

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

Before:-

**Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
Mr. Justice Javed Iqbal, Judge.**

**Cr. Appeal No. 04/2018
In
Cr. PLA No. 11/ 2017**

The State

Petitioner.

Versus

Shakeel Ahmed & 02 others

Respondents.

**Cr. Appeal No. 05/2018
In
Cr. PLA No. 07/ 2017**

The State

Petitioner.

Versus

Faizan-ul-Haq

Respondent.

PRESENT:-

1. The Advocate General alongwith Mr. Saeed Iqbal, Deputy Advocate General and Mr. Ali Nazar Khan Advocate-on-Record for the petitioners in both the appeals.
2. Mr. Jahanzaib Khan Advocate for the respondents in both the appeals.

DATE OF HEARING: - 10.04.2018.

ORDER.

Dr. Rana Muhammad Shamim, CJ..... These Criminal Petitions have arisen out of the impugned orders dated 07.02.2017 and even dated 23.02.2017 in Cr. Misc. No. 26/2017 and Cr. Misc. No. 31/2017 passed by the learned Chief Court whereby the said Criminal Miscellaneous filed by the respective respondents were allowed by granting bail subject to furnish personal bail bonds in the sum of Rs. 500,000/- (Rupees five Lac only) and Rs. 10,00,000/- (rupees ten lac only) respectively with two solvent

sureties for each respondents, each in the like amount to the satisfaction of Trial Court. The petitioner being aggrieved filed this petition for leave to appeal. This court vide order dated 06.04.2017 issued notices to the respondents and the cases are heard today.

Briefly, the facts of the case are that on 17.01.2017, the respondents were booked in case FIR No. 04/2017 under Sections 511/34 PPC read with Section 11EE(4) and 6/7 ATA in the Police Station Airport Gilgit on the complaint of Muhammad Nabi Khan IP of Investigation Wing Gilgit. Consequently, investigation has been initiated by the police against the respondents. During investigation, the respondents disclosed that they had a plan of sabotaging the CPEC. As per contents of the FIR, they planned to assault/attack the people of Shia Sect, police barrier Amphary and lastly to kill the Shia Ulema. The respondents further disclosed that they had also plan to attack in Jammat Khanas in District Ghizer. The respondents moved bail application Nos. 27/2017 and 31/2017 before the Vacation Sessions Judge Gilgit. Upon hearing, the bail was rejected. The respondents being aggrieved by and dissatisfied with filed Criminal Miscellaneous Applications before the learned Chief Court which upon hearing were allowed by directing for release of the respondents, hence, these Criminal petitions for leave to appeal.

The learned Advocate General submits that the respondents have directly charged in the FIR and a specific role is attributed to them which *prima facie* connect them in the

commission of offence. He also submits that on factual and realistic source of intelligence information, law and order as well as public security situation throughout Gilgit-Baltistan requires that the respondents be not allowed to remain outside enabling them to fulfill the evil design as alleged. Per learned Advocate General, the particular areas of threat remained under acute tense and in case of non-leaking out of the plan, a huge loss of human life and property could have been in danger. He submits that the learned Chief Court fell in error while releasing them on bail. There is sufficient material on record against the respondents to believe that they have committed the offence to sabotage the peace of the area. He prays that the said impugned orders may graciously be set aside and the bail granted to the respondents be cancelled.

On the other hand, Mr. Jahanzaib Khan learned counsel appearing on behalf of the respondents supports the impugned orders of the learned Chief Court. He contends that respondents have been booked in the case falsely and maliciously without any cogent evidence and material on record. There are general and vague allegations against the respondents which have rightly been appreciated by the learned Chief Court while setting them at liberty by granting the bail. He reiterates that there are no reasonable grounds to believe that the respondents are involved in the alleged offence but there are sufficient grounds for further inquiry into the guilt of the respondent entitling them to remain on bail. He submits

that the learned Chief Court has rightly allowed the Criminal Petitions of the respondents by granting them bail concession. There must be strong grounds for their cancellation of bail. He prays that the impugned orders passed by the learned Chief Court may pleased be maintained.

We have heard the learned counsels for the respective parties at length, perused the material on record and gone through the impugned orders passed by the learned Chief Court as well as the judgments/orders of the learned courts below. In our considered view, the learned Chief Court fell in error while passing the impugned orders dated 07.02.2017 and even dated 23.02.2017 in Cr. Misc. No. 26/2017 and Cr. Misc. No. 31/2017 being not well reasoned and well founded. Admittedly, there is sufficient material on record to believe that the respondents were actively involved in hatching conspiracy and commission of the alleged offence, hence, they are not entitled for the concession of the bail at this stage.

In view of the above discussions, we convert these petitions into appeals and the same are allowed. Consequently, impugned orders dated 07.02.2017 and order dated 23.02.2017 passed in Cr. Misc. No. 26/2017 & Cr. Misc. No. 31/2017 passed by the learned Chief Court are set aside. The bail extended to the respondents is cancelled in both the cases. The findings of this court are tentative in nature which would not effect to the trial proceedings. The learned Trial Court has to hear and decide the case in its own merits in accordance with law.

The appeals are allowed in above terms.

Chief Judge.

Judge.