

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

Bail Petition No.1262-P/2020

ORDER

Date of hearing : 5th June, 2020.

Petitioner (Yaqoob Khan) : By Arbab Shabbir Ahmad,
Advocate.

Respondent:

Complainant : By Mr. Shakir Ullah Afridi,
Advocate.

State : By Syed Sikandar Hayat Shah,
AAG.

QAISER RASHID KHAN, J:- Accused-petitioner

Yaqoob Khan seeks his release on bail in case FIR No.57, dated 28.09.2019, under Sections 302/148/149 PPC of Police Station Bara, District Khyber, with the allegations that he along with his absconding co-accused Fazal Rehman had caught hold of Ijaz, brother of the complainant, whereafter co-accused Zarwal, Zahoor and Daud fired at him with which he was seriously injured and later on succumbed to the injuries while being taken to the hospital.

2. Arguments heard and the available record perused.

3. Could the accused-petitioner run the risk to his life by catching hold of the brother of the complainant namely Ijaz when he was simultaneously fired at by three persons with their respective firearms from a very close proximity is indeed a question which certainly qualifies the present case to one of further probe qua his guilt in the commission of the offence. Thus taking a tentative assessment of the available record, I hold the accused-petitioner entitled to the concession of bail.

4. Accordingly, this petition is allowed and the petitioner is admitted to bail provided he furnishes bail bonds in the sum of Rs.1,00,000/- (Rupees One lac), with two sureties, each in the like amount to the satisfaction of the Illaqa/Judicial Magistrate who shall ensure that the sureties are local, reliable and men of means.

5. Needless to mention that the observations recorded in this order are purely tentative in nature and shall not prejudice the proceedings before the learned trial

court where the case be decided on its own merits after
recording evidence.

Announced.

Dated: 05.06.2020

A handwritten signature in black ink, consisting of several vertical strokes and a horizontal line at the bottom, representing the signature of a Senior Puisne Judge.

SENIOR PUISNE JUDGE