

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Mazhar Alam Khan Miankhel
Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.527 of 2020

*(Against the order dated 28.4.2020
passed by the High Court of Balochistan,
Quetta in Crl. B. A.T. No.40/2020)*

Noor Bakhsh

...Petitioner(s)

Versus

The State

...Respondent(s)

For the Petitioner(s): Mr. Liaquat Ali Khan Tareen, ASC
Syed Rifaqat Hussain Shah, AOR

For the State: Syed Baqar Shah, ASC

Date of hearing: 01.07.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Noor Bukhsh, petitioner herein, seeks admission to post arrest bail; he had allegedly shot one Abdul Qayyum, way back on 29.9.2013 within the remit of Police Station Gawadar on his opposition over an unauthorized gasoline outlet, managed by him in the neighbourhood; fire shot injury on the spinal cord finally resulted into the death, though after lapse of almost six years. Section 324 of the Pakistan Penal Code, 1860, after injured's death has been substituted with section 316 thereof. Repeated attempts for bail failed before the Courts below, last being in the High Court on 28.04.2020 on account of absence of a fresh ground.

2. Heard.

3. Petitioner stayed away from law for a period exceeding half a decade and was finally arrested on 3.2.2020; being a fugitive from law, that too for a pretty long period of time, he has disentitled himself to the concessions, ordinarily extended in discretion to an offender. While it is for the trial Court to determine the cause of death and consequences thereof, the case initially set up in the crime report, supported by the statements of the witnesses and medical evidence constitutes '*reasonable grounds*' within the contemplation of section

497 of the Code of Criminal Procedure 1898 with space for further probe or inquiry in absence whereof, he cannot be released on bail even on that score. Petitioner's last attempt in the High Court through a subsequent petition without any fresh ground has rightly been declined, calling for no interference by this Court. Petition fails. Leave declined.

Judge

Judge

Islamabad, the

1st July, 2020

Not approved for reporting

Azmat/-