

تاریخ نمبر ۲۲-۱۵

ابتدائی اطلاعی رپورٹ

تاریخ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردستی ۱۵۴ مجموعہ ضابطہ نو جداری

ملا کینڈا زمین سوات ضلع CTD
 تاریخ دستاویز 26/03/2024 وقت 05:30 بجے

| | | |
|---|---|---|
| 1 | تاریخ وقت رپورٹ 26-03-2024 وقت 14:30 بجے | سپاہیوں کی طرف سے 26/03/2024 وقت 18:30 بجے |
| 2 | نام دستاویز اطلاع دہندہ مستفیض | نام دستاویز اطلاع دہندہ مستفیض |
| 3 | مختصر کیفیت جرم (موردہ) حال اگر کچھ لیا گیا ہے۔ | مختصر کیفیت جرم (موردہ) حال اگر کچھ لیا گیا ہے۔ |
| 4 | جائے وقوعہ فاصلہ قحانہ سے اور سمت | جائے وقوعہ فاصلہ قحانہ سے اور سمت |
| 5 | تاریخ سے روائی کی تاریخ وقت | تاریخ سے روائی کی تاریخ وقت |

ابتدائی اطلاع نیچے درج کرو۔ ایک تقریری ٹیسٹنگ بطور سٹیبل رپورٹ
 نیپانہ سخت ظاہر خان H0 و تمام ہتھیار کھینچ کر سٹیبل سمجھ الرٹن نمبر 671 وصول ہو کر
 دل میں۔ عدالت اغتر خارج دعاء CTD ملا کینڈا! اس وقت میں سمجھ الرٹن نمبر 671
 افسر رٹن نمبر 1590 دیگر تقریری پولیس حسب معمول سوات میں کینڈا بازار ہٹام میں موجود تھا۔ اطلاع
 ملی کہ روڈ KKH ہٹام لاہور نالہ چائینیز کالونائٹ پر خود کشی دھماکہ ہوا ہے۔ اطلاع سٹیبل نظر
 نمبر تقریری پولیس کے تقریری طور پر جائے وقوعہ بالا اگر کسی تقریری TAB-901 نعتوان رسید اور
 حشر مار بلاسٹ شدہ وجود پاک معلوم ہوا کہ واقعہ چائینیز کالونائٹ جو کئی گاڑیوں پر مشتمل اور
 سکول تھی میں آج اسلام آباد سے داسو ٹیم کو معائنہ جاری ہے۔ جو یہی کالونائٹ ہونے کا حوسہ جائے
 وقوعہ بالا پہنچا تو ایک خود کشی مہارت باہر سے تقریری حشر مار کالونائٹ میں موجود تقریری
 تقریری TAB-901 جس میں پانچ آٹھ میں چائینیز اور ایک گاڑی اور پانچ آٹھ تقریری کالونائٹ تقریری
 اور دروازہ کھلا کر جس سے کئی تقریری ایک گاڑی اور پانچ آٹھ تقریری کالونائٹ تقریری
 تقریری۔ نتیجہ کے طور پر تقریری میں موجود کالونائٹ جن کے نام درج ذیل ہیں - ② - Zhuxiaoru
 ③ - Yang Zhongjun - ④ - Yan Feng - ⑤ - Sheng Tuo - ⑥ - Lv Daoyong
 ⑦ - Partan Kohistan R/o Shair Khan R/o Ring 3/o موجود تقریری کالونائٹ میں موجود تقریری
 میں موجود تقریری چائینیز محفوظ رہے۔ تقریری کو جائے وقوعہ سے تقریری تقریری پولیس اور تقریری
 22/3 بجے جا کر زیر حفاظت تقریری پولیس کے تقریری یوسٹ مارٹم THQ ہٹام
 تقریری کے۔ حسین نمان ایک کو تقریری کے کالونائٹ تقریری تقریری تقریری تقریری
 تقریری تقریری۔ وقوعہ ہذا نامعلوم ملزم / ملزمین دستگروں کی کارستانی ہے۔ (P-T0)

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درج ذیل تفصیل پر موجود سیکورٹی ایگمان اور دیگر کارروائیوں میں
 موجودہ کماچہ ریٹ سروس حالات و حالات کے پیش نظر
 بہت زبردستی کے ذریعہ / ایگمان نامہ نام کے خلاف جائیداد کا اثبات پر
 بہت زبردستی کے ذریعہ دعوایں رساں اور کارروائیوں میں جاساں ہوئے ہیں۔
 عائشہ بیگم باقاعدہ طور پر سیکورٹی لاکر دیوار ہسپتال دیوار ہسپتال میں قائم ہے۔
 ہسپتال (سٹیٹ) سیمینار میں 671 ارسال خوراک میں، انٹرنیٹ بلاک اور اطلاع دی
 جا رہی ہے۔ درج ذیل کی جائیداد دستخط کی جا رہی ہے۔ وقت طالعہ ہمارے ہاں ہے۔
 تمام حوالہ نمبر 26-03-2024۔ کماذاتی دعوایں۔ پورا اسدہ کماذاتی حوالہ دینے کے بعد
 پورا پورا کماچہ بلا چاک کیا جا کر قتل پر چلے گا۔ اس کے بعد ان کے حوالہ
 دینے کے بعد بلا کو اطلاع دی جا رہی ہے۔ پورا ہسپتال دیوار ہسپتال میں ہے۔

(روفا نامی) 1111
 Ps. CTD. MKD
 26-03-2024

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 س
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دہلا
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 دہلا کے لیے اطلاع دینے کا وقت ہے کہ اس کی موافقت کیا جائے گا۔ اور اگر ضرورت پڑے تو ایگمان کا دستخط ملو۔ تصدیق ہوگا۔ صرف الف ب س ر و شائے سے بات نہ
 کرے یا شہر میں ترقی دہلے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں سوزوں میں لکھنا ہے۔



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ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

| | | | |
|--|--|-----------------|---------------------|
| تھانہ | CTD | ضلع | ملاکنڈ ریجن سوات |
| علت نمبر | 05 | تاریخ وقت وقوعہ | 26-03-024 وقت 13:05 |
| تاریخ وقت رپورٹ | 26-03-024 وقت 14:30 | چاکیڈگی پرچہ | 26-03-024 وقت 18:30 |
| سکونت اطلاع دہندہ مستغیث | بخت ظاہر خان انسپٹر SHO تھانہ بشام | | |
| مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو | PPC 302, 324, 427, 3/4 ESA, 6/7 ATA | | |
| جائے وقوعہ فاصلہ تھانہ سے اور سمت | روڈ KKH بشام تا کوہستان بمقام لاہور نالہ جانب شرق بفاصلہ 105/110 کلومیٹر جانب از تھانہ CTD | | |
| نام و سکونت ملزم | | | |
| کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو | بدرسیدگی تحریری مراسلہ پر چہ دیا گیا | | |
| تھانہ سے روانگی کی تاریخ وقت | بطور پیش رپورٹ | | |

ابتدائی اطلاع نیچے درج کرو

ایک تحریری مراسلہ بطور پیش رپورٹ منجانب بخت ظاہر خان SHO تھانہ بشام بدست کنسٹیبل سمیع الرحمن نمبر 671 موصول ہو کر ذیل ہے۔
بخدمت جناب انسپٹر انچارج تھانہ CTD ملاکنڈ! امروز میں معہ کنسٹیبلان سمیع الرحمن نمبر 671، امیر رحمان نمبر 1590، دیگر نفری پولیس حسب معمول موہاٹل گشت بزار بشام میں موجود تھے۔ اطلاع ملی کہ روڈ KKH بمقام لاہور نالہ چائنیز کانوائے پر خودکش دھماکہ ہوا ہے۔ اطلاع کے پیش نظر ہمراہ نفری پولیس کے فوری طور پر جائے وقوعہ بالا آ کر بس نمبری TAB-901 نقصان رسیدہ اور موٹر کار بلاسٹ شدہ موجود پا کر معلوم ہوا کہ واقعی چائنیز کانوائے جو کئی گاڑیوں پر مشتمل اور سیکورٹی میں آج اسلام آباد سے داسو ڈیم کوہستان جا رہے تھے۔ جو نبی کانوائے بوقت وقوعہ جائے وقوعہ بالا پہنچا تو ایک خودکش بمبار نے بارود سے بھری موٹر کار کانوائے میں موجود کوسٹر گاڑی نمبری TAB-901 جسمیں پانچ اشخاص چائنیز اور ایک ڈرائیور پاکستانی سوار تھے۔ کینا تھ ٹکرا کر زوردار سہما کہ کر کے جس سے کوسٹر میں آگ لگ کر روڈ سے سواریوں سمیت نیچے کھائی میں جاگری۔ نتیجہ کے طور پر کوسٹر میں موجود کسان جن کے نام دریافت پر (1 Zhuxiaoro (2 Yang Zhuojun (3 Kohistan ڈرائیور معلوم ہو کر دھماکہ کے زد میں آ کر موقع پر جان بحق ہو چکے ہیں۔ جبکہ کانوائے میں موجود دوسری گاڑی کوسٹر نمبری TAB-902 میں موجود دیگر چائنیز محفوظ رہے، مقتولین کو جائے وقوعہ سے برآمد نفری پولیس اور ریسکیو 1122 اٹھائے جا کر زیر حفاظت نفری پولیس کے بغرض پوسٹ مارٹم THQ ہسپتال بشام بھیجوائے گئے۔ حسین خان Si کو مقتولین کے کاغذات مرگ و نقشہ ضرر ہائے مرتب کرنے کی ہدایت ہوئی۔ وقوعہ ہذا نامعلوم ملزم/ملزمان دہشتگردوں کی کارستانی ہے۔ (PTO)

