

IN THE COURT OF MALIK MUHAMMAD ZIA-UL-TARIQ KHOKHAR,
ADDL. SESSIONS JUDGE/ GBV CASES COURT, KHUSHAB.

.....Vs.....the state.

POST ARREST BAIL APPLICATION

17.07.2020

Present: *Malik Muhammad Younas Awan, Advocate learned counsel for the petitioner.*
Learned DDPP for the State.

ORDER.

Petitioner. [REDACTED] has sought his post arrest bail in case FIR No. 259 dated 25.05.2020 u/s 302/342/311/109/34 PPC PS City Jauharabad.

2 *Precisely as per contents of the crime report, the accusation against the petitioner/accused are that he alongwith his uncle (real brother of the deceased lady) while armed with their respective weapons committed the cold blooded murder of none else but his real aunt (خالت) on the pretext of "ghairat".*

Hence, this case.

3. *Learned counsel for the petitioner is of the view that the case against the petitioner is false and baseless; that the petitioner is previously non-convicted and peaceful citizen; that no rapt has been recorded regarding the misplacement of deceased . [REDACTED] owing to which the case of the petitioner falls within the ambit of further inquiry; that the police has made out a false story just to show performance before their high ups; that the place of occurrence, mode of occurrence and manner of occurrence as stated by the complainant do not apply judicial mind; that the complainant has narrated this story just to make the instant occurrence as witnessed case; that there is unexplained delay in lodging the FIR; that there is delay in postmortem; that offence u/s 311 PPC is not applicable; that during investigation . [REDACTED] accused was declared innocent which leaves question mark on the veracity of the case; that the person of the petitioner is no more required to police. Hence he may very kindly be enlarged on bail.*

4. *Arguments of the learned counsel for the petitioner as well as that of learned prosecutor have been heard at length and record perused.*

5. Record shows that petitioner is nominated in the FIR. Specific role of commission of murder of none else but his own real aunt (जीवा) in the name of "ghairat" has been ascribed to him. During course of investigation alleged weapon of crime with which he allegedly took the life of his own aunt (जीवा) to avenge the retributory feelings of family honour, has been recovered from his possession. Though certain affidavits have been managed to be brought on file on behalf of the legal heirs of the unfortunate deceased lady in favour of present petitioner describing that present petitioner and other nominated accused persons are not the killers of their daughter but simultaneously they did not utter a single word as to who has killed their married daughter. Had she not been assassinated by her real nephew alongwith her real brother (co-accused) then *prima facie* the question does arise as to who has killed her without any reason and the mysterious silence over her cold blooded murder on the part of the parents of the deceased lady and even on the part of her husband tells in so many words another saga of butchering the daughters and womenfolk in our culture in name and pretext of honour killing. I am not ready to attach any worth to these affidavits of legal heirs of the deceased to bring about the case of the petitioner within the preview of agitated further inquiry as much stressed and focused by the learned counsel for the petitioner during whole exercise of his valuable arguments in support of building the case of bail in favour of the petitioner. As at the cost of repetition petitioner who is nominated in the FIR for the charge of murder of his real aunt (जीवा) under the pretext of honour, has been found guilty as killer of commission of this horrific occurrence and above mentioned attending circumstances of the case *prima facie* reinforced this result of investigation that the unfortunate daughter of Eve was done to death by the petitioner in the name of family honour. Hence, I am not inclined to exercise discretion of bail in favour of such like elements who are not only criminal of society but also indulged in bringing the name of country in disrepute in the comity of nations. The world is talking about women empowerment and

emancipation but they are here busy is killing their women like flies either under the pretext of family honour or to get them refrained from social as well as economical empowerment and this ugly trend is to be checked with iron hands. For what has been discussed above I proceed to disallow this petition being meritless, hence, the same stands dismissed accordingly. File be annexed with the challan.

*Announced.
17.07.2020.*

*(Malik Muhammad Zia Ul Tariq Khokhar)
Addl: Sessions Judge/GBV cases Court,
Khushab*

*Certified that this order consist upon **three** pages, each of which has been dictated, corrected, read and signed by me.*

*Announced.
17.07.2020.*

*(Malik Muhammad Zia Ul Tariq Khokhar)
Addl: Sessions Judge/GBV cases Court,
Khushab*