

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

Bail Petition No.152 -P/2017

ORDER

Date of hearing: 27th February, 2017

Petitioner(Khalid & another): By: Mr.Arifullah Khan, Advocate.

Respondents:
State : By: Mr.Rab Nawaz Khan, AAG.

Complainant: By: Mr.Yousaf Ali, Advocate.

QAISER RASHID KHAN, J:- Accused/petitioners

Khalid and Zeeshan alias Shan seek their release on bail in case FIR No.647, dated 12.11.2016, under Sections 324/452/148/149 PPC of Police Station S.I. Abdul Hameed Shaheed (Shabqadar), District Charsadda, with the allegations that they alongwith their co-accused had fired at the complainant party, with which, the complainant Mst. Imtiaza was hit and injured.

2. Arguments heard and the available record perused.

3. As per FIR, it was the complainant who reported about the incident as to how while she alongwith her husband had come to the house of their daughter Mst.Shabana when the accused/petitioners accompanied by their co-accused entered the house and started firing at them with their respective weapons which resulted into firearm injury to her. The motive was stated to be blood feud over women folk.

4. Though role of indiscriminate firing has been attributed to 5 accused including a lady but from the spot only 4 empties of 30 bore were retrieved which as per FSL report have been fired from one and the same 30 bore weapon. The complainant has only received a single firearm injury on her left thigh. Moreover, the husband of the complainant, barely 2 paces away from her, as per site plan, remained unscathed during the alleged indiscriminate firing session of the accused party and that too, when the motive has been stated to be blood feud in which the obvious choice of the accused party in such like matters is the male member. Thus, the element of exaggerated charge cannot be ruled out.

As such taking a tentative assessment of the available record,
I hold the accused/petitioners entitled to the concession of
bail. -

4. Resultantly, this bail petition is allowed and the
accused/petitioners are admitted to bail provided each one of
them furnishes bail bonds in the sum of Rs.1,00,000/-
(Rupees one lac), with two sureties, each in the like amount,
to the satisfaction of the Illaqa/Judicial Magistrate who shall
ensure that the sureties are local, reliable and men of means.

5. Above are the reasons of my short order of the
even date vide which petitioners have been admitted to bail.

6. Needless to mention that the observations
recorded in this order are tentative in nature and shall not
prejudice the proceedings before the learned trial court where
the case be decided on its own merits after recording
evidence.

Announced on
27th Febuary,2017.

J U D G E