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وقوع ہذا موقع پر موجود سیکورٹی اہلکاران اور دیگر گاڑیوں میں موجود سٹاف کا چشم دید ہے۔ سر بدست حالات و واقعات کے پیش نظر دہشت گرد گروہ کے ملزم/ملزمان نامعلوم کے خلاف چائینز کانوائے پر دہشت گردانہ حملہ کرنے و نقصان رسانی اور حملہ میں جاں بحق ہونے والے مقتولین کا مراسلہ بجرم بالا ضبط تحریر میں لا کر بطور سپیشل رپورٹ بغرض قانچی مقدمہ بدست کنسٹیبل سمیع الرحمن نمبر 671 ارسال خدمت ہے۔ افسران بالا کو اطلاع دی جا رہی ہے۔ مقدمہ درج کر کے تفتیش کی جاوے دستخط انگریزی۔ بخت ظاہر خان SHO تھانہ بشام مورخہ 26-03-024 کاروائی تھانہ۔ پس آمدہ مراسلہ حرف بحرف درج صدر ہو کر پرچہ بجرم بالا چاک کیا جا کر نقل پرچے مع مراسلہ بمبراد تفتیش انسپٹر خان بھادر کو حوالہ کیا جاتا ہے۔ افسران بالا کو اطلاع دی جا رہی ہے۔ پرچہ بطور سپیشل رپورٹ گزارش ہے۔

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بعدالت جناب انسدادی دہشتگردی بمقام گلگندہ ضلع سوات۔

سائل / ملزمین

نصیح
 ① اللہ ولد عبداللہ سکندہ اوگئی ضلع مانسہرہ
 ② محمد حسین ولد پیر افضل شاہ سکندہ مانسہرہ ایس جی
 ③ تقیہ
 سرکار بذریعہ بخت ظاہر انسپکٹر SHO تھانہ بشام

(مستغیث / مسئول الیہ)



مورخہ 26-03-2024

علت نمبر 05

جرم PPC.302, 324, 427, 3/4 ESA, 6/7 ATA

120B-11M-11F-11-000

تھانہ مالکنڈریجن GTD

درخواست برادرہائی برضمانت ملزم بالاتا تصفیہ مقدمہ

جناب عالی! سائل / ملزم کسب ذیل عرض ہے۔

- 1- یہ کہ سائل / ملزم کا جرم بالا گرفتار ہو کر بند ہے جو ذیل حوالات ہے۔ (نقل FIR لف ہے)۔
- 2- یہ کہ سائل / ملزم بوجوہات ذیل ضمانت پر رہائی کا حقدار ہے۔

وجوہات :-

- i- یہ کہ سائل / ملزم بے گناہ اور ناکردہ جرم بالا ہے۔
- ii- یہ کہ سائل / ملزم کے خلاف کوئی غیر جانبدار شہادت مثل پر موجود نہ ہے۔
- iii- یہ کہ مقدمہ ہذا میں تفتیش مکمل ہو چکی ہے اور سائل / ملزم مزید مقامی پولیس کو تفتیش کیلئے درکار نہ ہے۔
- iv- یہ کہ سائل / ملزم Further Inquiry کے بنیاد پر ضمانت کا حقدار ہے۔
- v- یہ کہ ملزم کو FIR میں براہ راست نامزد نہ ہے۔
- vi- یہ کہ سائل / ملزم کی ضمانت منظور ہونے کی صورت میں روپوشی اور گواہان استغاثہ کو منحرف کرنے کا کوئی خدشہ موجود نہ ہے۔
- vii- یہ کہ سائل / ملزم کیچوں قسم کی مقدمہ میں اس سے پہلے سزا یافتہ نہ ہے۔

-ix یہ کہ سائل / ملزم عدالت حضور کی تسلی کیلئے ہر قسم ضمانت دینے کو تیار ہے۔

-x یہ کہ دیگر ضروری نکات بوقت بحث اٹھائے جائیں گے۔

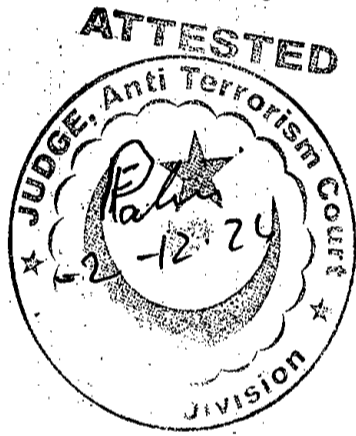
لہذا استدعا ہے کہ منظور کی درخواست ہذا سائل / ملزم کو

تا فیصلہ مقدمہ حاضر ضمانت پر رہا کرنے کا حکم صادر فرمایا

جائے۔ المرقوم: 29-08-2024

عریضہ

سائل / ملزم بڈریچہ وکیل خود حافظ اشفاق احمد ایڈووکیٹ ہائی کورٹ



تصدیق

تصدیق کیجاتی ہے جملہ مراتب درخواست ہذا
تاحد علم و یقین میرے درست و صحیح ہے۔

العبد

سائل / ملزم بڈریچہ وکیل خود حافظ اشفاق احمد ایڈووکیٹ ہائی کورٹ

بعدالت جناب انسدادی و ہتھیاری بمقام گلکدہ ضلع سوات۔

محمد سلیمان ولد تاج محمد سکنہ ضلع مانسہرہ

سائل / ملزم

بنام

سرکار بذریعہ بخت طاہر انسپکٹر SHO تھانہ بشام

(مستغیث / مسئول الیہ)

مورخہ 26-03-2024

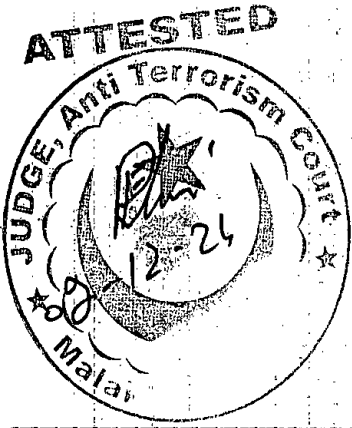
حالت نمبر 05

جرم PPC, 302, 324, 427, 3/4 ESA, 6/7 ATA

120B, 11N, 11F, 11-000ATA, 21(i)

تھانہ مالا کنڈر جین CTD

درخواست بمراورہائی پر ضمانت ملزم بالاتا تصفیہ مقدمہ۔



جناب عالی! سائل / ملزم حسب ذیل عرض ہے۔

1- یہ کہ سائل / ملزم بہ جرم بالا گرفتار ہو کر بندہ جو ڈیشل حوالات ہے۔ (نقل FIR لف ہے)۔

2- یہ کہ سائل / ملزم بوجوہات ذیل ضمانت پر رہائی کا حقدار ہے۔

وجوہات:-

i- یہ کہ سائل / ملزم بے گناہ اور نا کردہ جرم بالا ہے۔

ii- یہ کہ سائل / ملزم کے خلاف کوئی غیر جانبدار شہادت مثل پر موجود نہ ہے۔

iii- یہ کہ مقدمہ ہذا میں تفتیش مکمل ہو چکی ہے اور سائل / ملزم مزید مقامی پولیس کو تفتیش کیلئے درکار نہ ہے۔

iv- یہ کہ سائل / ملزم Further Inquiry کے بنیاد پر ضمانت کا حقدار ہے۔

v- یہ کہ ملزم مذکورہ FIR میں براہ راست نامزد نہ ہے۔

vi- یہ کہ سائل / ملزم کی ضمانت منظور ہونے کی صورت میں روپوشی اور گواہان استغاثہ کو منحرف کرنے

