

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Maqbool Baqar
Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.1271 of 2019

*(Against order dated 21.11.2019 passed
by Lahore High Court Lahore in Crl. Misc.
No.65106-B/2019)*

Babar Latif

...Petitioner(s)

Versus

The State through P.G. Punjab & another

...Respondent(s)

For the Petitioner(s):	Khawaja Awais Mushtaq, ASC
For the respondent(s):	Mr. Azhar Ch. ASC Syed Rifaqat Hussain Shah, AOR
For the State:	Mirza Abid Majeed, Deputy Prosecutor General, Punjab with Anwar, SI.
Date of hearing:	16.1.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Behind bars since 28.8.2019, Babar Latif, petitioner seeks admission to bail; he alongside co-accused is attributed fatal shot to the deceased, en route with his sons on 27.4.2019 at 9:00 p.m. within the remit of Police Station Saddar Sialkot; crime report sans the motive. Specific role qua the deceased notwithstanding, nonetheless, the petitioner was blamed by the investigator to have instead abetted the crime without being present at the spot. Co-accused Adnan, saddled with the recovery of .30 caliber gun has since been arrested; forensic report regarding comparison of the gun with the casings is being awaited.

2. Heard. Record perused.

3. There are five accused, each armed lethally, assigned distinct shot to the deceased after having waylaid/intercepted the

entourage, leaving others unscathed; findings recorded by the Investigating Officer are not inconsonance with the accusation assigned to the petitioner, taking on board each assailant distinctly with a solitary shot at a desolate place during dark hours. In the totality of circumstances, petitioner's culpability, without prejudice to the prosecution case set up in the crime report, can be best settled after recording of evidence and as such his plea warrants further probe within the contemplation of subsection 2 of section 497 of the Code of Criminal Procedure 1898. A case for grant of bail stands made out. Consequently, criminal petition is converted into appeal; allowed. The petitioner shall be released on furnishing bonds in the sum of Rs.500,000/- with two sureties each in the like amount to the satisfaction of the learned trial Court.

Judge

Judge

Islamabad

16th January, 2020

Not approved for reporting

Azmat/-