

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
PESHAWAR
(Judicial Department)

Cr.Misc.BA No.1121-P/2015

Date of hearing: 09.07.2015

Petitioner (s) : Dr. Younas

Respondent (s) : State etc

JUDGMENT

ASSADULLAH KHAN CHAMMKANI, J.-

My this common judgment shall govern the instant bail petition filed by petitioner Dr. Younas and connected bail petition No.1122-P/2015, filed by petitioner Dr. Samin, as both are the outcome of one and the same FIR No.529 dated 30.05.2015, registered under sections 324/337-F (ii)/34 PPC, in Police Station Mathra, Peshawar.

2. On 30.05.2015 at 17.00 hours, Kifayat Ullah, in injured condition in Trauma room LRH, Peshawar, reported to local police that on

the fateful day he alongwith his brother Dr. Muhammad Tariq, Khan Shafiq ur Rehman, Babar Shaheen and Zeeshan Hamid Tariq, was present in Tirai Payan Primary School/ Polling Station, when in the meantime, at 16.00 hours, petitioners alongwith absconding co-accused Jamshed Khan, duly armed with firearms and sharp objects, came there and inflicted blows on the persons of Babar Shaheen, Zeshan, Hamid Tariq and Dr. Muhammad Tariq as a result they sustained injuries; that they also opened fire at them with the intention to do them away, resultantly, he and Shafiq ur Rehman got hit and injured. Previous blood feud has been alleged as motive behind the incident. The occurrence is stated to have been witnessed by all the injured PWs.

3. Arguments heard and record perused.

Record of case FIR No.584 dated 30.05.2015

registered under sections 324/337-F(iv)/337-A (ii)/337-L (i)/148/149 PPC Police Station Mathra Peshawar, received.

4. No doubt, in this untoward incident six persons have sustained injuries, out of whom, the injuries of two have been declared as grievous, but at the same time I am confronted with FIR No.584 of the same date i.e. 31.05.2015 registered in the same Police Station, wherein complainant Muhammad Samin, the petitioner/accused in the instant case, has nominated all the injured of the instant case as accused for attempting at their lives and causing them injuries. Though, site plan has not been prepared in case FIR No.584, but as evident from the FIR, place of occurrence of both the incident is the same. Similarly, the date of occurrence and the parties of the two FIRs are also same. However, due to slight variation in

time of incident of the two FIRs, the cases cannot be termed as cross-cases as per the principle of cross cases set out by the Apex Court in Plethora of judgments. However, at the moment, FIR No.584 of the even date and of the same Police Station cannot be thrown away from consideration. Keeping in juxtaposition both the FIRs, I am confronted with two versions about the same incident wherein damage in the shape of causing injuries has been caused to both the parties. At the moment it is yet to be determined during trial after recording evidence as to which of the two versions is correct, which makes the case of the petitioners arguable for the purpose of bail, hence, they are entitled to concession of bail.

Accordingly, both the petitions are allowed. Accused/petitioners are admitted to bail provided each one of them furnishes bail bonds

in the sum of Rs.3,00,000/- with two sureties
each in the like amount to the satisfaction of
learned Illaqa Judicial Magistrate/MOD,
concerned. The sureties must be local reliable
and men of means.

Announced
09.07.2015

JUDGE

