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JUDGMENT SHEET

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

Cr.Misc.B.A.No.587-A/2018

JUDGMENT

Date of hearing.....01-10-2018.....

*Petitioner (s).... (Muhammad Anwar) by Mr. Atif Ali Jadoon,
Advocate.*

*Respondent (s)..... (The State etc) by M/S Sardar
Muhammad Asif, Assistant AG and
Bilal Zaman Kiyani, Advocate....*

SYED MUHAMMAD ATTIQUE SHAH, J.-

Accused-petitioner, Muhammad Anwar seeks his post arrest bail in case FIR No.284 dated 31.03.2018 under sections 302/34 of Pakistan Penal Code, 1860, read with section 15 AA KPK registered at Police Station Mir Pur, District Abbottabad.

2. The allegation against the accused-petitioner, as revealed from the report lodged by complainant Yasir Saleem is that he alongwith his co-accused in furtherance of their common intention committed *Qatl-i-Amd* of Nasir and Mst. Fizza Bibi, brother and sister-in-law, respectively, of complainant on 30.03.2018 at 1000 hours in village Banda Ali

Khan by firing at them. Motive for the occurrence was stated to be love marriage of both the deceased.

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 two innocent persons have been murdered for the only reason that they contracted marriage with their own sweet will and consent. The female deceased, Mst.Fiza Bibi was daughter of present accused/petitioner, Muhammad Anwar. Thus, the brutal killing was for the sake of alleged 'honour' of the accused/petitioner and his family. The present accused/petitioner is directly charged for commission of the offence. The crime 30 bore pistol was recovered on the pointation of present accused/petitioner and report of Firearms Expert regarding crime pistol and empties recovered from the spot is in affirmative coupled with postmortem report and positive report of Serologist regarding the blood stained articles recovered during investigation. The role attributed to the present accused/petitioner is distinguishable from the roles ascribed to co-accused, who were released on bail by this Court. Thus, in view of tentative assessment of material placed on

record, this Court considers that there are reasonable grounds to believe that the present accused/petitioner is, *prima facie*, connected with the commission of the offence falling within the prohibitory clause of section 497Cr.P.C.

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

6. Consequently, this bail petition is dismissed.

Dt.01-10-2018.


J U D G E

M.Saleem/*