

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT.**

Before:-

**Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
Mr. Justice Javed Iqbal, Judge.**

Criminal Appeal No...../2016.

In

Cr.PLA. No. 10/2016.

1. Salahuddin son of Adam Khan R/O Parishing Khangrool
Tehsil & District Astore. **Petitioner.**

Versus

1. The State through Police Station Astore. **Respondent.**

**CHARGE UNDER SECTION 324,337-F(V), 337-A, 353,,
147, 148 PPC VIDE FIR NO. 28/2015 SECTION 13 ARMS
ORDINANCE VIDE FIR NO. 29/2015 OF POLICE STATION
ASTORE.**

**PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF
GILGIT-BALTISTAN (EMPOWERMENT & SELF
GOVERNANCE) ORDER 2009 AGAINST THE IMPUGNED
JUDGMENT/ORDER PASSED BY GILGIT-BALTISTAN
CHIEF COURT DATED 06.05.2016 IN CRIMINAL MISC.
NO. 03/2016 WHEREBY ACCEPTING BAIL CANCELLATION
APPLICATION OF RESPONDENTS THE BAIL ORDER
DATED 05.12.2015 PASSED BY THE SESSIONS
JUDGE/JUVENILE JUDGE ASTORE IN FAVOUR OF
PETITIONER HAS BEEN CANCELLED.**

PRESENT:-

1. Mr. Amjad Hussain Advocate for the petitioner.
2. The Advocate General on behalf of the respondent.

DATE OF HEARING: - 28.06.2016.

ORDER.

Dr. Rana Muhammad Shamim, CJ..... The learned
counsel for the petitioner submits that an FIR No. 28/2015
was lodged against the petitioner at Police Station Astore
under Section 324, 337-F (V), 337-A, 353,147 and 148 PPC
and FIR No. 29/2015 under Section 13 Arms Ordinance. He

further submits that the petitioner moved an application for grant of Bail in the court of learned Sessions Judge/Juvenile Judge Astor with the contentions that the petitioner is minor, school going and the role assigned against the petitioner in the FIR is against the facts of the case. The alleged role assigned to the petitioner was on the basis of misstatement of the rival party, hence, the case is of further inquiry. Upon hearing the Bail application the learned Trial Court granted Bail to the petitioner vide order dated 05.12.2015. He also submits that the respondent being aggrieved filed Criminal Misc. No. 03/2016 in the learned Chief Court Gilgit-Baltistan whereby the said Criminal Misc was allowed and the Bail facility granted to the petitioner was cancelled vide order dated 06.05.2016, hence, this petition for leave to appeal. He also submits that the order passed by the learned Trial Court was in accordance with law and facts of the case whereas the order dated 06.05.2016 passed by the learned Chief Court is the result of misconception of law and misreading/non-reading of the record of the case file, therefore, the same is not tenable and liable to be set aside to meet the ends of justice and equity. He submits that prima facie the case of the petitioner is of further inquiry which entitles him for grant of bail. Further he is a juvenile and cannot be kept in jail for indefinite period as otherwise the law permits him to release on bail.

2. On the other hand, the learned Advocate General supports the impugned Order dated 06.05.2016 passed by the learned Chief Court. He contends that the said judgment is in accordance with the law and facts of the case, hence, the same is required to be maintained being well reasoned and well founded whereas the order dated 05.12.2015 passed by the learned Sessions Judge/Juvenile Judge Astor was the result of the misconception of law and the same has rightly been reversed by the learned Chief Court through its impugned order. He further contends that the petitioners/accused have been nominated by the complainant in FIR as they have been attributed role in commission of the aforesaid offence. He finally contends that the impugned order passed by the learned Gilgit-Baltistan Chief Court may graciously be upheld to meet the ends of justice.

3. We have heard the learned counsel for the petitioner as well as the learned Advocate General at length, perused the record of the case file and gone through the impugned order dated 06.05.2016 in Criminal Misc. No. 03/2016 passed by the learned Chief Court Gilgit-Baltistan and the order dated 05.12.2015 of the learned Trial Court Astore. We are in agreement with the learned counsel for the petitioners.

4. In view of the above discussion, in our considered view the case of the petitioner is of further inquiry which attracts the provision of Sub Section 2 of Section 497 Cr.P.C. further

he is a juvenile and law permits to release him on bail. We convert this petition into an appeal and the same is allowed. Consequently, the Impugned order dated 06.05.2016 passed by the learned Chief Court is set aside whereas the order dated 05.12.2015 of the learned Trial Court Astore is maintained being well reasoned and well founded.

5. The appeal is allowed in above terms.

Chief Judge.

Judge.

Whether the case is fit to be reported or not?