JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No.1504/2025

Sohail Rasheed

Versus

Federation of Pakistan, etc

Petitioner by:	Rana Abdul Qayyum & Malik Waheed Akhtar Advocate
Respondents by:	Mr. Sarfraz Rauaf, learned AAG.
Date of Decision:	27.11.2025

KHADIM HUSSAIN SOOMRO, J: Through this writ petition, the petitioner prays as under:-

> "It is, therefore, respectfully prayed that the instant writ petition may kindly be accepted and the respondents may graciously be directed to provide the copies of complete Summary of Evidence and Trial Proceedings of Field General Court Martial of the petitioner alongwith all Exhibits to the petitioner so that he will be able to argue the appeal and to defend himself.
>
> Any other relief which this Hon'ble deems fit and proper may also be awarded."

2. At the very outset, learned counsel for the petitioner submitted that the Pakistan Air Force Act provides a right of appeal which is enunciated in Section 162 (P) of the PAF Act that under trial prisoners have some rights which are not organized by the Constitution of Islamic Republic of Pakistan, 1973, but also PAF Act and Rules made thereunder; that Rule 73 provides a right to an accused to prepare his defence and Rule 137 provides a right to the under trial prisoner to be provided copies of all the material used against him. He further submitted that the petitioner is not able to file an appeal unless the requisite documents are provided to him.

3. Conversely, learned counsel for the respondent contends that the petitioner was duly provided a defending officer and all requirements of a fair trial were fully observed. He submits that the petitioner voluntarily made a confession, on the basis of which he was convicted in accordance with the law. Learned counsel further states that the petitioner availed the statutory remedy of an appeal against his conviction and sentence, which was dismissed by the competent appellate forum.

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4. I have heard the arguments of learned counsel for the parties and have perused the material available on record with their able assistance.

5. The petitioner has sought a direction for the respondents to furnish the complete record of the trial, including all evidence, proceedings, the Field General Court Martial book, as well as all exhibits. It is true that Section 137 of the Pakistan Air Force Rules provides that every person tried by a Court Martial is entitled, free of charge, at any time after confirmation of the conviction and sentence and before the destruction of the proceedings, to obtain copies from the officer or authority having custody thereof. However, the said rule contains a proviso which stipulates that where, in the opinion of the Chief of Air Staff, the supply of any proceedings or any part thereof may be prejudicial to the safety or security of the State, such copies shall not be provided. In order to demonstrate that the petitioner's request falls within the ambit of the proviso, the respondents have placed on record an order of the Chief of Air Staff which, prima facie, establishes that the disclosure of the proceedings in the present case has been deemed prejudicial to State security. Accordingly, the bar contained in the proviso to Section 137 stands attracted.

6. In view of the above discussion, it is evident that although the petitioner is entitled under Section 137 of the Pakistan Air Force Rules to seek copies of the proceedings, the said provision is expressly subject to the proviso empowering the Chief of Air Staff to withhold such record where its disclosure is considered prejudicial to the safety or security of the State. The respondents have placed on record the order of the Chief of Air Staff, which prima facie demonstrates that the present case squarely falls within the ambit of the proviso. In the absence of any material to controvert this finding, no grounds are made out for interference by this Court in its constitutional jurisdiction. Consequently, the petition stands dismissed.

(KHADIM HUSSAIN SOOMRO)
JUDGE

S.Akhtar

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