

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Maqbool Baqar

Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.1210 of 2020

*(Against the order dated 25.09.2020
passed by the Peshawar High Court in Cr.
Misc. (BA) No.2881-P/2020)*

***Lal Marjan
Abid***

...Petitioner(s)

Versus

Islam Gul and others

...Respondent(s)

For the Petitioner(s): Mr. Asad Ullah Khan Chamkani, ASC

For the Respondent(s): Mr. Zahid Yousaf Qureshi,
Additional Advocate General, Khyber
Pakhtunkhwa with M. Aslam, SI

Date of hearing: 09.12.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Two masked pillion riders surprised the complainant and the witnesses with sudden indiscriminate firing at 5:45 p.m. on 28.7.2020 within the remits of Police Station Barra District Khyber; from amongst the injured, Safeer subsequently succumbed to the injuries. As the investigation progressed, the complainant came up with a supplementary statement purportedly recorded on 6.8.2020 wherein the petitioners were arrayed as the culprits against the backdrop of deceased's runaway marriage with a lady related with them, way back in the year 2012.

2. Heard. Record perused.

3. Be that as it may, it is prosecution's own case that the assailants who emerged at the spot all of a sudden had concealed their faces with masks; 19 casings of 7.66 caliber secured from the spot suggest use of an automatic weapon, indicating suddenness of the

episode in retrospect. Investigating Officer's failure to recover the weapon or the motorbike used during the occurrence brings fate of prosecution case to be essentially decided on the basis of supplementary statement, evidentiary value whereof, is to be best assessed after recording of evidence. A case for petitioners' release on bail is made out within the contemplation of sub section 2 of section 497 of the Code of Criminal Procedure 1898; they shall be released upon furnishing bonds in the sum of Rs.500,000/- with one surety each in the like amount to the satisfaction of the learned trial Court. Petition is converted into appeal and allowed.

Judge

Judge

Islamabad, the
9th December, 2020
Not approved for reporting
Azmat/-