

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Mazhar Alam Khan Miankhel  
Mr. Justice Qazi Muhammad Amin Ahmed

**Criminal Petition No.691 of 2020**

(Against the judgment dated 3.4.2020 of the  
Peshawar High Court, Peshawar passed in  
Cr.MBA No.446-P of 2020)

***Shehryar Khan***

....Petitioner(s)

**Versus**

***The State and another***

....Respondent(s)

For the Petitioner(s): Mr. Asad Ullah Khan Chamkani, ASC

For the State: Mr. Anis M. Shahzad, ASC  
Gul Wali, Inspector/I.O.

For the Complainant: Mr. Riazat ul Haq, ASC

Date of hearing: 03.08.2020.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.-** Shehryar Khan, petitioner, attributed a fatal shot to Sabir-ur-Rehman, deceased, in his mid 60s, at 9:30 a.m. on 13.04.2019, within the remit of Police Station Daduzai Peshawar, in the backdrop of a dispute over immovable property, seeks admission to bail, primarily on the strength of a ‘cross version’ structured upon a fire arm injury, sustained by Majid Khan, co-accused, no other than his real brother, medically examined under a police docket on the fateful day. Petitioner, after the incident, stayed away from law and was, accordingly, proceeded under Section 512 of the Code of Criminal Procedure 1898; he was finally taken into custody on 12.02.2020.

2. Heard. Record perused.

3. It would be less than expedient to comment upon the merits of the prosecution case, bracing a cross version set up on an injury, sustained by the co-accused, pressed into service with vehemence to construct hypothesis of self defence, a controversy to be best settled by the

trial Court. Argument regarding suppression of injury sustained by Majid, co-accused, in the face of identical suppression in the cross version regarding the fatal shot on to the deceased, does not bring petitioner's case at a higher pedestal so as to be received with favour. Saddled with the responsibility of the fatal shot, petitioner's absence from law, additionally, stands in impediment to his release on bail. Given the role attributed to the petitioner, existence of a cross version, veracity whereof is yet to be settled, by itself would not bring his case within the purview of further probe. Petition fails. Leave declined.

**Judge**

**Judge**

Islamabad, the  
3<sup>rd</sup> August, 2020  
Not approved for reporting  
*Ghulam Raza/-*