

IN THE PESHAWAR HIGH COURT,  
PESHAWAR  
(Judicial Department)

Cr.Misc.BA No.192-P/2016

Date of hearing: \_\_\_\_\_

Petitioner (s) : \_\_\_\_\_

Respondent (s) : \_\_\_\_\_

**ORDER**

**ASSADULLAH KHAN CHAMMKANI, J.-** Petitioner

Hayat Muhammad Khan, seeks bail in case FIR No.359 dated 12.10.2015, registered under sections 324/148/149/109 PPC, in Police Station Battagram, wherein he alongwith co-accused is charged for attempting at the lives of complainant Hamayun and Sabez Ali as well as causing firearm injury to Sabaz Ali on 12.10.2015 at 1615 hours on a thoroughfare situated in Daulat Pura Batagram, on a motive of land dispute.

2. Arguments heard and record perused.

3. As per FIR, total ten accused have been charged by the complainant for the incident. No doubt, the role of effective firing has been assigned specifically to the petitioner but complainant has not sustained any injury while as per medico legal report Sabaz Ali has sustained a solitary injury, and that too, on his non-vital part of the

body i.e. heel and ankle, therefore, intention of the petitioner to kill when the injured and complainant were squarely at his mercy is yet to be determined during trial after recording evidence. At the moment the injury of the injured would fall within the definition of Badi'ah punishment of which has been provided under section 337-F (ii) PPC, which does not fall within the Prohibitory Clause of S.497 Cr.P.C., therefore, the petitioner is entitled to concession of bail.

5. 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 local, reliable and resourceful sureties each in the like amount to the satisfaction of learned Illaqa Judicial Magistrate/MOD concerned.

**Announced**  
**11.02.2016**

**J U D G E**











