

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial

Mr. Justice Faisal Arab

Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.445 of 2020

*(Against the order dated 4.3.2020 passed
by the Peshawar High Court D.I. Khan
Bench in Cr. Misc. B.A. No.61-D of 2020)*

Ghulam Abbas

...Petitioner(s)

Versus

The State & another

...Respondent(s)

For the Petitioner(s): Mr. Saleemullah Ranazai, ASC

For the State: Ms. Aysha Tasneem, ASC

Date of hearing: 04.06.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Abdul Latif, deceased, along with Muhammad Hanif and Hafiz Muhammad Rafique, PWs, was on way to attend Court proceedings on 22.12.2004 when at 8:15 p.m. within the remit of Police Station City Dera Ismail Khan, Ghulam Abbas petitioner, on a motorbike, driven by co-accused, subsequently identified as Iftikhar Ahmed, intercepted the entourage; repeated fire shots fatally hit the deceased while Muhammad Hanif PW survived the gunshot. Previous blood feud is cited as motive for the crime. Petitioner stayed away from the law and was finally arrested on 14.1.2020; co-accused was acquitted during his absence.

2. Heard. Record perused.

3. Acquittal of co-accused, initially arrayed as unknown, has not been received as a valid ground for petitioner's release on bail, both by the Court of Session as well as the High Court, a view found by us as unexceptionable. Similarly, petitioner's advanced age with health, statedly frail, albeit with no specific disorder cannot extenuate abscondance of almost 16 years having regard to the fatal role assigned

to him. Statements of the witnesses including an injured supported by medical evidence constitute "*reasonable grounds*" within the contemplation of section 497 of the Code of Criminal Procedure 1898, aggravated by petitioner's absence going on for an age, unsurmountably stand in impediment to his release on bail, a concession discretionary in nature. View taken by the High Court, being within the bounds of law, does not call for interference. Petition fails. Leave declined.

Judge

Judge

Judge

Islamabad, the
4th June, 2020
Not approved for reporting
Azmat/-