کا کوئی خدشہ موجود نہ ہے۔

vii - یہ کہ سائل / ملزم ہچڑوں قسم کی مقدمہ میں اس سے پہلے سزا یافتہ نہ ہے۔

ix - یہ کہ سائل / ملزم عدالت حضور کی تسلی کیلئے ہر قسم ضمانت دینے کو تیار ہے۔

x - یہ کہ دیگر ضروری نکات بوقت بحث اٹھائے جائیں گے۔

لہذا استدعا ہے کہ منظور کی درخواست ہذا سائل / ملزم کو

تافیصلہ مقدمہ حاضر ضمانت پر ہا کرنے کا حکم صادر فرمایا

جائے۔ المرقوم: 25-09-2024

عریضہ

سائل / ملزم بذریعہ وکیل خود حافظ اشفاق احمد ایڈووکیٹ ہائی کورٹ

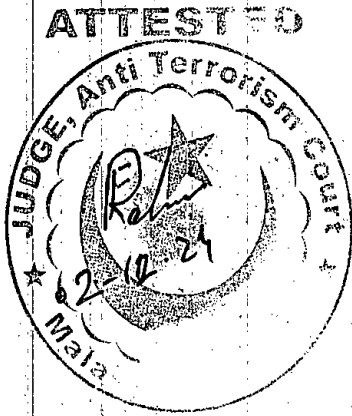
تصدیق

تصدیق کیجاتی ہے جملہ مراتب درخواست ہذا

تاحد علم و یقین میرے درست و صحیح ہے۔

العبد

سائل / ملزم بذریعہ وکیل خود حافظ اشفاق احمد ایڈووکیٹ ہائی کورٹ



بعدالت جناب انسدادی دہشتگردی بمقام گلکدہ ضلع سوات۔

(۱) گل شیراز ولد محمد اسلم (۲) عبید اللہ ولد ہمیش گل ساکنان ما سیدہ اویج
----- ساکنان/ملزمان

بنام

سرکار بذریعہ بخت ظاہر انسپکٹر SHO تھانہ بشام ----- (مستغیث/مسئول الیہ)

مورخہ 26-03-2024

علت نمبر 05

جرم PPC-302, 324, 427, 3/4 ESA, 6/7 ATA

تھانہ مالا کنڈ ریجن CTD
1505-11-N-11-11-000

درخواست برادرہائی بر ضمانت ملزم بالآتا تصفیہ مقدمہ۔



جناب عالی! سائل/ملزمان حسب ذیل عرض ہے۔

1- یہ کہ ساکنان/ملزمان بہ جرم بالا گرفتار ہو کر بند بہ جوڈیشل حوالات ہے۔ (نقل FIR لف ہے)۔

2- یہ کہ ساکنان/ملزمان بوجوہات ذیل ضمانت پر رہائی کا حقدار ہے۔

وجوہات:-

i- یہ کہ ساکنان/ملزمان بے گناہ اور ناکردہ جرم بالا ہے۔

ii- یہ کہ ساکنان/ملزمان کے خلاف کوئی غیر جانبدار شہادت مثل پر موجود نہ ہے۔

iii- یہ کہ مقدمہ ہذا میں تفتیش مکمل ہو چکی ہے اور ساکنان/ملزمان مزید مقامی پولیس کو تفتیش کیلئے درکار نہ ہے۔

iv- یہ کہ ساکنان/ملزمان Further Inquiry کے بنیاد پر ضمانت کا حقدار ہے۔

v- یہ کہ ملزمان مذکورہ FIR میں براہ راست نامزد نہ ہیں۔

-vi یہ کہ ساکنان/ملزمان کی ضمانت منظور ہونے کی صورت میں روپوشی اور گواہان استغاثہ کو منحرف کرنے کا کوئی خدشہ موجود نہ ہے۔

-vii یہ کہ ساکنان/ملزمان ہچموں قسم کی مقدمہ میں اس سے پہلے سزا یافتہ نہ ہے۔

-ix یہ کہ ساکنان/ملزمان عدالت حضور کی تسلی کیلئے ہر قسم ضمانت دینے کو تیار ہے۔

-x یہ کہ دیگر ضروری نکات بوقت بحث اٹھائے جائیں گے۔

لہذا استدعا ہے کہ منظور کی درخواست ہذا ساکنان/ملزمان کو

تافیصلہ مقدمہ حاضر ضمانت پر رہا کرنے کا حکم صادر فرمایا

جائے۔ المرقوم: 24-09-2024

عریضہ

ساکنان/ملزمان بذریعہ وکیل خود حافظ اشفاق احمد ایڈووکیٹ ہائی کورٹ



تصدیق

تصدیق کیجاتی ہے جملہ مراتب درخواست ہذا
تاحد علم و یقین میرے درست و صحیح ہے۔

الع

ساکنان/ملزمان بذریعہ وکیل خود حافظ اشفاق احمد ایڈووکیٹ ہائی کورٹ

Amir E

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IN THE COURT OF SHAUKAT AHMAD KHAN SPECIAL JUDGE, ANTI-TERRORISM COURT-I MALAKAND DIVISION AT SWAT

ORDER:-

01.10.2024:-

1. BA No: 10/4 of 2024 (Muhammad Ayub..... VS..... The State)
2. BA No: 11/4 of 2024 (Imran Khan..... VS..... The State)
3. BA No: 12/4 of 2024 (Zahid Quershi..... VS..... The State)
4. BA No: 15/4 of 2024 (Abdullah S/O Amir Hamza & Others..... VS..... The State)
5. BA No: 16/4 of 2024 (Kamal Khan & Other..... VS..... The State)
6. BA No: 17/4 of 2024 (Sajid Aziz..... VS..... The State)
7. BA No: 18/4 of 2024 (Abdullah S/O Gul Zarin & Others..... VS..... The State)
8. BA No: 19/4 of 2024 (Muhammad Amin..... VS..... The State)
9. BA No: 20/4 of 2024 (Muhammad Shafiq..... VS..... The State)
10. BA No: 21/4 of 2024 (Nisar Muhammad..... VS..... The State)
11. BA No: 22/4 of 2024 (Ubaidullah & Others..... VS..... The State)
12. BA No: 23/4 of 2024 (Chinar Shah..... VS..... The State)
13. BA No: 24/4 of 2024 (Imran Khan..... VS..... The State)
14. BA No: 27/4 of 2024 (Adnan..... VS..... The State)
15. BA No: 28/4 of 2024 (Gul Sheraz & Others..... VS..... The State)
16. BA No: 29/4 of 2024 (Fasihullah & Others..... VS..... The State)
17. BA No: 32/4 of 2024 (Muhammad Suliman..... VS..... The State)
18. BA No: 33/4 of 2024 (Faizullah..... VS..... The State)
19. BA No: 34/4 of 2024 (Dil Muhammad Khan & Others..... VS..... The State)

Case FIR No: 05 Dated: 26.03.2024 U/Ss 302, 324, 427, 120-B, 109 PPC, 3/4 E.S.A, 11-N, 11-F (2), 11-000, 21 (i), 6/7-ATA P.S CTD Malakand Region at Kabal



01/10/24
Judge,
Anti Terrorism Court,
Malakand Division.

Mr. Mazhar Ali Shah, the learned Senior Public Prosecutor, for the state and counsels for the accused/petitioners present.

All the aforementioned bail petitions arising out of the same FIR, therefore, taken together for disposal.

The accused / petitioners, namely, (1) Muhammad Ayub S/O Muhammad Maskeen R/O Madina colony Goyi Mansehra in B.A No: 10/4, (2) Imran Khan S/O Rehmat Khan R/O Khal Dir (Lower) in B.A No: 11/4, (3) Zahid Quershi S/O Muhammad Shafiq Qureshi R/O Village Kurlai, Ogai, Mensehra in bail petition No: 12/4 of 2024, (4)(i) Abdullah, (ii) Sakhaullah both son of Amir Hamza and (iii) Abdur Rehman S/O Hazrat Ali, all resident of Chaman Quetta in bail petition No: 15/4 of 2024, (5) (i) Kamal Khan S/O Shahzada Khan R/O Chaman Quetta, (ii) Irfanullah S/O Masihullah R/O Charssada in bail petition No: 16/4 of 2024, (6) Sajid Aziz S/O Bakht Sher R/O Alai, Distt: Batagram in bail petition No: 17/4 of 2024, (7)(i) Abdullah S/O Gul Zarin R/O Kar Kalay Tehsil Alai Distt: Batagram, (ii) Muhammad Tahir S/O Hafizullah R/O Rabat Tehsil Alai Distt: Batagram, (iii) Bakht Nawaz S/O Bakht Rawan R/O Barsar, Takot Tehsil & Distt: Batagram, (iv) Muhammad Usman S/O Tajbar Khan R/O Spion Kanray, Shawi Adha Distt: Swabi in bail petition No: 18/4 of 2024, (8) Muhammad Amin S/O Asar Jan R/O Bajaryal, Machipol Tehsil & Distt: Mansehra in bail petition No: 19/4 of 2024, (9) Muhammad Shafiq S/O Muhammad Akbar R/O Ogai, Distt: Mansehra in bail petition No: 20/4 of 2024, (10) Nisar Muhammad S/O Taj Muhammad R/O Village Latif Abad Belian, Ogai, Mensehra in bail petition No: 21/4 of 2024, (11) (i) Ubaidullah, (ii) Muhammad Usama both sons of Muhammad Rafiq R/O Puran Distt: Shangla in bail petition No: 22/4 of 2024, (12) Chinar Shah S/O Itbar Shah R/O D.I.Khan in bail petition No: 23/4 of 2024, (13) Imran Khan S/O Zahir Khan R/O Gali Sardar Barini Noshakai Chaghi in bail petition No: 24/4 of 2024, (14)



Judge,
Anti Terrorism Court,
Malakand Division.

