

JUDGMENT SHEET

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

Cr.Misc.B.A.No.896-A/2018

JUDGMENT

Date of hearing.....14-12-2018.....

Petitioner (s)... (Samiullah) by Mr. Iftikhar Ali, Advocate.

Respondent (s)..... (The State etc) by M/S Sardar
Muhammad Asif, Assistant AG

SYED MUHAMMAD ATTIQUE SHAH, J.-

Through this single judgment, this Court shall dispose of two Bail petitions, as both are outcome of one and the same case registered vide F.I.R No.170 dated 01.05.2018 under sections 395/109 PPC, PS Mangal, Abbottabad. The particulars of the petitions are as under:

(i) Cr.M (BA) No.896-A of 2018
Samiullah Vs. The State etc.

(ii) Cr.M (BA) No.908-A of 2018 Lal
Meran etc Vs. The State etc.

2. The allegations against the accused-petitioners, Samiullah and Lal Meran, as reveals from record of the case, registered on the report of

Muhammad Irfan Abbasi, complainant on 01.05.2018 at 14.00 hours, that they facilitated their co-accused Izzat Khan Afridi and others in dacoity of different foreign currency worth Rs.9,800,000/- from cash van bearing No.BF-9472 on 30.04.2018 at 13.30 hours near Nikka Pani, within the criminal jurisdiction of Police Station Mangal, Abbottabad.

3. Arguments of the learned counsel for the accused/petitioners and learned AAG heard and the record perused. The complainant despite service has not attended the Court.

4. Perusal of record would reveal that both the present accused/petitioners are not charged in the F.I.R and subsequently, during investigation, they were attributed the role of abetment in the commission of alleged offence. The main role of committing dacoity has been attributed to the co-accused Izzat Khan Afridi. Admittedly, nothing incriminating has been recovered from the present accused/petitioners. Moreover, at the moment, no direct or circumstantial evidence is available on the record connecting the accused/petitioners with the commission of alleged offence. Thus, without touching other aspects of the case, this Court considers that in view of the peculiar facts and

circumstances, a case of '*further inquiry*' into the guilt of the accused/petitioners is made out in their favour, as contemplated in subsection 2 of section 497 Cr.P.C.

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

6. Consequently, both the bail applications are accepted and accused-petitioners Samiullah son of Balo Khan and Lal Meran son of Sakhi Jan, are admitted to bail, subject to their furnishing bail bonds in the sum of Rs.200,000/- (Rupees two lacs), each, with two sureties each in the like amount, to the satisfaction of the *Illaq*a/Duty Judicial Magistrate, Abbottabad.

Dt.14-12-2018.


JUDGE

M.Saleem/*

(SB) Mr. Justice Syed Muhammad Attique Shah

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Muhammad Asif, Assistant AG
.....

SYED MUHAMMAD ATTIQUE SHAH, J.- For

reasons to be recorded later, this bail application is accepted and accused-petitioner, Samiullah son of Balo Khan, is admitted to bail in case FIR No.170 dated 01.05.2018 under sections 395/109 PPC, Police Station Mangal, Abbottabad, 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 *Illaqa*/Duty Magistrate, Abbottabad.

Dt.14-12-2018.


J U D G E

M.Saleem/*