

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

BEFORE:-

***Mr. Justice Sardar Muhammad Shamim Khan, Chief Judge.
(In Chamber)***

Crl. PLA No.55 of 2023

The State

Petitioner

Versus

Muhabbat Jamal

(Respondent)

Present:-

Mr. Mir Muhammad Prosecutor-General for State.

Date of hearing: **29.04.2024**

JUDGMENT

C.Misc. No.56 of 2023:

Through instant application, learned Law Officer seeks condonation of delay in filing of instant Crl. petition for Leave to Appeal.

2. For the reasons recorded therein, instant application is accepted and delay in filing of instant Criminal Petition for leave to Appeal is hereby condoned. C.M stands disposed of.

Sardar Muhammad Shamim Khan, Chief Judge:- Through instant Criminal Petition filed under Article 75 of the Government of Gilgit-Baltistan Order, 2018, the petitioner/State seeks Leave to Appeal against the impugned Order dated 17.08.2023 passed by the learned Chief Court, whereby, respondent namely Muhabbat Jamal was admitted to post arrest bail in case FIR No.12 of 2023 dated 10.06.2023 offences under sections 324 & 341 , PPC registered at police station Singul District Ghizer.

3. Learned Law Officer representing the petitioner contended that respondent namely Muhabbat Jamal is nominated in the FIR; that there was specific allegation against the respondent that he was armed with 12- bore rifle

and made firing upon the complainant ; that during investigation respondent was found guilty; that respondent is involved in a heinous offence which comes within the purview of prohibitory clause of section 497 Cr.P.C; Thus, it is submitted that by accepting this petition, post arrest bail granted to respondent by learned Chief court vide order dated 17.08.2023 is liable to be cancelled.

4. Arguments heard. Record perused.

5. It has been noticed that allegation against the respondent in the FIR was that he made firing upon the complainant with 12-bore rifle but fire did not hit him and he was saved. There was no allegation against the respondent that he inflicted any injury on the person of the complainant. During investigation no crime empty was secured by the police from the place of occurrence , therefore, allegation of firing against the respondent requires further inquiry. Admittedly civil litigation pertaining to land in dispute was pending between the parties, therefore, false involvement of the respondent in the instant case on the basis of malafides on account of aforesaid dispute cannot be ruled out. Whether the respondent had actively participated in the occurrence is a question which would be determined by the learned trial court after recording the prosecution's evidence.

6. Respondent was admitted to post bail by learned Chief Court G.B after discussing the merits of the case. If a bail is granted to an accused on merits, exceptional circumstances are required to cancel the same but perusal of record reveals that no such circumstances are available to interfere with bail granting order passed by learned Chief Court. Learned Law Officer has not pointed out any perversity or illegality in the impugned order dated 17.08.2023 passed by learned Chief Court, whereby, respondent was admitted to post arrest bail. In these circumstances, I am not inclined to grant leave to appeal, which is declined and consequently this criminal petition stands dismissed.

- SD -

Justice Sardar Muhammad Shamim Khan

Chief Judge