of occurrence the respondent was out of the country. In these circumstances the exercise of jurisdiction and discretion in the matter by the High Court has not been found

ATTESTED

Court Associate
Supreme Court of Pakistan
Islamabad

by us to be calling for any interference by this Court. This petition is, therefore, dismissed and leave to appeal is refused.

2. Before parting with this order we would like to observe that for allowing bail to respondent No. 2 the learned Judge-in-Chamber of the Peshawar High Court, Peshawar had passed an order spanning over as many as twelve typed pages which was hardly called for in the circumstances of this case. We expect the learned Judge-in-Chamber of the Peshawar High Court, Peshawar to be guided in this regard in future by the judgment passed by this Court in the case of Muhammad Shakeel v. The State and others (PLD 2014 SC 458).

Self-Asif Saeed Khan Khosa, J
Self-Mushtaq Ahmad,
Self-Sarwat Tariq Masood, J

Certified to be True Copy

Islamabad

06.01.2016

Not approved for reporting.

Arif

Court Associate
Supreme Court of Pakistan
Islamabad

