

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

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

Criminal Petition Nos.1612 of 2021

*(Against the judgment dated 13.12.2021 passed by the Peshawar High Court
Peshawar in Crl. M. (BA) No.4124-P/2021))*

Noor Wali and another

...Petitioner(s)

Versus

The State and another

...Respondent(s)

For the Petitioner(s): Mr. Hussain Ali, ASC
 Mr. Anis Muhammad Shahzad, AOR

For the State: Mr. Shumayl Aziz,
 Add. Advocate General KP

Date of Hearing: 16.02.2022.

ORDER

Qazi Muhammad Amin Ahmed, J.:- A contingent of Pakistan Customs, on a tip off, signaled a Lahore bound bus to halt at the check post within the precincts of Police Station Chamkani Peshawar; it was being escorted by the assailants riding on two vehicles; they ran over the contingent as a result whereof Mian Irfan Ullah, 27, sustained serious injuries, subsequently proved fatal. The assailants took to the heels, however, the petitioners were apprehended by a police party arrived at the scene pursuant to information; they have been denied bail, lastly by a learned Judge-in-Chamber of the Peshawar High Court Peshawar vide impugned order dated 13.12.2021, leave to appeal wherefrom is being prayed for on a variety of grounds.

2. Heard. Record perused.

3. We are not impressed by the argument that Irfan Ullah Constable was accidentally run over by the speeding vehicle as the Custom Authorities in anticipation to arrival of the said vehicle with

smuggled contraband on board had set up a blockade, calculatedly breached by the petitioners by running over a State functionary, standing in the line of duty, a criminal transgression with consequences most serious. The smuggled items, taken into possession in the wake of gory incident, in retrospect, lends credible support to the prosecution case, set up in the crime report. Material collected by the prosecution constitute "*reasonable grounds*" within the contemplation of section 497 of the Code of Criminal Prosecution, 1898 standing insurmountably in impediment to their release on bail, in the absence of any consideration calling for further probe. View concurrently taken by the Courts below being well within remit of law calls for no interference. Petition fails. Leave declined.

Judge

Judge

Islamabad, the
16th February, 2022
Azmat/-