

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

Before:-

Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.

Mr. Justice Javed Iqbal, Judge.

Under Objection No.155/2017.

The State through Police Station City Astore. Petitioner.

Versus

Shafiq son of Daulat Khan Resident of Domosar Ahmadabad
Gorikote Astore presently at Judicial Lockup. Respondent.

PRESENT:-

1. The Advocate General alongwith Mr. Saeed Iqbal,
Deputy Advocate General for the petitioner.

DATE OF HEARING: - 21. 05.2018.

ORDER.

This petition for leave to appeal has been directed against the impugned order dated 25.09.2017 passed in Cr. Misc. No.149/2017 by the learned Chief Court whereby the said Cr. Misc filed by the respondent was allowed by granting bail to him, hence, this petition for leave to appeal. The learned Advocate General submits that the respondent/ accused was nominated in FIR No. 05/2017 at Police Station City Astore under Section 337-a(iii) read with section 147 & 148 PPC by attributing him specific role in commission of offence. He also submits that the weapon of offence has also been recovered from the respondent on his pointation. Per learned Advocate General, prime facie, the respondent is involved in the offence and there are sufficient materials on record against the respondent which connects him with the commission of the alleged. He submits that the learned Sessions Judge Astore has rightly refused to grant bail to the respondent whereas the learned Chief Court fell in error while accepting the Cr. Misc No. 149/2017 filed by the respondent. Consequently, bail has been granted to the respondent by the learned Chief Court through its impugned order

dated 25.09.2017 which is not sustainable and the same is required to be set aside.

2. We have heard the learned Advocate General at length, perused the material on record and gone through the impugned order passed by the learned Chief Court. The perusal of the record transpires that punishment for the charges against the respondent does not fall within the prohibitory clause of Section 497 Cr.PC, hence, the learned Chief Court has rightly granted bail to the respondent vide its impugned order dated 25.09.2017 which in our considered view is well reasoned and well founded. Furthermore, the learned Advocate General Could not point out any illegality and infirmity in the said impugned order, therefore, no indulgence is warranted into it by this Court.

3. In view of the above, we are not inclined to grant leave to appeal in this case; therefore, the leave is refused by affirming the impugned order dated 25.09.2017 passed in Criminal Miscellaneous No.149/2017 by the learned Chief Court.

4. The leave to appeal is refused in above terms.

Chief Judge.

Judge.