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Adnan S/O Bahadar R/O Ogai Distt: Mansehra in B.A No: 27/4, (15)(i) Gul Sheraz S/O Muhammad Aslam, (ii) Ubaidullah S/O Hamish Gul both R/O Ogai Distt: Mansehra in B.A No: 28/4, (16) (i) Fasihullah S/O Abdullah R/O Ogai Distt: Mansehra, (ii) Nazir Hussain S/O Pir Afzal Shah R/O Ogai Distt: Mansehra in B.A No: 29/4, (17) Muhammad Suliman S/O Taj Muhammad R/O Mansehra Distt: Mansehra in B.A No: 32/4, (18) Faizullah S/O Saeedullah R/O Ogai Distt: Mansehra in B.A 33/4 and (19) (i) Dil Muhammad Khan, (ii) Abdul Qadar S/O Sadbar, Khan both R/O Ogai Distt: Mansehra in B.A No: 34/4 of 2024 seek their post arrest bail in case FIR No: 05 Dated: 26.03.2024 under Sec. 302, 324, 427, 120-B, 109 PPC, 3/4 Exp. Sub. Act, 11-N, 11-F (2), 11-000, 21 (i), 6 / 7-ATA of P.S CTD Malakand Region at Kabal.

ATTESTED



Facts in brief of the case are that complainant Bakht Zahir Khan, SHO P.S. Besham, District Shangla, along with other police contingents, during patrolling, acting on the information regarding a suicide attack on a Chinese convoy on KKH road near Lahore Nala, reached the spot where a coaster bus bearing No: TAB-901 and a motor car were found badly damaged.

The Chinese convoy consisted of several vehicles, including security vehicles, while on its way from Islamabad to Dasu Dam, Kohistan. When they reached the spot of occurrence, a suicide bomber hit a motor car laden with explosives and the coaster bus no. TAB-901 boarded by the Chinese. As a result, the coaster, after catching fire, plunged into a ravine, causing the death of namely (1) Zhuziaro, (2) Yang Zhuojun, (3) Yan Feng, (4) Sheng Tuo, (5) Daorong, and a Pakistani driver namely (6) Riaz S/O Shair Khan. The Chinese boarding the other vehicles luckily escaped unhurt. Hence, the present FIR was registered against unknown accused.

Judge,
Anti Terrorist Court,
Malakand Division
01/10/24

Rest of the prosecution story is as under:

During the course of investigation, a damaged cell phone, Vivo TELL, with IMEI slot (i) 352064430356048 and IMEI slot (ii) 352064430356055, having a broken SIM card of Zong 4G ICCID No: 899204211022173968, was recovered from the spot. The SIM card, along with the cell phone, was sent for technical analysis. It was found registered in the name of Nazir Hussain S/O Pir Afzal Shah R/O Ogai District Mansehra, activated on 05.05.2023 at Babar Market Landi No. 03 Karachi. It has remained active in Karachi from 25.06.2023 to 17.08.2023, after which its location, as per the technical analysis report, has remained in Mansehra, Batagram, Haripur, and Shangla till the time of occurrence. It was also found that the SIM card has remained in use by Nazir Hussain, Abdul Wahab, Sajid Ahmad, Adnan, the suicide bomber, and Muhammad Shafiq Qureshi at different times. It was further detected that the cell phone recovered from the spot has remained in use by Muhammad Shafiq Qureshi and Adil Shahbaz.

After the arrest of the accused Adil Shahbaz, he disclosed that the suicide bomber, code-named Mutaqi, was brought by Abdul Majid Shah to Ogai District Mansehra, where he was received by accused Adil Shahbaz, and Hazrat Bilal alias Farman alias Gul Rehman, and Maulana Yasir. He stayed at the house of Muhammad Shafiq Qureshi and Zahid Qureshi, from where he was shifted to Haripur to the house of Fasihullah, and from Haripur, he was again shifted to the house of accused Muhammad Shafiq Qureshi through accused Faizullah.

Accused Adil Shahbaz also disclosed that the vehicle used in the commission of the offense was smuggled through the bargain of Imran Khan



Judge
Anti Terror
Malakand District
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S/O Rehmat Khan, situated at Chakdara, from where it was transported to Dandai, Besham, by Adil Shahbaz and Wajid alias Wajeeh. It was parked at Ishaq petrol pump Dandai, Besham, with accused Muhammad Amin, the security guard of the pump. The motorcar has remained parked there from 15.03.2024 to 26.03.2024. The motorcar, a Vitz model 2005 laden with explosives, was transferred from Afghanistan via the Chaman, Balochistan border by Imran S/O Rehmat Khan from Chaman to his Welcome Afridi Motor bargain in Chakdara. In this respect, he was contacted via WhatsApp by a person using the Khan ID for transportation of the motorcar, at which point he contacted Sakhaullah, who received the motorcar from the person with the Khan ID and transported it to Kuchlak, Quetta, through Imran Badeni, and handed it over to his brother Abdullah. There, it was handed over to Abdur Rehman, who transported it to Zhob and handed it over to Kamal Khan. The said Kamal Khan transported it to Darazinda and parked it at the Hujra of Chinar Shah, from where it was collected by Imran S/O Rehmat Khan and Irfanullah S/O Masihullah. Accused Chinar Shah also escorted them to Draban. They transported it to Chakdara, where it was handed over to Adil Shahbaz and Wajid alias Wajeeh through Muhammad Afzal, the Munshi of the bargain, paying Rs. 260,000/- as fare and Rs. 1,000/- to Muhammad Afzal as a tip.



Judge,
Anti Terrorism Court,
Malakand Division
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The fare of the motorcar, along with miscellaneous expenses amounting to Rs. 290,000/-, arranged by Muhammad Shoaib Nadeem, was paid by him to Adil Shahbaz. The amount was later reimbursed by Abu Yasir from Afghanistan, who transferred Rs. 300,000/- to the Karachi Meezan Bank account of Ibada, from where the amount was transferred to the Meezan Bank account of Nisar Muhammad on 16.03.2024. On the same day, Nisar

Muhammad transferred Rs. 170,000/- to the bank account of Muhammad Ayub, Rs. 100,000/- to the bank account of Muhammad Shoaib Nadeem, and Rs. 30,000/- was transferred to the bank account of Muhammad Marhaba at the instance of Muhammad Shoaib Nadeem.

The suicide bomber, code-named Mutaqi, along with another suicide bomber, code-named Sadaqat, was received by accused Siyab alias Khalid at Mian Brangola Dir at the instance of Usama Hamza. He moved them to Batkhela and handed them over to a person with the code name Doctor.

Accused Gul Sheraz S/O Aslam Khan, Qari Ijaz, and Maulana Yasar have collected money (Chanda) for the payment of the fare of the motorcar. The accused Dil Muhammad and Abdul Qadir Jelani are the brothers of accused Adil Shahbaz. The accused Nawaz Armani is the brother of absconding accused Hazrat Bilal alias Farman. Accused Abdullah S/O Hamish Gul is the brother of accused Wajid alias Wajeh. They were well aware of the planning of the instant terrorist attack on the Chinese convoy and have harbored and provided food to the other accused. Accused Abdul Wahab was provided a cell phone and Rs. 20,000/- by the absconding accused Hazrat Bilal

alias Farman. He, under the guise of selling children's waistcoats and perfume at Besham Bazar, has watched the movement of the Chinese convoy and passed the information to absconding accused Hazrat Bilal alias Farman. The SIM card bearing No. 0343-7597097, being used by the absconding accused Attaullah Shah and Hazrat Bilal alias Farman for their contact, is registered in the name of Usama S/O Muhammad Rafiq, who has alleged that it was handed over by him to his brother Ubaidullah, who had lost it. The accused Suliman alias Hassan



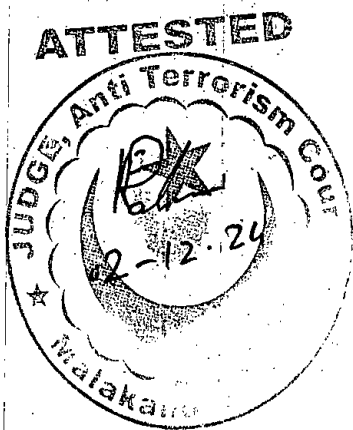
Judge,
Anti Terrorism
Malakand Division

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has received prima cords and other explosive materials from absconding accused Hazrat Bilal alias Farman and Abdul Majid Shah *alias* Maulana Yasar. He has also harbored and provided food to the absconding accused despite being well aware of their planning of the instant terrorist attack.

