

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial

Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.234 of 2020

(Against order dated 3.2.2020 passed by
the Peshawar High Court Peshawar in Crl.
Misc. No.3759-P/2019)

Asfand Yar Khan & another

...Petitioner(s)

Versus

The State & another

...Respondent(s)

For the Petitioner(s):

Mr. Basharatullah Khan, ASC
Syed Rifaqat Hussain Shah, AOR

For the State(s):

Mr. Arshad Yousafzai, ASC
with Durran Shah, Inspector

Date of hearing:

02.04.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Asfand Yar Khan and Salman Khan, real brothers *inter se*, seek admission to bail; they have been arrayed as accused through supplementary statement dated 4.9.2019, in a case of homicide, registered on 17.8.2019 at Police Station Paharipura Peshawar on the statement of Nadim Safdar, acclaimed witness of the incident; he had blamed Asad, Farhan, Imran, Amjad and Aamir as the culprits for committing murder of his sister Sumera Safdar and driver Inaam Lag, who drove the entourage to attend proceedings in a case of murderous assault in District Courts Peshawar. Motive for the crime is bad blood over property with a string of cases raging between the parties. Sumera Safdar's daughter through supplementary statement joined the petitioners with the co-accused, initially omitted by the complainant as well as the witnesses who claimed to have survived the assault.

2. Heard. Record perused.

3. Be that as it may, the petitioners were not named in the crime report as being alongside the accused who gunned down the

deceased; all the witnesses are unanimous on the number of accused as five; the omission is intriguing and by itself brings petitioners' case within the remit of subsection 2 of section 497 of the Code of Criminal Procedure 1898. Criminal Petition is converted into appeal and same is allowed; the petitioners shall be released upon furnishing bonds in the sum of Rs.500,000/- with one surety each in the like to the satisfaction of the learned trial Court/Duty Judge.

Judge

Judge

Islamabad, the
2nd April, 2020
Not approved for reporting
Azmat/-