JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT, PESHAWAR

JUDICIAL DEPARTMENT

Bail Petition No.4183-P/2021

O R D E R

Date of hearing	:	**6th December, 2021.**
Petitioners (Faisal Amin & two others)	:	**By Syed Muhammad Ilyas, Advocate.**
Respondents: The State	:	**By Syed Sikandar Hayat Shah, AAG.**
Complainant	:	**In person along with the abductee transgender Anmol.**

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QAISER RASHID KHAN, CJ:- Accused-petitioners seek their release on bail in case FIR No.2086, dated 19.10.2021, under Sections 365/377/506/392/148/149 PPC of Police Station City, District Mardan with the allegations that they had abducted transgender Zakir alias Anmol, severely beat her and thereafter committed unnatural offence with her.

2. Arguments heard and the available record perused.

3. Initially, as per the FIR ibid, the complainant namely Mehboob alias Zamrud had charged the accused-petitioner Fazal Amin along with 3/4 other unknown accused for the abduction of the transgender Zakir Ali alias Anmol.

After recovery, the said abductee recorded her statement under section 161 Cr.P.C. on 19.10.2021 narrating the details as to how she was abducted by the accused-petitioners, severely beat her and also subjected her to unnatural offence. On 22.10.2021, the abductee also recorded her statement under section 164 Cr.P.C. with the same narration.

4. The argument of the learned counsel for the accused-petitioners is that the latter have been falsely implicated in the case FIR and also that they have effected a compromise with the complainant party, who have expressed their no objection over the release of the accused-petitioners on bail.

5. The victim namely Anmol has directly nominated the accused-petitioners for the cruel treatment meted out to her and that too, because of her gender. Such class of citizens mostly belong to the poor and vulnerable segment of the society. Of late, it has been noticed that they are subjected to such cruel and unhuman treatment in the routine and the case of the accused-petitioners is no different. The medical report of the victim is also in line with the prosecution version.

6. So far as the compromise effected between the parties is concerned, it needs no reiteration that the offence for which the accused-petitioners are charged with is not

compoundable. Such plea in like manner cases cannot be taken into consideration at the bail stage.

7. Thus taking a tentative assessment of the available record, the accused-petitioners are prima facie connected with the commission of the offence, which is not only serious in nature but is also an affront to the collective morality and norms of the society and attracts the prohibitory limb of section 497 Cr.P.C. Therefore, I hold the accused-petitioners disentitled to the concession of bail.

8. Resultantly, this bail petition stands dismissed.

Announced.
Dated: 06.12.2021.

CHIEF JUSTICE