

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial

Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.391 of 2020

*(Against judgment dated 6.4.2020 passed by the
Peshawar High Court Bannu Bench, Bannu in
B.A. No.138-B/2020)*

Shabran Khan

...Petitioner(s)

Versus

The State & another

...Respondent(s)

For the Petitioner(s): Mr. Aftab Alam Yasir, ASC

For the State: Mr. Anis M. Shahzad, ASC
along with M. Asghar, I.O.

Date of hearing: 06.05.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Behind Bars since 30.12.2019, Shabran Khan, petitioner, seeks admission to bail; he is blamed to have conspired murder of Muhammad Iqbal, 48/49, on 27.10.2019 within the remit of Police Station University, Dera Ismail Khan. Deceased's nephew attended the casualty in the hospital and conveyed information to his uncle Malik Muhammad Ismail who lodged formal First Information Report wherein Latifullah son of Allah Wasaya along with Saif-ur-Rehman Inspector and his brother Asghar were arrayed as suspects in the backdrop of a motive that related to attempts to take forcible possession of immovable property, a move fiercely resisted by the deceased. Abdul Latif and Asghar were arrested, however, subsequently released on bail as they were substituted by Dil Jan accused who allegedly admitted to have committed the murder along with one Inayat Ullah on petitioner's direction with a .30 caliber pistol provided by him for the purpose.

2. Heard. Record perused.

3. Complainant restructured his case through statement dated 17.12.2019; Latifullah, Saif-ur-Rehman and Asghar, initial suspects, stood replaced with Inayatullah and Dil Jan being the alleged assassins. Aman Ullah is inducted as a facilitator on behalf of the

petitioner, introduced as architect behind the crime with a motive. To frame the *de novo* set up, the Investigating Officer produced three witnesses before a Magistrate who recorded their statements pointed upon the accused. A .30 caliber pistol, licensed to Dil Jan accused, is part of prosecution inventories. It would be less than expedient to comment upon the merits of the prosecution case as its fate is to be essentially settled by the trial Court after recording of evidence, nonetheless, in the given backdrop, petitioner's culpability as the man behind the scene certainly warrants further probe and as such his case squarely falls within the remit of subsection 2 of section 497 of the Code of Criminal Procedure 1898. Criminal Petition is converted into appeal and allowed. Petitioner is admitted to bail and shall be released upon furnishing bond in the sum of Rs.500,000/- with one surety in the like amount to the satisfaction of the learned trial Court/Duty Judge.

Judge

Judge

Islamabad, the
6th May, 2020
Not approved for reporting
Azmat/-