

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

**PRESENT:**

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

**Criminal Petition No.619 of 2020**

(Against the judgment dated 17.2.2020 of the  
Peshawar High Court, Peshawar passed in Bail  
Petition No.56-P/2020)

***Aqal Khan***

....Petitioner(s)

**Versus**

***The State and another***

....Respondent(s)

For the Petitioner(s): Mr. Hussain Ali, ASC

For the State: Mr. Anis M. Shahzad, ASC  
Muhammad Ilyas, I.O.

For the Complainant: Mr. Riazat ul Haq, ASC

Date of hearing: 03.08.2020.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.-** Aqal Khan, petitioner herein, allegedly accompanied Meeran Jan, co-accused, no other than his real brother, attributed fatal shot to Maseet Khan deceased, at 9:00 a.m. on 09.11.2019, within the remit of Police Station Bara in the backdrop of a past feud; Courts below declined the request on his having been found in the community of intention with the co-accused, still away from law. It is alleged that the petitioner, after the incident, took away a pistol, carried by the deceased and got it recovered after his arrest, a circumstance that conclusively established his presence at the scene so as to stand disentitled to the concession of bail, no overt act notwithstanding.

2. Heard. Record perused.

3. It would be less than expedient to comment upon the factual aspects/merits of the case, however, what is evident from the record is that during his, seemingly, unanticipated encounter with the deceased, the

later was singularly targeted by the co-accused; first information report sans details of snatching of deceased's gun by the petitioner and as such, circumstances cumulatively hovering over the incident, squarely brings petitioner's case within the purview of sub-section 2 of Section 497 of the Code of Criminal Procedure 1898; a case for his admission to bail stands made out; he shall be so released upon furnishing bonds in the sum of Rs.500,000/- with two sureties each in the like amount to the satisfaction of the trial Court/duty Judge; delay in filing of petition is condoned which is converted in to appeal and allowed.

**Judge**

**Judge**

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