

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

**PRESENT:**

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

**Criminal Petition Nos.591 of 2020**

*(Against the order dated 05.06.2020 in Cr.M.  
(BA) 229-M/2020 passed by the Peshawar  
High Court, Minhora Bench (Dar-ul-Qaza), Swat*

***Sheqab Muhammad***

....Petitioner(s)

**Versus**

***The State and others***

....Respondent(s)

For the Petitioner(s): Mr. Abdul Latif Afridi, ASC

For the State: Mr. Anis M. Shahzad, ASC  
with Samiullah, SHO and Abdul Kamal, I.O.

For the Complainant: In person

Date of hearing: 07.08.2020.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.-** Petitioner is amongst the array of accused, blamed to have murderously assaulted the PWs at 9:10 a.m. on 10.4.2020 within the precincts of Police Station Himmat Khan Shaheen Kalangi, District Malakand, in the backdrop of a dispute over immovable property; fire shot attributed to the petitioner is confirmed by a medico legal certificate.

2. Heard.

3. Arguments that ocular account stands contradicted by medical evidence and in the absence of an independent witness from the public, petitioner's general participation, resulting into an injury on a non-vital part of the body, particularly in the absence of repeated fire shot, squarely brings his case within the remit of further probe, are not only beside the mark but also cannot be attended without undertaking an in-depth analysis of the prosecution case, an exercise forbidden by law at bail stage. In a daylight affair, two persons sustained firearm injuries besides the one having endured violence through blunt means and as such requires no public

support to drive home the charge; their statements supported by medical examinations of even date, cumulatively bring petitioner's case *prima facie* within the mischief of section 324 of the Pakistan Penal Code, 1860, hit by *statutory prohibition*, in view whereof, he cannot be released on bail in the absence of any consideration within the purview of subsection 2 of section 497 of the Code *ibid*. Similarly, murderous assault as defined in the section *ibid* draws no anatomical distinction between vital or non-vital parts of human body. Once the trigger is pressed and the victim is effectively targeted, "*intention or knowledge*" as contemplated by the section *ibid* is manifested; the course of a bullet is not controlled or steered by assailant's choice nor can he claim any premium for a poor marksmanship. Exercise of discretion by the High Court being well within the bounds of law calls for no interference. Petition fails. Leave declined.

**Judge**

**Judge**

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