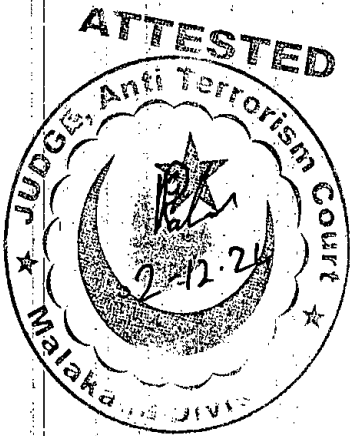
In view of the above mentioned story of the prosecution, the following accused are charged in the instant case for the commission of offence:-

1. Nazir Hussain S/O Pir Afzal Shah
2. Muhammad Shafiq Qureshi S/O Haji Muhammad Akbar
3. Zahid Qureshi S/O Muhammad Shafiq Qureshi
4. Adil Shahbaz S/O Sadbar Khan (*all resident of Ogai, Mansehra*)
5. Imran Khan S/O Rehmat Khan R/O Dir lower
6. Hazrat Bilal alias Farman alias Abdurrahman S/O Yahya R/O Kohistan
7. Maulana Yasir S/O unknown R/O Toorghar
8. Abdul Majeed *alias* Abubakar S/O unknown R/O Toorghar
9. Fasihullah S/O unknown R/O Haripur
10. Faizullah S/O Saadullah R/O Ogai Mansehra
11. Wajid *alias* Wajeeh S/O Hamish Gul R/O Ogai Mansehra
12. Sakhaullah S/O Amir Hamza
13. Abdullah S/O Amir Hamza
14. Abdurrahman S/O Hazrat Ali
15. Kamal Khan S/O Shahzada (*all resident of Balochistan*)
16. Irfanullah S/O Masihullah R/O Charsadda
17. Abdul Wahab S/O Sultan Zarin R/O Dir upper
18. Sajid Ahmad S/O Muhammad Ilyas R/O Alai Batagram
19. Adnan S/O Bahadar Khan R/O Ogai Mansehra
20. Abu Yasir S/O unknown R/O Shangla presently in Afghanistan
21. Qari Ijaz S/O Muhammad Amin R/O Ogai Mansehra
22. Muhammad Shoaib S/O Muhammad Ayub R/O Ogai Mansehra
23. Ibada S/O Sar Bali Khan R/O Shangla presently in Karachi



Judge,
Anti Terrorism Court
Malakand Division
01/10/24

24. Nisar Muhammad S/O Taj Muhammad R/O Ogai Mansehra
25. Siyab Khan *alias* Khalid S/O Javeed Khan R/O Batkhela Malakand.
26. Muhammad Suliman *alias* Hassan S/O Taj Muhammad Khan R/O Mansehra
27. Maawia Habibullah S/O unknown R/O unknown
28. Qari Asadullah S/O unknown R/O unknown
29. Gul Sheraz S/O Aslam Khan R/O Ogai Mansehra
30. Muhammad Usama S/O Muhammad Rafiq R/O Shangla
31. Abdullah S/O Muhammad Rafiq R/O Shangla
32. Chinar Shah S/O Itbar R/O Darazinda D.I.Khan
33. Abdullah S/O Hamish Gul R/O Ogai Mansehra
34. Muhammad Ayub S/O Muhammad Maskeen R/O Ogai Mansehra
35. Attaullah Shah S/O Abdullah R/O Alai Batagram
36. Sajid Aziz S/O Bakht Sher R/O Batagram
37. Muhammad Amin S/O Asar Jan R/O Mansehra
38. Usman S/O Tajir Khan R/O Swabi
39. Bakht Nawaz S/O Bakht Rawan R/O Batagram
40. Abdullah S/O Gul Zarin R/O Batagram
41. Hassanullah *alias* Hamzallah S/O Shams-ul-Qamar R/O Batagram
42. Muhammad Tahir *alias* Mutaqi Usman S/O Hafizullah R/O Batagram
43. Imran Badeni S/O Zahir Khan R/O Balochistan
44. Dil Muhammad Khan S/O Sadbar Khan R/O Ogai Mansehra
45. Abdul Qadir Jelani S/O Sadar Khan R/O Ogai Mansehra
46. Nawaz Armani S/O Yahya Khan R/O Ogai Mansehra
47. Doctor S/O unknown R/O unknown



Judge,
Anti Terrorism Court
Malakand Division
01/10/24

I have heard the arguments of learned counsels for accused and arguments of learned senior public prosecutor in detail.

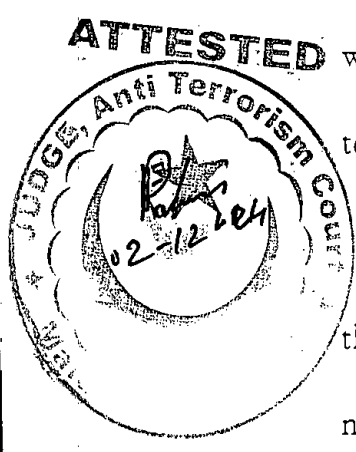
Learned counsels for the accused / petitioners submitted that the role of almost all the accused is different; however, almost all the counsels for

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the accused/petitioners stressed the argument that the occurrence is unseen and un-witnessed. None of the accused/petitioners are directly named in the FIR. Almost all the accused/petitioners are charged based on the statements of their co-accused, which are not admissible against the other accused. Nothing incriminating has been recovered from the possession of any of the accused/petitioners. No recovery or discovery has been made on the pointation of any of the accused/petitioners. Almost all the accused/petitioners have remained in police custody for more than two months, but none of the accused/petitioners have made any confession before any court. No evidence whatsoever is available on file against all the accused / petitioners, except for technical reports, which are to be evaluated during the course of the trial.



On the other hand, the learned senior public prosecutor submitted that although the accused/petitioners are not directly nominated in the FIR and no eyewitness of the occurrence is available on file, in such cases, the procurement of an eyewitness at any stage of the occurrence is almost impossible. The accused involved in such cases are well-trained and commit the offense in a planned manner, leaving no evidence related to the offense. However, in the present case, a detailed investigation has been carried out in a sophisticated manner. The investigation team has collected sufficient material

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Malakand Division
01/10/2014

against the accused / petitioners. He submitted that there are three sets of accused involved in the commission of the offense: the first tier has been traced in light of the damaged SIM card and cell phone used by the suicide bomber, which was recovered from the scene of the occurrence. The second tier of the accused arranged and transported the explosive-laden Vitz motor car from Afghanistan to Quetta, then to Chakdara, and thereafter to Besham. The third

tier of accused have abetted the commission of the offense by arranging finances for the commission of the offense and harboring the main accused, despite being well aware of the planning of the instant terrorist attack. Sufficient material is available against the accused/petitioners in the form of technical analysis of their cell phones recovered from them. The data extracted from their cell phones, including text messages, voice notes, and call records, has also been positively analyzed by the PFSA, which shows their involvement in the commission of the offense. Some of the accused/petitioners have harbored the suicide bomber in their residences, where the DNA of the suicide bomber has been found on different materials, such as towels and beds, used by the suicide bomber. Some of the accused/petitioners have confessed their guilt before the superintendent of police, which is admissible in evidence as per Sec. 21-H of the

Anti-Terrorism Act, of the 1997. The learned senior public prosecutor stressed the fact that the offense committed is brutal and gruesome in nature, as a result of which four Chinese engineers and a Pakistani driver have lost their lives.

This, besides being a serious loss, has also brought a bad name to Pakistan in the international community. The offense for which the accused/petitioners are charged carries capital punishment and falls under the prohibitory clause of Sec.

497 Cr.PC. Sufficient material is available on file that reasonably connects the accused/petitioners with the commission of the offence.

After having heard arguments and gone through the record, and in keeping in view the role of each accused/petitioner in the commission of the offence, the bail petitions of the accused/petitioners are disposed of as follows:

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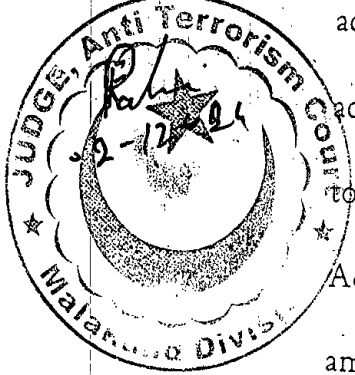


Judge,
Anti Terrorism
Malakand Division
01/10/24

Accused/petitioners Muhammad Ayub S/O Maskeen in B.A No: 10/4 and Nisar S/O Taj Muhammad in B.A No: 21/4 of 2024.

Accused / petitioner Muhammad Ayub has paid Rs. 170,000/- to his son, accused Muhammad Shoaib Nadeem, for the payment of the fare of the Vitz motor car used in the commission of the offence, incurred upon its transportation from the Afghan border at Chaman to Chakdara. As per the bank account record of absconding accused Ibada and accused Nisar Muhammad, an amount of Rs. 300,000/- has been transferred by absconding accused Abu Yasir from Afghanistan to the Meezan Bank account of absconding accused Ibada, which has been further transferred by absconding accused Ibada to the Meezan Bank account of accused/petitioner Nisar Muhammad. Accused/petitioner Nisar Muhammad, on the same day, has transferred an amount of Rs. 170,000/- to the bank account of accused/petitioner Muhammad Ayub, the amount which he had already paid to his son, accused Muhammad Shoaib Nadeem, for the payment of the fare of the Vitz motor car used in the commission of the offence. Besides, accused/petitioner Muhammad Ayub has also been alleged to be aware of his son being a member of TTP and his connection with absconding accused Hazrat Bilal and other local TTP members, but he has not informed the police. In this respect, a statement of one Marhaba recorded under Sec. 164 Cr.PC is also available on file, wherein he has confirmed that on 16.03.2024, he was in need of Rs. 30,000/- in his Meezan Bank account, but due to the closing hours of the bank, he could not deposit the same. So, he requested accused/petitioner Nisar Muhammad for the transfer of Rs. 30,000/- to his (Muhammad Marhaba) bank account. However, Muhammad

ATTESTED



Judge,
Anti Terrorism Court
Malakand Division

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Shoaib Nadeem, who was present at that time, asked him to pay Rs. 30,000/- in cash to him (Muhammad Shoaib Nadeem), and in return, accused Nisar Muhammad would transfer the equal amount to Muhammad Marhaba's account. Accordingly, he paid Rs. 30,000/- in cash to Muhammad Shoaib Nadeem, and in return, Muhammad Shoaib Nadeem transferred Rs. 30,000/- to Muhammad Marhaba's bank account from the bank account of accused/petitioner Nisar Muhammad.

