

Judgment Sheet

PESHAWAR HIGH COURT, PESHAWAR
(Judicial Department)

BA No. 732-P/2016.

JUDGMENT

Date of hearing. 20.5.2016

Petitioner (Alif Ali) By Mr. Shabbir Hussain Gigyani, Advocate.

State By Syed Sikandar Hayat Shah, AAG..

Complainant. In person.

QAISER RASHID KHAN, J.- The petitioner seeks bail in case FIR No. 36 dated 9.1.2016 under sections 381-A/ 411 PPC at Police Station Tehkal Peshawar after being refused the said concession by the learned court below.

Arguments heard and available record perused.

2. In the case in hand, initially on 5.1.2016, the complainant had reported about his Suzuki Mehran vehicle to have been stolen by unknown persons and then charged five persons namely, Obaidullah, Khalid Khan, Hamza, Yousaf and Safirullah for the commission of the offence. Subsequently, the accused-petitioner was arrested and on the joint pointation of the accused-petitioner alongwith his co-accused, the stolen vehicle was recovered from a graveyard. Moreover, during the course of arguments, the

complainant too, present before the court states that he does not charge the accused-petitioner for the commission of the offence and to this effect he has also submitted his affidavit duly scribed on a stamp paper and attested by the Oath Commissioner, Peshawar which is placed on file.

3. Firstly, the recovery of the stolen vehicle has been effected on the joint pointation of the accused-petitioner and his co-accused and its evidentiary value is yet to be determined by the learned trial court after recording evidence. Secondly, the complainant appears to have laid off his hands from the trial of the accused through his affidavit whereby he has expressed his no objection over the release of the accused-petitioner and lastly the offence for which the accused-petitioner is charged does not attract the prohibitory limb of section 497 Cr.P.C. All these circumstances qualify the case of the accused-petitioner for further probe into the matter and thus entitling him to bail.

Resultantly, this bail application is allowed and the accused-petitioner is granted bail provided he furnishes bail bonds in the sum of Rs.100000/- with two sureties each in the like amount to the satisfaction of the learned trial court concerned

which shall ensure that the sureties are local reliable and men of means.

Before parting with this order, it is directed that any observations recorded in this order, being purely tentative in nature, should in no way prejudice the proceedings before the learned trial Court where the case be decided on its own merits after recording evidence.

Announced:

20.5.2016.

J U D G E

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