

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
Judicial Department

Cr.M (B.A) No. 3393-P /2022

JUDGMENT

Date of hearing: **05.12.2022**

Petitioner: - (Gul Muhammad) by Mr.Inayat Ali Khan, Advocate.

Respondents: - (The State) by Mr. Mujahid Ali Khan, Addl. AG alongwith Ali Akbar, OII and (Complainant) in person by Mr.Adil Khan, Advocate.

MOHAMMAD IBRAHIM KHAN.J.

Summarization of a cursed and hexed happening which occurred on the 9th of September, 2022 at 08:05 hours are that at BRT Stop near Peshawar Board, Mst. Malaika Qazi, a medical student of Khyber Medical University while waiting for departure to reach her University, at such movement in time, a blue color motorcar bearing registration No.

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R-5020 reached there. The petitioner Gul Muhammad alighted from it and on seeing the complainant, caught hold of her to forcibly compel her to sit in the motorcar. The complainant raised hue and cry whereafter,

scores of individuals gathered there, the petitioner in order to disburse them named her to be his legally wedded wife and being a family matter while dragging her to the motorcar, snatched her iPhone 11 Pro mobile with memory card, an amount of Rs.60,000/- from her, which she was to deposit as her fee. She was also ripped out of her *Hijab*, her face was exposed her ears and nose were pulled. She was wearing veil, its zip was opened, she was targeted with cuts on her body. When she wanted to inform her mother, her mobile was also thrashed to the ground. So much so that her overall was torn and the said Gul Muhammad (accused-petitioner) also made her videography. For all such maneuver, a report was lodged vide FIR No.1427 dated 14.09.2022 under sections 365-B/354/427/509 PPC at Police Station Tehkal, Peshawar.

2. At first instance, the petitioner moved an application before the court of learned Additional Sessions Judge-XIII, Peshawar for his post arrest bail, which was declined on 13.10.2022. Aggrieved, from the

said order, petitioner has moved this application for the same relief.

3. Arguments of learned counsel for the parties and learned Addl. AG on behalf of the State heard and available record gone through with their valuable assistances.

4. There is no mistaken identity as the petitioner was known to the complainant as prior to the occurrence, he had tried to develop friendship with her. In a way, the occurrence come about at the BRT Station near Peshawar Board, a thickly populated area. The petitioner has surpassed all the limits, who has tried his level best to kidnap the complainant by portraying her to be his lawfully wedded wife and with such gestures, she might have been thereafter compelled to marry or otherwise seduced her to illicit intercourse. Striping off her Hijab, exposing her physical appearance before the gathering, may fall within the ingredients of the conditions laid down in section 354-A of the Pakistan Penal Code as it may amount to her exposure to the public view as obviously dragging her to motorcar by use

of criminal force with intention to ridicule a young girl, being a medical student and during struggle, her overall has been torn and she has been harmed on her body, obviously besides, would bring a bad name for the whole family. It is a crime which may invite capital punishment leaving non-existent scope for further inquiry. Such like happening needs strongest condemnation and grant of bail ought to be declined.

5. In view of above, this petition stands dismissed. The petitioner is however favored with directive to the Prosecution to submit complete challan within seven days after receiving this order which be communicated to the Superintendent of Police (Prosecution), Peshawar and the learned trial court without loss of time by fixing the trial at least twice in a week deciding the while of fortune of accused-petitioner within a reasonable time of three months.

Announced
Dt: 05.12.2022



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