

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

**PRESENT:**

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

**Criminal Petition No.543 of 2020**

*(Against the order dated 5.3.2020 passed  
by the Peshawar High Court Bannu Bench  
Bannu in Crl. Misc. No.73-B/2020)*

***Habib Ullah Jan & another***

*...Petitioner(s)*

**Versus**

***The State through A.G. KPK & others***

*...Respondent(s)*

For the Petitioner(s):                      Mr. Adil Aziz Qazi, ASC  
    Mr. Sher Afzal Khan, ASC

For the State:                                      Mr. Fakhruddin Shah, ASC

For the Complainant:                      Mr. Anis M. Shahzad, ASC

Date of hearing:                                      07.07.2020.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.**-Habib Ullah Jan and Asif Ullah Khan are amongst the accused arrayed in a case of murderous assault, lodged by Saad Ullah PW. It is alleged that on the eventful day, differently armed, they assaulted Kaleem Ullah, Saad Ullah and Riffat Ullah, in consequence whereof, each sustained multiple injuries, confirmed by medico legal reports. An outstanding dispute over a piece of land triggered the episode.

2.                      Having regard to the magnitude of violence endured by the witnesses, no less than three in number, *prima facie*, supported by medical evidence, statements of the witnesses and spot recoveries, the High Court having found *reasonable grounds*, standing in impediment to petitioners' release on bail in the absence of any consideration calling for further probe so as to circumvent statutory bar embodied in section 497 of the Code of Criminal Procedure, 1898, declined the request, a conclusion arrived at in its discretion and, on our own analysis, found by us as *intra vires* being judicially structured, no interference is called for. Petition fails. Leave declined.

**Judge**

**Judge**

Islamabad, the  
7<sup>th</sup> July, 2020

Not approved for reporting  
*Azmat/-*