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Judgment Sheet

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

JUDICIAL DEPARTMENT

Cr.M No. 788-A of 2018

JUDGMENT

Date of hearing.....26/11/2018.....

*Petitioner(s)...(Noor Muhammad etc) by Mr. Abdul Saboor Khan,
Advocate.....*

*Respondent(s) ...(The State etc)...M/S Sardar Muhammad Asif, Assistant
AG, Muhammad Noor and Sharif Khan,
Advocates.....*

SYED MUHAMMAD ATTIQUE SHAH, J:-


Noor Muhammad son of Dari Khan and Nawaz Sharif son of Noor Muhammad, accused-petitioners, are seeking post arrest bail in a case registered vide F.I.R. 132 dated 24.06.2018 under sections 324/34 PPC Police Station Komila, which was lodged on the report of complainant/respondent No.2, Shah Rehman, regarding attempting at the lives of complainant and his brother Inayat Ullah, by firing at them on 24.06.2018 at 14.20 hours.

2. Arguments of learned counsel for the accused-petitioners and learned Assistant

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Advocate General assisted by the learned counsel for the complainant heard, and record perused.

3. Although the accused-petitioners, are charged by names in the F.I.R., yet the F.I.R. has been lodged with delay of four hours. The occurrence was stated to have taken place in the graveyard, as shown in the site plan. Accused/petitioner, Noor Muhammad is charged for firing at complainant Shah Rehman, while, accused/petitioner Nawaz Sharif is charged for firing at Inayat Ullah, brother of complainant. The medical officer has not mentioned the size of injuries, similarly, nature of injuries on the person of complainant and duration of injuries was also not mentioned in the medico-legal report by the Medical Officer, RIIC Dassu. The injuries shown to have been caused are on non-vital parts of the bodies of both the injured. No plausible explanation for delay in lodging the F.I.R. is forthcoming on the available record. The recovery of 12 bore shotgun was shown to have been recovered from the house of accused/petitioner



Noor Muhammad but the report of firearm expert is not available on record of the case and complete challan has been submitted and trial commenced. Thus, in these circumstances, without deeper appreciation of the material available on record, which is otherwise not admissible at bail stage, this Court on tentative assessment of the material available on record, considers that the case of present accused/ petitioners in view of peculiar facts and circumstances, becomes that of further inquiry into their guilt.

4. Consequently, on the acceptance of the instant bail petition, the accused-petitioners be released on bail, provided they furnish bail bonds in the sum of Rs.200,000/- (Two Hundred Thousands)each, with two sureties each in the like amount to the satisfaction of *Ilqa*/Duty Judicial Magistrate, Dassu, Kohsitan.

Announced.
Dt.26.11.2018.


J U D G E

/*M.Saleem*/

(SB) Mr. Justice Syed Muhammad Attique Shah