Hence, the aforementioned circumstances, coupled with the bank account record of the above-named accused/petitioners, prima facie connect the accused/petitioners with the commission of the offence.



Accused/petitioners Imran Khan S/O Rehmat Khan R/O Dir Lower in B.A No: 11/4, Sakhaullah, Abdullah both S/O Amir Hamza, Abdur Rehman S/O Hazrat Ali in B.A No: 15/4, Kamal Khan and Irfanullah in B.A No: 16/4, Chinar Shah B.A No: 23/4, Fasihullah B.A No: 29/4, Imran Badeni in B.A No: 24/4, and Muhammad Amin B.A No: 19/4.

As per the technical analysis of the cell phone and CDR record of accused / petitioner Imran Khan S/O Rehmat Khan, he managed to transport a Vitz motor car used in the commission of the offense from the Afghan border to Wesh, Balochistan, against a fare of Rs:- 260,000/-. The voice notes extracted from his cell phone have been compared with his voice samples recorded in court, and the results are found positive by PFSA. The motor car was transported by him through accused/petitioners Sakhaullah, Imran Badeni, Abdullah S/O Amir Hamza, Abdur Rehman, Kamal Khan, and Chinar Shah. As per the available record, a person by the name of Khan in Afghanistan contacted accused/petitioner Imran for the transportation of the motor car

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laden with explosives, for which he agreed against a fare of Rs. 260,000/-.

Accordingly, as per the instructions of accused/petitioner Imran, the motor car was received from Khan by accused/petitioner Sakhaullah, who handed it over to accused/petitioner Imran Badeni, who then handed it over to accused/petitioner Abdullah S/O Amir Hamza, the brother of accused/petitioner Sakhaullah. The said Abdullah transported the motor car to Zhob, where he handed it over to accused/petitioner Kamal Khan. Accused/petitioner Kamal Khan transported the motor car to Darazinda and parked it at the Hujra of accused/petitioner Chinar Shah, who handed it over to accused/petitioners Imran S/O Rehmat Khan and accused Irfanullah S/O Masihullah at Darazinda. Besides, accused/petitioner Chinar Shah also escorted the motor car to Draban, D.I.Khan. Accused/petitioners, Imran and Irfanullah, have transported the motor car to Welcome Afridi Motor Bargain Chakdara, where it has been handed over to accused Adil Shahbaz and Wajid alias Wajeeh through Afzal Khan, the Munshi of the bargain, who has transported it to Dandai Besham, where the accused Wajid and Hazrat Bilal have parked it with accused/petitioner Muhammad Amin. The extracts from the cell phones of the accused, on one hand, show their connection inter se, while on the other hand, videos and pictures of the chassis number of the motor car have also been extracted from the cell phones of the accused. In these circumstances, even if the absence of knowledge regarding the motor car being laden with explosives is presumed on behalf of the accused/petitioners, still their involvement in the illegal act of transporting a non-customs paid vehicle has resulted in the present occurrence, which is gruesome and heinous in nature.

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Accused/petitioners Nazir Hussain in B.A No: 29/4, Muhammad Shafiq Qureshi in B.A No: 20/4, Zahid Qureshi in B.A No: 12/4, Fasihullah in B.A No: 29/4, Faizullah in B.A No: 33/4, Adnan in B.A No: 27/4, and Sajid Aziz in B.A No: 17/4 of 2024.

As per the available record, the SIM card number 0314-107673 found in the cell phone *Vigo Tell* used by the suicide bomber recovered from the spot is registered in the name of accused/petitioner Nazir Hussain, which was activated in Karachi and thereafter remained in use in Mansehra by accused/petitioner Abdul Wahab, Sajid Ahmad, Adnan, the suicide bomber code-named *Mutaqi*, and accused/petitioner Muhammad Shafiq Qureshi.

Similarly, the cell phone *Vigo Tell* has also remained in use by accused Adil Shahbaz and Shafiq Qureshi. Accused/petitioner Zahid Qureshi is the son of accused Shafiq Qureshi. As per the allegations, the suicide bomber code-named *Mutaqi* was harbored by accused/petitioners Shafiq Qureshi and Zahid Qureshi in their house situated at Ogai Mansehra, from where he was shifted to the house of accused/petitioner Fasihullah situated at Sikandarpur Haripur by accused/petitioner Faizullah. As per the record, the DNA sample of the suicide bomber code-named *Mutaqi* was found to be compared with the DNA sample collected from the house of accused/petitioners Shafiq Qureshi and Zahid Qureshi, as well as the house of accused/petitioner Fasihullah.

Similarly, a picture of the suicide bomber code-named *Mutaqi*, taken at the Baitak of accused/petitioners Shafiq Qureshi and Zahid Qureshi, has been found to be compared with the location of the Baitak of accused/petitioner. The CDR report of accused/petitioner Faizullah has confirmed his location at the house of accused/petitioner Fasihullah during the



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relevant days for handing over the suicide bomber to accused/petitioner Fasihullah and the relevant day of his collection from there. Moreover, the CDR report of all the above named accused confirmed their connection inter se and their connection with Afghan SIM numbers. The SIM card recovered from spot has remained in use of Abdul Wahab and accused / petitioner Adnan from 18.08.2023 to 09.09.2023 and from 11.11.2023 to 07.01.2024 respectively. Besides accused / petitioner Abdul Wahab under the garb of selling kids waistcoats and perfume at Besham City has watched the movement of Chinese convoy and has passed the information to absconding accused Hazrat Bilal *alias* Farman. The CDR data of his cell phone number recovered from him has confirmed the fact.

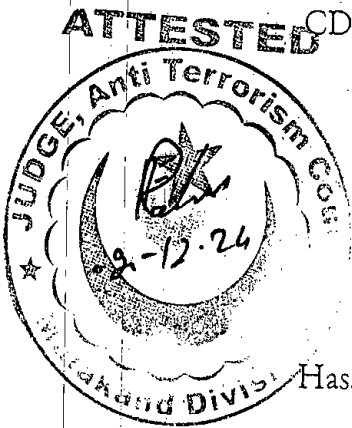
Accused Muhammad Suliman *alias* Hassan S/O Taj Muhammad in B.A No: 32/4 of 2024.

As per the allegations, the accused Muhammad Suliman *alias* Hassan is a member of TTP. He has participated in the planning of the instant occurrence. He is also alleged to have received prima cord and other explosive materials from the absconding accused Hazrat Bilal *alias* Farman. According to the available record, he has pointed out the spot where the explosive materials were handed over to him and the place where the absconding accused Hazrat

Bilal *alias* Farman and Abdul Majeed Shah *alias* Maulana Yasir *alias* Abubakar were provided food by him.

Accused Gul Sheraz S/O Aslam Khan in B.A No: 28/4 of 2024:

Accused Gul Sheraz and Qari Ijaz are alleged to be members of TTP and have collected money (*Chanda*) for the organization. The fare for the motor car has been paid by him to accused Muhammad Shoaib Nadeem. They



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are alleged to be close aides of the absconding accused Qari Asadullah. As per record, they were well aware of the planning of the instant occurrence. They have also harbored accused Saif Nadeem, Faizullah, Adil Shahbaz, Abdullah Shah and provided food and shelter to them.

Accused Usama and Ubaidullah, both sons of Muhammad Rafiq, in B.A No: 22/4, Bakht Nawaz S/O Bakht Rawan, and Muhammad Tahir in B.A No: 18/4 of 2024.



As per the record, the SIM card No: 0343-7597097 has been used by the accused Bakht Nawaz for contacting the absconding accused Attaullah Shah. The SIM card is registered in the name of Usama, which he has handed over to his brother Ubaidullah. The same SIM card has been stated by accused Ubaidullah to be lost by him, but neither any report has been made in this respect nor has the SIM been blocked. Similarly, the SIM card in the name of accused Muhammad Tahir has been used for contacting the absconding accused Attaullah Shah.

