

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

Cr.Misc.BA No.596-P/2015

Date of hearing: **18.05.2015**

Appellant (s) : Jan Muhammad by Mr. Babar Khan Yousafzai, Advocate.

Respondent (s) : Shakeel by Mr. Jawad Haider, Advocate and the State by Mr. Waqar Ahmad AAG.

JUDGMENT

ASSADULLAH KHAN CHAMMKANI, J.-Petitioner

Jan Muhammad, seeks bail in case FIR No.484 dated 17.11.2014, registered under sections 302/34 PPC, at Police Station Yar Hussain, District Swabi, wherein he alongwith co-accused Akbar Ali, is charged for committing the Qatl-e-Amd of Ghani ur Rehman deceased with firearms. It is alleged by complainant Shakeel that as a result of firing of the petitioner and his co-accused on Ghani ur Rehman deceased, one Mst. Kalsoon and Hassan Ali also got hit and succumbed to injuries, while Mst. Irum sustained firearm injuries.

2. Arguments heard and record perused.

3. It appears from the record that the alleged occurrence took place on 13.10.2014 in the house of

accused/petitioner Jan Muhammad, but the same has not been reported by complainant Shaleel on the same day, rather, the instant case has been registered on the direction of learned Justice of Peace, on the application of complainant filed on 21.10.2014 i.e. after eight days of the incident, for which no plausible explanation, has been furnished by him. There is another FIR No.440 registered on 13.10.2014 under sections 302/324/449/100/34 PPC and S.15 AA Police Station Yar Hussain Swabi, on the report of Jan Muhammad (the present petitioner) wherein he charged accused Shahid, Shah Khalid and Ghani ur Rehman (alleged deceased of the instant case), for committing murder of Hassan Ali, Mst. Kulsoom and attempting at his life as well as lives of Mst. Iram and Akbar Ali, out of whom Mst. Iram sustained firearm injuries while accused Ghani ur Rehman (deceased of the instant case), has been shown hit with the firing of deceased then alive Hassan Ali, who allegedly fired at the deceased in his self defence. The FIR mentioned above has been registered soon after the incident within an hour and 30 minutes by present petitioner Jan Muhammad, while the instant case has been registered after eight days of the occurrence on the written application of the complainant under section 22-A Cr.P.C.

The question that whether deceased Ghani ur Rehman was done to death by the present petitioner or he met his death in the mode and manner as alleged by complainant/petitioner Jan Muhammad and whether the present FIR has been registered just to counterblast and damage the version of complainant Jan Muhammad in FIR No.440, is yet to be determined during trial, after recording evidence. Besides, the question if the local police, as alleged by learned counsel for the complainant, was not ready to register the report of complainant, why did not he lodged a private complaint on the same day of occurrence in the competent court of law, is yet to be answered during trial. However, at the moment, all these aspects of the case, makes the case of the accused/petitioner that of further inquiry into his guilt, therefore, he is entitled to concession of bail.

4. 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 sureties each in the like amount to the satisfaction of learned Illaqa/

Judicial Magistrate/MOD, concerned. The sureties must be
local, reliable and men of means.

Announced.
18.05.2015

J U D G E

