

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

**PRESENT:**

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

**Criminal Petition No. 692 of 2020**

*(Against the judgment dated 9.3.2020 passed by  
the Peshawar High Court Peshawar in Cr.M.BA.  
No.236-P/2020)*

***Ikhtiar Khan***

*...Petitioner(s)*

**Versus**

***Sarfraz Khan & another***

*...Respondent(s)*

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

For the State: Malik Akhtar Hussain Awan,  
Assistant Advocate General KPK along  
with Kabir, I.O.

Date of hearing: 06.08.2020.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.-** Akbar Khan, Wattey, Alamzaib, Khawaja Muhammad, Hidayat Ullah and Misbah Ullah were on way to attend proceedings in a Court of Session when the petitioner along with co-accused intercepted them at 7:30 a.m. on 13.8.2003 within the precincts of Police Station Batgram District Charsadda; in the wake of indiscriminate firing, the vehicle boarded by the deceased plunged into the nearby canal; none survived the assault; he stayed away from law for considerable span of time and surrendered after acquittal of some of the co-accused on the strength whereof he sought bail albeit with no success.

2. Heard. Record perused.

3. Acquittal of some of the co-accused, has not been received as a valid ground for petitioner's release on bail, both by the Court of Session as well as the High Court, a view found by us as unexceptionable. Statements of the witnesses supported by medical

evidence and recovery from the spot constitute "*reasonable grounds*" within the contemplation of section 497 of the Code of Criminal Procedure 1898, aggravated by petitioner's inordinate absence going on for an age, standing insurmountably in impediment to his release on bail, a concession discretionary in nature. View taken by the High Court, being well within the bounds of law, does not call for interference. Petition fails. Leave declined.

**Judge**

**Judge**

Islamabad, the  
6<sup>th</sup> August, 2020  
Not approved for reporting  
Azmat/-