

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

Bail Petition No.2967-P/2020

ORDER

Date of hearing : 8th February, 2021.

Petitioner
(Jawad Khan alias Sohail) : By Mr. Tafseel Khan Afridi,
Advocate.

Respondents : By Mr. Muhammad Sohail,
AAG for the State.

Mr. Jawad Ali, Assistant
Attorney General for the complainant.

QAISER RASHID KHAN, CJ:- Accused-petitioner

Jawad Khan alias Sohail seeks his release on bail in case FIR
No.81, dated 18.09.2015, under Sections
302/324/353/427/148/149/120-B PPC / 3/4 & 5 Explosive
Substances Act / 15-AA read with section 7 ATA of Police
Station CTD, District Peshawar with the allegations that he
along with his co-accused are involved in the attack at PAF
Camp Badhber, wherein, 29 persons including the officers and
soldiers of Pakistan Army and Pakistan Air Force embraced
Shahadat and 39 others sustained injuries.

2. Arguments heard and the available record perused.
3. As per the FIR, it was the complainant Flight Lieutenant Hussain Muhammad, who reported about the incident as to how nineteen / twenty terrorists forcibly entered the PAF Camp Badhber, Peshawar on 18.09.2015 and caused huge casualties and damage to the property. Initially, the FIR was lodged against the unknown culprits. However, during the investigation, when the co-accused Mst. Zari Zadgai was arrested, she in turn recorded her statement under section 164 Cr.P.C. wherein, she gave a detailed account in respect of the mode and manner of the occurrence including the active role / participation of the accused-petitioner in the commission of the offence.
4. The argument hard pressed by the learned counsel for the accused-petitioner is that while the co-accused Mst. Zari Zadgai has named one Sohail to have participated in the commission of the offence along with his co-accused, the name of the accused-petitioner is Jawad Khan and as such, he has got no nexus with the occurrence. The common feature of such like cases is that the report is always lodged against unknown

culprits. However, it is during the course of investigation when they are identified through various sources as they have either their real names or fake names and at times are known through their aliases. They are thus charged in the FIRs through the supplementary statement recorded by the complainant party. In the instant case too, the accused-petitioner has been introduced by the co-accused Mst. Zari Zadgai in her statement recorded under section 164 Cr.P.C through his alias, i.e. Sohail.

5. Apart from above, the accused-petitioner instead of surrendering himself preferred to stay in abscondance for over four and a half years and surrendered only after the acquittal of his co-accused Mst. Zari Zadgai. Thus, taking a tentative assessment of the available record, the accused-petitioner is prima facie connected with the commission of the offence which is both serious and heinous and also falls within the prohibitory clause of Section 497 Cr.P.C. Accordingly, I hold him disentitled to the concession of bail.

6. Accordingly, this bail petition is dismissed.

7. Needless to mention that the observations recorded in this order are purely tentative in nature and shall

not prejudice the proceedings before the learned trial court where the case be decided on its own merits after recording evidence.

Announced.
Dated: 08.02.2021.



CHIEF JUSTICE