

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

**Cr.Misc.BA No.1831-P/2015**

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

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

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

**JUDGMENT**

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

Jehangir, seeks bail in case FIR No.469 dated 16.04.2015 registered under section 17 (4) Offences Against Property (Enforcement of Hudood) Ordinance, 1979, in Police Station Agha Mir Jani Shah, Peshawar.

2. According to report of complainant Zar Muhammad Khan on 16.04.2015, he on receipt of information qua murder of his nephew Rahim near “Masjid Quba” situated in Hamid Abad No.1, rushed there and found him in a pool of blood, murdered with firearm by unknown culprit/culprits and taking away his motorcycle. He was shifted to LRH, Peshawar from the spot by the complainant. Later on, during investigation, besides other co-accused, the petitioner was nominated as accused.

3. Complainant is not the eyewitness of the incident. Similarly, none has come forward to furnish the

ocular account of the occurrence. Petitioner has not confessed his guilt before the competent court of law. The only circumstance at the moment against the petitioner is the positive FSL report qua crime empties from the spot and 30 bore pistol, allegedly recovered on his pointation, but this being only a corroborative piece of evidence, its evidentiary value will be determined and adjudged during trial alongwith other strong circumstances of the incident to make a chain touching it one end the dead body of the deceased and the other the neck of the accused. At the moment, in absence of direct evidence or confessional statement of the petitioner, it is yet to be determined during trial as to how far this corroborative piece of evidence would be sufficient to connect the petitioner with the commission of offence. It is settled law that bail may not be withheld on mere ground that the offence is heinous in nature, when otherwise, the accused has made out a case of bail, because a mistaken relief of bail can be repaired by convicting the accused when proved guilty during trial but no proper reparation can be offered to an accused for his/her unjustified incarceration albeit his/her acquittal in the long run.

4. Accordingly, this petition is allowed. Accused/petitioner is admitted to bail provided he

furnishes bail bonds to the tune 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**  
**05.11.2015**

**J U D G E**





7. For what has been discussed above, Suo motu notice given to accused Shakir stands withdrawn. He is admitted to bail on already existing bail bonds, on merits. Since this court has already directed expeditious conclusion of trial while dealing with the bail petition of co-accused Farman, therefore, office is directed to send the record to the quarter concerned within two days, positively.

announced:  
19.10.2015

**J U D G E**





