

JUDGMENT SHEET

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

Cr.Misc.B.A.No.918-A/2018

JUDGMENT

Date of hearing.....14-12-2018.....

*Petitioner (s)... (Rawail) by Syed Shah Faisal,
Advocate.....*

*Respondent (s)..... (The State etc) M/S by Sardar
Muhammad Asif, Assistant AG and
Masood ur Rehman Tanoli,
Advocate.....*

SYED MUHAMMAD ATTIQUE SHAH, J.-


Accused-petitioner, Rawail, after having been refused bail by the learned lower Courts in case FIR No.218 dated 05.07.2017 under sections 324/337-F(iii) PPC, registered at Police Station Mangal, District Abbottabad, has approached 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 Nazakat Ali, complainant is that his brother Rafaqat Ali visited the house of father-in-law of accused/petitioner Ruwail, brother-in-law of complainant in a Suzuki to Maira Salar, Banda Pir Khan, where family dispute of the

wife of Rafaqat started and Ruwail fired at him, as a result thereof, his brother received injuries on his body.

3. Arguments of the learned counsel for the parties heard and the record perused with their valuable assistance.

4. Perusal of record would reveal that the accused/petitioner has been charged with specific role of firing at Rafaqat Ali, injured on his left flank. The injury attributed to the present accused/petitioner Ruwail being on non-vital part of the body of injured, would require further probe regarding guilt of the present accused/petitioner qua attempt to commit '*Qatl-i-Amd*' during the trial, particularly, when he has not repeated the fire shot. There was no dislocation or fracture of any bone. It appears from record of the medical report that injury caused to the injured was on his left flank, which fell within the ambit of section 337-F(iii) PPC. The evidentiary value of the retracted confession of the accused/petitioner and recovery of pistol from his possession would certainly be determined by the learned trial Court after recording evidence. This Court considers that in view of peculiar facts and circumstances referred to above, a case of '*further inquiry*' into the guilt of the



accused/petitioner is made out, as contemplated in subsection 2 of section 497 Cr.P.C.

5. The observations rendered hereinabove being tentative in nature would not affect the mind of the trial Court in any manner whatsoever, during trial of the case.

6. Consequently, this bail application is accepted and accused-petitioner, Ruwail is admitted to bail, subject to his furnishing bail bonds in the sum of Rs.200,000/- (Rupees Two lacs), with two sureties each in the like amount to the satisfaction of the *Illaq*a/Duty Magistrate, Abbottabad.

Above are the detailed reasons for short order of this Court of even date.

Dt.14-12-2018.


J U D G E

M.Saleem/*

(SB) Mr. Justice Syed Muhammad Attique Shah

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Muhammad Asif, Assistant AG
and Masood ur Rehman Tanoli,
Advocate.....

SYED MUHAMMAD ATTIQUE SHAH, J.- For

reasons to be recorded later, this bail application is accepted and accused-petitioner, Rawail son of Aurangzeb, is admitted to bail in case FIR No.218 dated 05.07.2017 under sections 324/337-F(iii) PPC, Police Station Mangal, Abbottabad, subject to his furnishing bail bonds in the sum of Rs.200,000/- (Rupees two lacs), with two sureties, each in the like amount to the satisfaction of the *Illaq*a/Duty Magistrate, Abbottabad.

Dt.14-12-2018.


J U D G E

M.Saleem/*