

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Mushir Alam  
Mr. Justice Qazi Muhammad Amin Ahmed

**Criminal Petition No.658 of 2020**

*(Against the judgment dated 16.04.2020 passed by the  
Peshawar High Court Peshawar in Cr.M. BA No.815-  
P/2020)*

***Tahir Zeb etc.***

*...Petitioner(s)*

**Versus**

***The State & another***

*....Respondent(s)*

For the Petitioner(s): Mr. Arshad Hussain Yousafzai, ASC  
Syed Rifaqat Hussain Shah, AOR

For the State: Mr. Anis Muhammad Shahazad, ASC (State  
counsel KP) along with Anwar Khan, SI/I.O.

For the Complainant: Mr. Abdul Ahad Khan, ASC

Date of hearing: 25.08.2020.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.-** Learned counsel for the petitioner does not press this petition to the extent of Tahir Zaib, petitioner, to his extent, it stands dismissed.

2. It is alleged that on the fateful day i.e. 21.12.2019 at about 15:30 p.m, the petitioner joined his brother to run over Liaqat Khan deceased over a dispute regarding the sale of the same vehicle; Tahir Zaib was on the wheel while Shair Zaib petitioner accompanied him on the next seat.

3. Heard. Record perused.

4. It appears that a situation cropped up all of a sudden resulting into injuries to the deceased; petitioner's culpability for being in the community of intention on account of his presence on the next seat is an issue that in the facts and circumstances of the case can be best settled after recording of evidence. An unconventional mode adopted by the co-accused to take the life of the deceased and suddenness of the incident squarely bring petitioner's case within the remit of further probe; to his extent criminal petition No.658 of 2020 is converted into appeal and allowed; he shall be released on bail upon furnishing bond in the sum of

Rs.500,000/- with one surety in the like amount to the satisfaction of the learned trial Court/duty Judge.

**Judge**

**Judge**

Islamabad, the  
25<sup>th</sup> August, 2020  
Not approved for reporting  
*Ghulam Raza/-*