Accused Ubaidullah S/O Hamish Gul in B.A No: 28/4, Dil Muhammad, Abdul Qadar Jelani, both sons of Sadbar Khan in B.A No: 34/4, Abdullah S/O Gul Zarin, and Muhammad Usman S/O Tajbar Khan in B.A No: 18/4 of 2024:

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Accused Ubaidullah is the brother of accused Wajid *alias* Wajeeh. Accused Dil Muhammad and Abdul Qadir Jelani are brothers of accused Adil Shahbaz, while accused Nawaz Armani is the brother of absconding accused Hazrat Bilal *alias* Farman. Accused Abdullah is the father of absconding accused Attaullah Shah. The cell phone of accused Muhammad Usman has remained in

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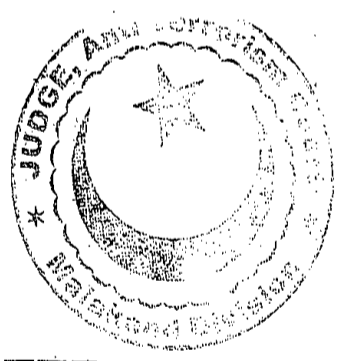
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use by the absconding accused Hazrat Bilal alias Farman. All the accused were aware of the planning of the instant occurrence. They are alleged to have harbored the main accused in this case. As per the record of extraction from cell phones and CDR data, prima facie evidence confirms the connectivity of the accused/petitioners with the commission of the offense in this case.

Hence in view of what is discussed above, it is held that sufficient material is available on file against the accused / petitioners which reasonably connect them with the commission of offence, therefore, they are not entitled to the concession of bail at this stage. Hence, applications for post arrest bail of the accused / petitioners are turned down. Copy of this order be placed on police / judicial and the connected bail petitions. File of this court be consigned. Requisitioned record is returned.

ANNOUNCED
01.10.2024



(SHAUKAT AHMAD KHAN)
JUDGE ATC-I MALAKAND
DIVISION AT SWAT

ATTESTED



No 65
Date Presentation of Application 02-12-24
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Date of _____ 02-12-2024

JUDGMENT SHEET**PESHAWAR HIGH COURT
MINGORA BENCH
(Judicial Department)**

1. Cr.M B.A. No. 615-M/2024
Ubaid Ullah v/s The State & others
2. Cr.M B.A. No. 619-M/2024
Kamal Khan v/s The State & another
3. Cr.M B.A. No. 620-M/2024
Adnan v/s The State & another
4. Cr.M B.A. No. 622-M/2024
Chinar Shah v/s The State & another
5. Cr.M B.A. No. 626-M/2024
Abdullah & 04 others v/s The State & another
6. Cr.M B.A. No. 627-M/2024
Zahid Qurashi v/s The State & another
7. Cr.M B.A. No. 632-M/2024
Imran Khan v/s The State & another
8. Cr.M B.A. No. 636-M/2024
Nisar Muhammad v/s Bakht Zahir Inspector & another
9. Cr.M B.A. No. 641-M/2024
Muhammad Ayub v/s The State & another
10. Cr.M B.A. No. 649-M/2024
Abdur Rahman & another v/s The State & another
11. Cr.M B.A. No. 650-M/2024
Sakhaullah & another v/s The State & another
12. Cr.M B.A. No. 680-M/2024
Sajjad Aziz v/s The State & another
&
13. Cr.M B.A. No. 696-M/2024
Imran alias Badini v/s The State & others

ORDERDate of hearing: **13.11.2024**

Petitioners: - (Ubaid Ullah & others) by: -

M/S Sabir Shah, ASC, Adil Khan
(Tahir Kheli), AHC, Asmat Ali, AHC,
Aurangzeb, AHC, Muhsin-ul-Mulk, AHC,
Syed Sultanat Khan, AHC, Rashid Ali
Khan, AHC, Aziz-ur-Rahman (Swati),

AHC, Zia-ur-Rahman (Shams) AHC, Israr Ahmad, AHC, Shah Nawaz Khan, AHC and Sawal Nazir Khan, AHC (via video link).

Respondents: - (The State & others) by: -
Mr. Haq Nawaz Khan, Addl: A.G.

Nemo for legal heirs of the deceased
Muhammad Riaz (driver of Pakistani
origin).

WIOAR AHMAD, J.- This single order is directed to dispose of Cr.M B.A. No. 615-M/2024, Cr.M B.A. No. 619-M/2024, Cr.M B.A. No. 620-M/2024, Cr.M B.A. No. 622-M/2024, Cr.M B.A. No. 626-M/2024, Cr.M B.A. No. 627-M/2024, Cr.M B.A. No. 632-M/2024, Cr.M B.A. No. 636-M/2024, Cr.M B.A. No. 641-M/2024, Cr.M B.A. No. 649-M/2024, Cr.M B.A. No. 650-M/2024, Cr.M B.A. No. 680-M/2024 and Cr.M B.A. No. 696-M/2024, as all these petitions emanate from one and same FIR No. 05 dated 26.3.2024, registered under sections 302,324,427,109, 120-B PPC, R/W sections 3/4 E.S.A and 11-N, 11-F (ii), 11-000,21 (i) & 6/7 Anti-Terrorism Act, 1997 at Police Station CTD Malakand Region.

2. As per prosecution story, complainant i.e SHO of P.S Besham namely Bakht Zahir Khan along with other police 'Nafri' (during routine patrolling of the area) received information in respect of suicide bomb blast that had taken place at K.K.H Besham Kohistan Road. Acting on such information, he (complainant) along

with other police party reached the spot, whereby, they found that Chinese convey comprising of several vehicles (under escort) was coming from Islamabad to Dasu Dam and as soon as the convey reached the place of occurrence a suicide bomber collided his motorcar (loaded with explosive materials) with coaster bearing No. TAB-901, which resulted into death of five Chinese Nationals namely Zhuziaro, Yang Zhuojun, Yan Feng, Sheng Tuo and Daorong as well as driver of Pakistani origin namely Muhammad Riaz. Due to severity of suicide bomb blast, the coaster fell-down into a nearby ditch and was stated to be completely damaged, however, the other vehicle (part of convey) remained safe. 'Murasila' was drafted which culminated into *ibid* FIR registered against unknown accused at police station concerned.

3. Later on, during the course of investigation, some of the accused were traced-out on the basis of CDR data and in pursuance to their statements all the respective petitioners of these connected petitions and other co-accused were nominated as accused in the case in hand.

4. Arguments heard and record perused.

5. Perusal of record reveals that in these cases a large number of accused have been arrayed mostly with allegations of having the roles of facilitation, harboring

and assistance in the act of terrorism i.e, suicide blast on convey of Chinese engineers/workers. On record, statements of a number of accused have been recorded under section 21-H of Anti-Terrorism Act, 1997 which are helpful in deciding as to which of accused had knowingly harbored and assisted the suicide bomber directly or indirectly and which of accused were not having conscious knowledge and *mens rea* but they had been used for various activities in a long chain of events starting with transportation of vehicle from Afghanistan via *Chaman* border and then its inland transportation from said area till the spot of occurrence at *Besham*. While going through record of the case, it was found that petitioners before this Court can mostly be categorized in three groups with the exception of only one accused namely Sajjad Aziz. It is important so as to know the roles attributed by prosecution to each of accused/petitioners before this Court. Such categories of cases along with names of accused/petitioners and their roles given by prosecution are as under;



(i) First category: is comprising of those accused who have been alleged to be playing any role in transportation of vehicle from *Chaman* border till parking of vehicle in petrol pump situated at *Besham*.

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Names of accused and roles assigned to them are given in tabulated form as follows:-

| S.No. | Name of accused | Role assigned |
|-------|---|---|
| 1 | Kamal Khan, petitioner of B.A No.619-Mof 2024 | He has shifted/transported the motorcar from Zhob Baluchistan to Darazinda and parked the same in Hujra of co-accused namely Chinar Shah. As per his statement, he has received a fare/rent of Rs.3,500/- |
| 2 | Chinar Shah, petitioner of B.A No.622-M of 2024 | He has shifted the motorcar from Darban to D.I. Khan. He has received a fare/rent of Rs.80,000/. |
| 3 | Abdullah, one of the petitioners of B.A. No.626-M of2024 | He has transported the motorcar to Zhob. |
| 4 | Muhammad Amin, one of the petitioners of B.A. No.626-M of2024 | He was security guard at petrol pump at Besham, where the motorcar was parked with him by co-accused. |
| 5 | Imran Khan, petitioner of B.A No. 632-M/2024 | He was contacted by the main accused with the name of Khan from Afghanistan for arranging transportation of motorcar against a fare/rent of Rs. 2,60,000/- |
| 6 | Abdur Rahman and Irfan Ullah, petitioners of B.A No. 649-M/2024 | They have transported motorcar to Afridi Motor Bargain Chakdara, Swat, for its onward handing over to co-accused. |
| 7 | Sakha Ullah and Abdullah, petitioners of B.A No. 650-M/2024 | Both these accused/petitioners have played their roles in transportation of motorcar from Afghanistan to Zhob Baluchistan and its onward handing over to co-accused against rent/fare of Rs.20,000/- |
| 8 | Imran alias Badini, petitioner of B.A No. | He has transported motorcar from Darzinda to Quetta against a fare/rent |

