

Judgment Sheet
IN THE PESHAWAR HIGH COURT,
PESHAWAR
(Judicial Department)

Cr.M (BA) No. 1619-P/2015.

JUDGMENT

Date of hearing. 12.10.2015.

Petitioner (Abdur Rahman) By Syed Akbar Ali Shah, Advocate.

State By Mr. Mujahid Ali Khan, AAG.

Complainant. By Mr. Afroz Ahmad, Advocate.

OAISER RASHID KHAN, J. The accused-petitioner, Abdur Rahman, seeks bail in case FIR No. 70 dated 14.7.2015 under sections 387 PPC/ 7 ATA, Police Station CTD, Peshawar after being declined the said relief by the learned Judge Anti-Terrorism Court-III Peshawar on 5.9.2015.

2. Facts in brief leading to the instant petition are that the complainant made a written application to the local police stating therein to have received threatening calls on his cell phone No.0333-9141385 from mobile Nos.0335-8377791 and 0331-8153412 by posing themselves to be members of Tehreek-e-Taliban Bara and had demanded a huge amount, hence the FIR ibid.

3. Learned counsel for the accused-petitioner contended that no mobile call was ever made to the complainant by the accused-petitioner demanding any amount and that none of the two mobile numbers i.e. 0335-8377791 and 0331-8153412 belong to him nor the same had ever remained in his use. His next contention was that the accused-petitioner has been involved on the mere statement of his co-accused who happens to be his cousin and from whom various SIM numbers and mobile sets were recovered and that the case of the accused-petitioner being one of no evidence, therefore, he is entitled to bail. He lastly contended that the complainant present before the court does not charge the accused-petitioner for the alleged threatening calls and thus on this score too, he is entitled to bail when there is no likelihood of the conviction of the accused-petitioner during trial.

4. The complainant alongwith his counsel stated that they do not charge the accused-petitioner.

5. The learned AAG on his turn strongly opposed the bail petition and contended that the accused-

petitioner is directly linked with the commission of the offence which is not only heinous in nature but is also non-compoundable and hence he is not entitled to be released on bail.

Arguments heard and available record perused.

6. It was on the written application of the complainant whereby he stated to have received threatening calls from mobile Nos. 0335-8377791 and 0331-8153412 with a demand of three crore rupees from him through instalments when the local police spurred into action and after holding inquiry under section 156 (3) Cr.P.C made a major breakthrough in the arrest of co-accused Ghani-ur-Rehman. His arrest not only led to the recovery of mobile sets and various SIM numbers including SIM No.0331-8153412 from which threatening calls were made to the complainant but he also pointed an accusing finger at the accused-petitioner being his cousin and accomplice. It was thereafter when one Fazal Hadi recorded his statement under section 164 Cr.P.C on 12.8.2015 who on the one hand claimed the ownership of SIM No. 0335-8377791 from which the

first threatening call was made to the complainant but also that the said SIM was taken from him by the accused-petitioner and did not return the same to him. The complainant has charged the accused-petitioner alongwith his co-accused by name for holding out threats to him as well as demanding huge amount from him while recording his statement under section 164 Cr.P.C.

7. This court is fully conscious of the fact that the complainants in like manner matters mostly take a U-turn as they cannot afford to face persons of the ilk of the accused-petitioner in a court of law as still bigger and grave threats are hurled to them. Of late, this phenomenon of giving threatening calls to the ordinary but affluent people and demanding huge amounts from them has attained a menacing proportion and thereby the perpetrators of such crimes have made the lives of the ordinary people miserable by giving them sleepless nights and this in a way has become a lucrative business for such faceless people.

8. Taking a tentative assessment of the available record, the accused-petitioner is prima facie linked with the commission of the offence which is not only heinous but is also against the society at large dis-entitling him to the concession of bail.

For the reasons stated above, this bail petition being meritless stands dismissed.

Before parting with this order, it is directed that any observations recorded in this order, being purely tentative in nature, should in no way prejudice the proceedings before the learned trial Court where the case be decided on its own merits after recording evidence.

Announced:
12.10.2015

J U D G E

****Qaseem****