

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

BA No. 1189-P/2015.

JUDGMENT

Date of hearing. 13.7.2015

Petitioner (Naik Mal) By M/S Hussain Ali and Gul Daraz Khan,
Advocates.

State: By Mr. Muhammad Riaz Khan Paindakhel,
AAG.

Complainant. By Syed Abdul Fayaz, Advocate.

QAISER RASHID KHAN, J. The petitioner,

Naik Mal, seeks bail in case FIR No. 925 dated
13.6.2015 registered under sections 324/ 34 PPC, Police
Station Bhana Mari, Peshawar after the said relief was
declined to him by the learned Additional Sessions
Judge-I Peshawar on 25.6.2015.

2. Allegations against the accused-petitioner are that
on the fateful date and time, the complainant and his
brother Zahirullah were present on the spot when in the
meanwhile, owing to a previous quarrel, the accused-
petitioner alongwith his co-accused namely, Ajmal,

Sangar, Bashar, Romal, and Sabaun sons of Rahmatullah duly armed with fire arms came there and started firing at them which resulted into causing fire arm injuries on his person while his brother escaped unhurt, hence the FIR ibid.

Arguments heard and record perused.

3. In the present case, the complainant alleges to have been present on the spot alongwith his brother Zahirullah when the accused-petitioner alongwith his four brothers arrived there and started firing at them with their respective weapons with which he was injured. Despite indiscriminate firing by five persons not a single crime empty has been retrieved from the spot. Secondly, the complainant having been hit on the non-vital parts of the body despite being at the mercy of five armed persons certainly raises the question as to whether there was any intention on the part of the assailants to make an attempt at the lives of the complainant and his brother. Moreover, for two injuries on the non-vital parts of the body of the complainant,

five brothers have been charged and the probability of false implication in view of the prevalent tendency in the society to throw a wide net to rope in many persons of a family cannot be ruled out. All such circumstances certainly take the case of the accused-petitioner to one of further enquiry and thus entitling him to the concession of bail.

Resultantly, this bail petition is allowed and the accused-petitioner is granted bail provided he furnishes bail bonds in the sum of Rs.200000/- (Two lac) with two sureties, each in the like amount, to the satisfaction of the learned trial court which shall ensure that the sureties are local, reliable and men of means.

Announced:
13.7.2015

J U D G E

****Qaseem****