

## **JUDGMENT SHEET**

### **PESHAWAR HIGH COURT, ABBOTTABAD BENCH**

### **JUDICIAL DEPARTMENT**

**Cr.Misc.B.A.No.325-A/2017**

### **JUDGMENT**

Date of hearing.....06-07-2017.....

Petitioner (s)... (Muhammad Dilar) by Mr. Kamran Gul,  
Advocate.

Respondent (s)..... (The State etc) by Mr. Mumtaz,  
Advocate (State counsel).....

\*\*\*\*\*

### **SYED MUHAMMAD ATTIQUE SHAH, J.-**

Accused-petitioner Muhammad Dilar, after having been refused bail by the learned lower Court in case FIR No.32, dated 18.12.2016 under sections 302/109 of Pakistan Penal Code, 1860, read with section 15 AA KPK, registered at Police Station Lora, District Abbottabad, has approached to this Court for the same relief by filing the instant bail petition.

2. The allegation against the accused-petitioner, as reveals from the report of Fazal-i-Tariq son of Fazal-i-Rabbi, complainant lodged by him on 18.02.2016 at 1400 hours, is that her sister Mst.

Nooria Bibi was married to accused/petitioner, who committed her murder at the instance of his first wife by firing at her.

3. Arguments of the learned counsel for the accused/petitioner and learned State Counsel heard and the record perused. The complainant despite his personal service refused to appear before the Court.

4. Perusal of record would reveal that the accused/petitioner has also lodged a report in PS Lora regarding the occurrence, which was recorded in the Daily Diary at Serial No.16 dated 16.02.2016, wherein, he alleged that on the day of occurrence he left home at 7.30 am for his work and his brother informed him that Mst. Nooria Bibi, his wife had committed suicide with 12 bore shot gun. No doubt, the present accused/petitioner is directly charged in the FIR by the complainant for committing *Qatl-i-Amd* of his wife but the occurrence was not witnessed by the complainant or anybody else. The accused/petitioner informed the complainant about the occurrence on the same day and the complainant party brought the dead body of deceased Mst. Nooria Bibi from the house of accused/petitioner to his native village and buried her. After two days of the occurrence on 18.02.2016, the complainant submitted

an application to DSP, Circle Havelian, Abbottabad wherein, he charged the accused/petitioner for murder Mst. Nooria Bibi, sister of the complainant. In peculiar facts and circumstances of the case in hand, the case of the present accused/petitioner is that of '*further inquiry*' into his guilt under subsection 2 of section 497 Cr.P.C.

5. The observations of this Court rendered hereinabove, would not affect the case of the accused/petitioner during the trial, in any manner whatsoever.

6. Consequently, this bail application is accepted and Muhammad Dilar son of Muhammad Sabir, accused-petitioner is admitted to bail, subject to his furnishing bail bonds in the sum of Rs.100,000/- (Rupees one lac) with two sureties each in the like amount, to the satisfaction of the trial Court.

**Dt.06-07-2017.**

**J U D G E**

M.Saleem/\*