

**IN THE SUPREME COURT OF PAKISTAN**  
(AppellateJurisdiction)

**PRESENT:**

Mr. Justice Maqbool Baqar  
Mr. Justice Qazi Muhammad Amin Ahmed

**Crl. P. No.493 of 2021**

*(Against the judgment dated 16.04.2021 passed by  
the Peshawar High Court Bannu Bench in B.C.A.  
No.8-b OF 2021)*

**Noor Aslam**

...Petitioner(s)

**Versus**

***The State through P.G. and another***

...Respondent(s)

For the Petitioner(s): Mr. Muhammad Waheed Anjum, ASC  
Mehmood Ahmed Sheikh, AOR

For the Respondent(s): Mian Shafaqat Jan, Addl. A.G. KP

Date of hearing: 02.06.2021.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.-** The petitioner, accused in a case of murderous assault, was granted bail by a learned Additional Sessions Judge at Lakki Marwat vide order dated 29.1.2021; the concession was recalled by a learned Judge-in-Chamber of Peshawar High Court at Bannu Bench vide impugned order dated 16.04.2021, leave to appeal wherefrom is being prayed for, primarily on the ground that in the absence of strong reasons there was no occasion for the High Court to interfere with exercise of discretion to disturb an order, interlocutory in nature, particularly when the concession was not alleged to have been abused.

According to the prosecution, on the eventful day i.e. 3.9.2019, the petitioner targeted Wali Ullah PW with his Kalashnikov in consequence whereof the latter sustained two bullet wounds on right epigastrium and left hand; a stray bullet hit a nearby transformer as well, in the backdrop of a dispute raging between the injured and the assailant; medico legal examination of even date, under a police docket, confirmed receipt of two entry wounds with a corresponding exit. After the incident, the petitioner stayed away from law for a considerable span of time.

2. Heard.

3. Argument that exceptionally strong grounds to justify cancellation of bail were not available with the High Court do not hold water in the peculiar facts and circumstances of the present case; complainant's miraculous survival despite massive damage to the epigastrium region, confirmed by medical examination shortly after the assault, *prima facie*, attracted the mischief envisaged by section 324 of the Pakistan Penal Code, 1860 and, thus, constituted "*reasonable grounds*" within the contemplation of section 497 of the Code of Criminal Procedure, 1898, standing in impediment to release of an offender in the absence of any consideration calling for further probe. The learned Additional Sessions Judge also ran into error by conveniently describing petitioner's disappearance from law as inconsequential, errors that have rightly been rectified by the learned Judge-in-Chamber. No doubt, grant of bail is a discretionary relief, however, exercise of discretion must be structured on sound judicial considerations, objectively deducible from the record of the case, particularly in cases punishable with imprisonment of ten years or above and, thus, grant of bail in disregard thereof by itself constitute a strong ground, justifiably calling for interference. Impugned order being within the remit of law calls for no interference. Petition fails. Leave declined.

**Judge**

**Judge**

Islamabad, the

2<sup>nd</sup> June, 2021

Not approved for reporting

GhulamRaza/-