



Judgment Sheet

**IN THE PESHAWAR HIGH COURT ABBOTTABAD BENCH
JUDICIAL DEPARTMENT**

Cr.Misc. (BA) No. 892-A/2016.

JUDGMENT

Date of hearing.....21.12.2016.....

Petitioners. (Syed Yasir Shah etc) By Mr. Waqas Raza Khan Swati, Advocate.

Respondents. (State) By Muhammad Naeem Abbasi, AAG & (Complainant) By
Mr. Riaz Ahmad, Advocate.

QAISER RASHID KHAN, J.- Petitioners, Syed Yasir Shah,

Syed Bilal Shah and Syed Shamshad Shah seek bail in case FIR

No. 387 dated 16.09.2016 registered under Sections 302 / 34

PPC at Police Station Saddar Mansehra with the allegations that

they alongwith their co-accused Waqar Shah had committed the

murder of Mst. Sofia Gillani, daughter of the complainant.

Arguments heard and the available record perused.

2. In the present case, it was the complainant who accompanied by the dead body of his daughter Mst. Sofia Gillani recovered from Baidra jungle, reported in a manner as to how on 12.09.2016 his son-in-law Waqar Shah, accompanied by his two brothers Syed Yasir Shah and Syed Bilal Shah and their father Syed Shamshad Shah came to his house at 09:00 p.m to take back his daughter Mst. Sofia Gillani having come

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Syed Yasir Shah
Syed Bilal Shah
Syed Shamshad Shah
Peshawar High Court
Abbottabad Bench
Under Sec 75 Acts Ordinance

aggrieved from her in-laws house, who accompanied them and then on 14.09.2016 Waqar Shah and his father Shamshad Shah again came to his house with the plea that Mst. Sofia Gillani missed her son Iftikhar Shah and that is how they went alongwith the child and thereafter on 16.09.2016, the dead body of Mst. Sofia Gillani was discovered by his pet dogs.

3. Keeping in view the postmortem report conducted on 16.09.2016, the death of the deceased had taken place 3 / 4 days prior to such examination which by a conservative estimate comes to 12.09.2016 i.e. the day when the accused-petitioners alongwith his co-accused Waqar Shah took the deceased from her parents house. Still as per the FIR, on 14.09.2016 they again went to the complainant's house asking for the minor Iftikhar Shah with the plea that his mother Mst. Sofia Gillani missed him so much, when by then she was already lying murdered in the nearby jungle.

4. No doubt, the occurrence is unwitnessed one but the chain of events and the circumstances definitely link the accused-petitioners alongwith their co-accused Waqar Shah with the commission of the offence whereby a young girl was done to death in a brutal and gruesome manner and then her

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 Examiner
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec 75 Acts Ordins

dead body was allowed to decompose till it was recovered on the fourth day of the occurrence. Hence, the accused-petitioners, being *prima facie* involved in the commission of the offence are held disentitled to the concession of bail. Accordingly, this petition stands dismissed.

Before parting with this order, it is directed that any observations in this order, being purely tentative in nature, should in no way prejudice the proceedings before the learned trial Court and the case be decided strictly on its own merits after recording evidence.

Announced:
21.12.2016.


JUDGE

/*Saif*/

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Encl. 1
Petitioner's Affidavit
Abdullah Saif
Authorized Under Sec 73 of the
Oath Act 1968

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Peshawar High Court
Abbottabad Bench
Authorized Under Sec 15 Rules Ordinance

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3. Keeping in view the postmortem report conducted on 16.09.2016, the death of the deceased had taken place 3 / 4 days prior to such examination which by a conservative estimate comes to 12.09.2016 i.e. the day when the accused-petitioners alongwith his co-accused Waqar Shah took the deceased from her parents house. Still as per the FIR, on 14.09.2016 they again went to the complainant's house asking for the minor Iftikhar Shah with the plea that his mother Mst. Sofia Gillani missed him so much, when by then she was already lying murdered in the nearby jungle.

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Peshawar High Court
Attabac Bench
Authorized Under Sec-75 of the Act

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Examination
Peshawar High Court
Abbottabad Bench
Under Section 302/34 PPC
21/12/16

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Per Shahid Ali Khan
 Abbudul Wahid
 Authorized Signatory

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21.12.2016.


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Peshawar High Court
Abdullah Bhatti
Authorized Under Section 75 of the Ordinance