

*Judgment Sheet*  
**IN THE PESHAWAR HIGH COURT,**  
**PESHAWAR**  
*(Judicial Department)*

***BA No. 1556-P/2015.***

**JUDGMENT**

Date of hearing. 05.10.2015

Petitioner (Immad) By Mr. Khair-ul-Wahab Advocate.

State: By Mr. Mujahid Ali Khan, AAG

Complainant By Mr. Shahid Qayyum Khattak Advocate

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**OAISER RASHID KHAN, J.** The

accused/petitioner seeks bail in case FIR No. 241 dated 20.06.2015 registered under section 302 PPC, at Police Station Lahor District Swabi after being declined the said relief by the learned Courts below.

2. The allegations against the accused-petitioner are that he killed the son of the complainant by causing stab wound to him, hence the FIR ibid.

3. Learned counsel for the petitioner contended that the accused-petitioner is innocent and has been falsely charged by the complainant. He further contended that it is unexceptional that while the son was being stabbed to death, still the complainant did not make any effort to rescue his son or for that matter to grab the accused-petitioner and only let him go. The other argument

strongly advanced by the learned counsel for the accused-petitioner is that the accused-petitioner is a juvenile being under 16 years of age and thus he is entitled to bail as per the first proviso to Sub-section (1) of Section 497 Cr.PC.

4. The learned AAG assisted by the learned counsel for the complainant on their turn vehemently opposed the bail petition and contended that the accused-petitioner is directly charged for causing stab wound to the son of the complainant which resulted in his death and that the offence being heinous in nature, therefore, the accused-petitioner is disentitled to bail. As far as juvenility of the accused-petitioner is concerned, they contended that the same alone would not hold him entitled to bail if he is otherwise held disentitled to the said concession.

5. Arguments heard and available record perused.

6. As evident from the promptly lodged FIR by Hayat Gul complainant, he has directly charged the accused-petitioner by alleging that he came to his field where he entered into altercation with his son Mansoor and thereafter caused stab wound to him with his knife which resulted in his death while being taken to the hospital in injured condition. No doubt the juveniles deserve lenient view of the Courts in criminal matters

but certainly not in each and every case. In a situation where a young lad approximately 16 years of age picks up a knife and on mere altercation stabs another boy by targeting his heart region, then I am afraid, juvenility recedes to the background and only his vicious act is to be kept in view while considering his plea for the grant of bail. Certainly the first proviso to Sub-section (1) of Section 497 Cr.P.C has not made it mandatory and obligatory for the courts of law to favourably consider the bail petitions of the juveniles, howsoever, offensive and heinous the offence may be. This Court cannot lose sight of the fact that, of late, the youth and particularly the teenagers either being influenced by the media galore whereby violence is being projected and portrayed within an air of heroism about it or because of the rising tide of militancy in the society have fallen easy prey to such tendencies and have thus got involved in gruesome acts, at times with chilling details. The same should serve as a food for thought for the powers that be and for the society at large.

For the reasons stated above, this bail petition stands dismissed.

Any observations recorded in the above order being tentative in nature should in no manner prejudice the proceedings before the learned trial judge where the

case be decided on its own merits after recording of evidence.

***Announced:***  
**05.10.2015**

***J U D G E***

***\*Ihsan\****