

**ORDER SHEET.**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

Crl. Misc. No.625/B/2019.

Zahid

Versus

The State

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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22.10.2019. Raja Muhammad Farooq, Advocate for the petitioner.  
Barrister Ayesha Siddique Khan, State Counsel.  
Abdul Waheed, S.I alongwith record.

Through instant petition, the petitioner has prayed for post arrest bail in case FIR No.188, dated 14.10.2013, U/S 302, 397, 201, 412, 148, 149 PPC, P.S Lohi Bhair, Islamabad.

2. Brief facts referred in the FIR are that dead bodies of a man and woman were lying in parachute cloth near link road of Dhoke Kala Khan. Similarly, four dead bodies were also recovered from the territorial jurisdiction of P.S Sihala and FIR No.243/13 was registered. Both the criminal cases have been investigated by the I.O of instant case i.e. FIR No.188/13.

3. Learned counsel for the petitioner contend that the petitioner is not nominated in the FIR and he was arrested from Peshawar in some other case despite the fact that he has no relationship or link with instant matter and he has been nominated on the statement of co-accused, who was earlier arrested in the instant matter; that the petitioner has not been informed regarding pendency of the instant matter, even proceedings U/S 512, Cr.P.C are without jurisdiction as requirements of law have not been fulfilled; that no incriminating

evidence has been recovered against the petitioner nor the same has been brought on record.

4. Conversely, learned State Counsel contends that the petitioner has been nominated after recovery of six dead bodies from the jurisdiction of two police stations when the other accused have been arrested in 2013 in which it has been disclosed that more than 6 persons were involved in commission of murder of entire family by hiring assassin by the principal accused Sakandar Zia; that the principal accused has already been awarded death sentence by Trial Court and his appeal is pending before Division Bench of this Court; that the petitioner remained absconder for five years, therefore, he is not entitled for concession of bail.

5. Perusal of record reveals that dead bodies of two individuals i.e. a woman and a man were recovered from the territorial jurisdiction of Police Station Lohi Bher on 14.10.2013 and similarly four dead bodies have separately been recovered from the territorial jurisdiction of Police Station Sihala on the same day and separate FIR No.243/2013 was registered. During the course of investigation, it revealed that all six dead bodies are from same house, whereby Nadia Aamir, Aamir Ullah Khan, Adam, Haider, Roman and Asghar (servant) have been identified. Principal accused Sakandar Zia is nephew of Nadia Aamir, who arranged the alleged crime/murder of six persons in one family in order to grab the property. Principal accused Sakandar Zia and his two co-accused were initially arrested by local police, who during interrogation revealed the planning and style of crime, in which all six persons were brutally murdered.

6. It is also reflected from the record that six different persons were hired including the present petitioner for murder of the family. The petitioner remained absconder from the date of the incident till his arrest on 18.07.2019, that is approximately 5 years and 10 months and he has been declared absconder after completing the process by Trial Court, whereas co-accused Sakandar Zia has been convicted and awarded death sentence by the Trial Court, whose criminal appeal is pending before Division Bench of this Court. The tentative assessment of the record reveals that the petitioner is prima facie connected with hideous offence of murder of six innocent persons, who have been killed for lust of illegal gain and at this stage granting bail to the petitioner would amount to trivialize the gravity of the offence allegedly committed by the petitioner.

7. The I.O in attendance contends that challan has been submitted before the Court. Charge has been framed and the trial is in progress on fast track as the trial is pending before Model Criminal Trial Court and as per observation of Trial Court, the trial would be concluded within next three months.

8. For what has been discussed above, the petitioner is not entitled for grant of post arrest bail, therefore, instant petition is dismissed. However, relying upon 2011 SCMR 1332 (Rehmat Ullah vs. The State and another), learned Model Criminal Trial Court is directed to conclude the trial on or before 31.12.2019.

(MOHSIN AKHTAR KAYANI)  
JUDGE

R.Anjam