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| | 696-M/2024 | of Rs. 60,000/- |
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6. The amount of fare(rent) for transporting of the vehicle was indicating that it was such a rate on which such like Non-Custom-Paid vehicles are normally being brought from one place to another. Amongst all the accused no one had been paid any extra or exorbitant amount. Had they been having knowledge that the vehicle was laden with explosive and being transported for a terrorist activity they would have naturally been demanding exorbitant amount, if they were willing to participate in the crime. No such reference can tentatively be gathered from circumstances surrounding transportation of the vehicle. It appears that in their normal routine of transporting such illegal vehicles they had also taken responsibility for transporting of this vehicle. Whether they were having conscious knowledge of planting of explosives in the vehicle and that they had willingly participated in the commission of crime would require evidence which exercise may be taken before learned trial Court but at the moment their cases were found to be requiring further probe. Since the cases were those of terrorism and this Court (as a measure of extra caution and so as to know the role being attributed to respective petitioners) have also gone through 161

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statements of all these accused but nowhere existence of *mens rea* had been found in those statements. Even learned trial Court while declining bail application of these accused/ petitioners in its consolidated order had held as under;-

"In these circumstances, even if the absence of knowledge regarding the motorcar being laden with explosives is presumed on behalf of the accused/ petitioners, still their involvement in the illegal act of transporting a non-custom-paid vehicle has resulted in the present occurrence, which is gruesome and heinous in nature."

7. No doubt the offence was heinous, gruesome and detestable but if accused have made out a case for grant of bail then same may not be refused for the offence being heinous in nature. In such circumstances declining them bail and keeping them behind bars in a trial which is likely to take years would amount to not extending the petitioners a benefit which they are entitled to, in facts and circumstances of this case.

(ii) Second category:- Comprising of those accused whose accounts have been used for transfer of 300,000/- rupees sent from Afghanistan and subsequently used for facilitating the occurrence. Names of accused and roles assigned to them are given in tabulated form as under:-

| S.No. | Name of accused | Role assigned |
|-------|-----------------|-----------------------------------|
| 1 | Nisar Muhammad, | He was by profession a shopkeeper |

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| | petitioner of B.A No.636-M/2024 | of clothes, he has transferred Rs.30,000/- to co-accused Muhammad Marhaba from his Meezan Bank account. |
| 2 | Muhammad Ayub, petitioner of B.A No.641-M of 2024 | .He was by profession a shopkeeper and he has allegedly paid Rs. 17,0,000/- to his son/co-accused Muhammad Shoaib Naeem, as a fare/rent of Vitz motorcar. |

Learned counsel for petitioners in these cases mainly argued that petitioners have been shopkeepers and profession. Petitioner, Muhammad Ayub was although father of one of the accused who had got a role in the occurrence but father was a person doing business of cosmetics in the market. Although, son was having a criminal record but father was not having any. From the record, it could not be gathered that these accused were having any motive or conscious knowledge of the intended use of money. They have been arrayed as accused because trail of money used in the occurrence also involved their accounts. Learned counsel for the petitioners mainly contended that they being traders had normally been using each other accounts for transfer of funds but since there was no connecting material on face of record, therefore, their cases were falling in scope of further inquiry. Arguments of learned counsel for these petitioners were carrying weight because there was no material that they were




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having any knowledge that the funds being transferred to their accounts were for the purpose of its potential use in some terrorist activities. It could not be ascertained as on which stage the explosives had been implanted in the vehicle. There is no CDR data of mutual contact with actual terrorists and no such evidence worth such name which would have connected these petitioners with terrorist activity has been brought on record. Rest of the evidence may be presented before learned trial Court which would be in a better position to decide about culpability of these accused but at the moment their cases were also found to be that of further probe.

(iii) Third category:- Comprising of those accused who have used mobile phone or SIM card which had remained in use of suicide bomber for some time. Names of accused involved in this category and roles assigned to each one of them are given in tabulated form as follows:-

| S.No. | Name of accused | Role assigned |
|-------|--|---|
| 1 | Ubaid Ullah and Muhammad Usama, petitioner of B.A. No. 615-M of 2024 | SIM Card No. 0343-7597097 was in use of petitioner Ubaid Ullah. Said SIM was registered in the name of his brother co-accused Usama. The SIM card had also remained in use of co-accused Bakht Nawab. |
| 2 | Adnan, petitioner of B.A No. 620-M/2024 | He has used SIM card bearing No. 0314-107673, which was installed in |

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| | | cell phone (Vigo Tell) and said phone had also remained in use of suicide bomber and recovered from the spot occurrence. |
| 3. | Muhammad Usman, one of the petitioners of B.A No. 626-M/2024 | Cell phone of Muhammad Usman was in use of absconding co-accused Hazrat Bilal alias Farman. |
| 4 | Bakht Nawaz, one of the petitioners of B.A No. 626-M/2024 | SIM card No. 0343-7597097 was used by accused Bakht Nawaz for contacting absconding co-accused Atta Ullah, who is allegedly a labourer by profession |
| 5 | Muhammad Tahir, one of the petitioners of B.A No. 626-M/2024 |do..... |
| | | |

8. Petitioners of this category had only been accused of using SIM card and mobile phone which was allegedly in use of suicide bomber for short period of time, however, such kind of used phones have usually been available in market for sale. Whether these petitioners had any knowledge about the use of these incriminating articles or otherwise, in view of this element alone, cases of these petitioners were found to be that of further inquiry with the exception of accused namely Adnan, who was having conscious knowledge and contact with the terrorists, statedly settled in neighboring country Afghanistan.


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9. So far as **Sajjad Aziz** petitioner of BA No.680-M/2024 is concerned, he was not assigned any sort of role in the whole episode and it prima facie seems that he was arrayed as an accused in case on the basis of his previous history. This Court is also conscious of the fact that no doubt the *matter-in-hand* is very sensitive in nature, whereby, foreign nationals/experts working in Dasu Dam have lost their precious lives, however, liberty of an accused person on bail could not be considered as a substitute for his/her acquittal, therefore, evidentiary value of the prosecution's evidence, in particular, medical evidence of deceased, CDR data plus footages/ pictures of the live scene and other recoveries allegedly made during the course of investigation qua guilt of accused/petitioners shall be looked into by learned trial Court during trial. It is well settled that where a reasonable doubt arises with respect to participation of an accused person in commission of an offence, then it would be appropriate to enlarge such an accused person on bail rather than keeping him in jail. In case titled "Syed Aman Ullah Shah v/s The State & another" reported as PLD 1996 Supreme Court 241, Apex Court has recorded following observations, in respect of *matter-in-issue*: -

So whenever reasonable doubt arises with regard to the participation of an accused person in the crime or about

the truth/probability of the prosecution case and the evidence proposed to be produced in support of the charge, the accused should not be deprived of benefit of bail. In such a situation, it would be better to keep an accused person on bail than in the jail, during the trial.

10. Insofar as cases of accused Zahid Qurashi and Adnan, petitioners of B.A No.627-M & 620-M of 2024 are concerned, petitioner Zahid Qureshi has specifically been named by alleged principal accused Adil Shehbaz in his statement with the allegation that he has harbored the alleged suicide bomber in his house situated at village Ogai District Mansehera. DNA samples collected from body of suicide bomber matched with the samples recovered from house of petitioner Zahid Qureshi, therefore, in view of these incriminating materials, his prima facie involvement in the commission of offence cannot be ruled out, at this stage of the proceedings. Likewise, petitioner Adnan has allegedly been using SIM card No.0314-107673, which was found installed in cell phone (*Vigo Tell*) allegedly used by suicide bomber and recovered from the spot, therefore, in view of his specific and distinguished role, he was not found entitled to be enlarged on bail.

11. In view of the above, the instant petition Cr.M B.A No. 615-M of 2024 coupled with connected petitions i.e. Cr.M B.A. No. 619-M/2024, Cr.M B.A. No. 622-M/2024, Cr.M B.A. No. 626-M/2024, Cr.M B.A. No. 632-M/2024, Cr.M B.A. No. 636-M/2024,

Cr.M B.A. No. 641-M/2024, Cr.M B.A. No. 649-M/2024, Cr.M B.A. No. 650-M/2024, Cr.M B.A. No. 680-M/2024 and Cr.M B.A. No. 696-M/2024 are allowed and all the respective petitioners named therein are admitted to bail provided each one of them furnishes bail bonds in the sum of Rs. 600,000/- (six hundred thousand) with two sureties each in the like amount to the satisfaction of learned trial Court, who shall ensure that the sureties are local, reliable and men of means. Likewise, bail petition of petitioner Adnan bearing No. 620-M of 2024 and bail petition of petitioner Zahid Oureshi bearing No.627-M of 2024 were found meritless and same are accordingly dismissed. Observations recoded in this order were based on tentative assessment of record and were aimed at disposal of these connected bail applications. Such observations shall not be considered by learned trial Court at the time of making its final decision in ensuing trial.

12. These are reasons for my short orders of even date.

Announced.
Dt: 13.11.2021

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