JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT,
ISLAMABAD

CRIMINAL APPEAL NO. 220 OF 2025
MUHAMMAD AKRAM & ANOTHER
VS. THE STATE & AND ANOTHER

CRIMINAL APPEAL NO. 227 OF 2025
SOHAIL KHAN & ANOTHER
VS. THE STATE & ANOTHER

Appellants by	**:**	**Sardar Muhammad Tariq Fareed Gopang, Advocate in W.P No.220 of 2025.** **M/s Dr. Babar Awan, Muhammad Masroof Khan, and Murtaza Hussain Turi, Advocates in W.P No.227 of 2025.**
Respondents by	**:**	**Mr. Adnan Ali, learned Deputy District Public Prosecutor.** **Mr. Nisar Ahmed Shah, learned SPP for the State.** **Mr. Abrar, Inspector, P.S Ramna, Islamabad.**
Date of hearing	**:**	**03.07.2025**

MUHAMMAD AZAM KHAN, J.

1. By this common judgment, we intend to dispose of Criminal Appeal No. 220 of 2025 and Criminal Appeal No. 227 of 2025 which stem from the Judgment dated 30.05.2025 **("Impugned Judgment")** passed by the learned Judge, Special Court-II (Anti-Terrorism), Islamabad **("Trial Court")** in case FIR No. 340/2023 dated 10.05.2023 under Sections 148, 149, 353, 324, 186, 188, 427, 436 and 440 of the Pakistan Penal Code **("PPC")** registered with Police Station Ramna, Islamabad **("Subject FIR")**. Vide Impugned Judgment, the Appellants/Convicts have been convicted and sentenced as under:-

Under Section 324 PPC	Five years R.I each with fine of Rs.50,000/- each and in default whereof to further undergo simple imprisonment for six months.
Under Section 436 PPC	Four years R.I each with fine of Rs.40,000/- each and in default whereof to further undergo simple imprisonment for six months.
Under Section 440 PPC	Four years R.I each with fine of Rs.40,000/- each and in default whereof to further undergo simple imprisonment for six months.

Under Section 353 PPC	Two years R.I each with fine of Rs.40,000/- each and in default whereof to further undergo simple imprisonment for six months.
Under Section 186 PPC	Three months S.I each.
Under Section 188 PPC	One month S.I each.
Under Section 148 PPC	Two years R.I each.
Under Section 7(1)(b) ATA, 1997	Ten years R.I each with fine of Rs.200,000/- each and in default whereof to further undergo simple imprisonment for six months.

The benefit of Section 382(B), Code of Criminal Procedure, 1898 **("Cr.P.C.")** has also been extended to the Appellants/Convicts.

2. By way of a short order dated 03.07.2025, this Court had allowed these Appeals and set aside the convictions recorded by the learned Trial Court for the reasons to be recorded later on. We now proceed to record the detailed reasons in support of our short order.

3. The brief facts of the case, as stated in the FIR (Ex.PD), are that on 10.05.2023 at approximately 07:45 PM, around 40 to 50 unidentified armed individuals, holding PTI flags and banners and brandishing weapons, arrived at the main gate of Police Station Ramna, Islamabad. They attempted to break the gate and set fire to Motorcycle No. STK-6211 and three unregistered 70CC motorcycles belonging to police officials. Meanwhile, armed individuals riding in a black Prado and a white Corolla opened fire on the police. Bullets struck the main gate of the police station and shattered the windowpanes of the mosque located within the premises. The police responded with aerial firing, after which the assailants fled the scene. The attackers violated restrictions imposed under Section 144 Cr.P.C., assaulted police officials while armed, attempted to forcefully enter the police station, and spread terror. As a result, the Subject FIR was registered.

4. After necessary investigation, the Appellants/Convicts were sent up to the Trial Court to face the charges, where on commencement of the trial, the Appellants/Convicts entered the plea of denial, thus the prosecution in order to bring home the charge, produced as many as twenty-one (21) witnesses, and after

close of the prosecution side, the Appellants/Convicts refuted the allegations so brought and confronted with the allegations as envisaged under Section 342 of Cr.P.C., whereafter, the Appellants/Convicts neither stepped into the witness box to depose on oath nor produced any evidence in their defense, hence on conclusion of the trial, the Appellants/Convicts were convicted and sentenced in the terms mentioned in the paragraph supra. Being aggrieved of the Impugned Judgment, the Appellants/Convicts have filed the instant Appeal.

5. The learned counsel for the Appellants/Convicts contended that the prosecution has failed to prove its case beyond the shadow of doubt as such the learned Trial Court should have given the benefit of doubt to the appellants and should have acquitted both of them. Learned counsel placed reliance on 1995 SCMR 134; that the Impugned Judgment has caused great miscarriage of justice and the same is not maintainable under the norms of the natural justice as the learned Trial Court has not considered the material contradictions of prosecution witnesses; that the learned Trial Court has not confronted the relevant reports in the statement under Section 342 Cr.P.C, and on the said report, the conviction is illegal and unlawful; that there are lot of contradictions in the statements of prosecution witnesses which is totally ignored by the learned Trial Court as according to Sections 38, 39 & 40 of Qanoon-e-Shahadat, the statement of the witnesses are not admissible in the eyes of law; that the learned Trial Court failed to appreciate that nothing incriminating was recovered from the appellants on the basis of which the appellants could be convicted and the recovery allegedly affected from the appellants is fake; that there are material contradictions in the statements of prosecution evidence which create a sufficient ground to acquit the appellant; that the Impugned Judgment is based on surmises and conjectures; that the sentence passed by the learned Trial Court is severe in nature and not maintainable in the eyes of law and against the material/evidence available on the record; that no independent witness was associated during the recovery proceedings but learned Trial Court ignored the mandatory provision of Section 103 Cr.P.C. Lastly, learned counsel prayed for acceptance of instant appeal, setting aside of Impugned Judgment and acquittal of appellants from the instant case.

6. Conversely, the learned Deputy District Public Prosecutor **("DDPP")** vigorously resisted the arguments advanced by the learned counsels for the Appellants/Convicts and submitted that the prosecution has proved the case against the Appellants/Convicts beyond any shadow of doubt; that the Appellants/Convicts being armed, assaulted upon a police station which caused terror; that the Appellants/Convicts were duly identified by the witnesses during the course of identification parade; that the prosecution witnesses remained consistent on material aspects of the case; that there is sufficient evidence available on record which connects the Appellants/Convicts with the commission of the offence; that the Impugned Judgment is well reasoned and has been passed while keeping in view the evidence available on record; and that the instant appeal may kindly be dismissed.

7. We have heard the learned counsel for the parties and have also perused the record with their able assistance.

8. **PW-1 Zafar Hayat S.I** stated that on 10.05.2023, while serving as Moharrar at P.S Ramna, Islamabad, around 40-50 armed PTI supporters attacked the police station around 7:40 p.m. They chanted slogans, carried flags, sticks, and weapons, and attempted to break the gate and set four police motorcycles on fire. Despite efforts to stop them, unknown individuals in a black Prado and white Corolla opened fire with intention to kill them, damaging the mosque windows inside the station. Police responded with aerial firing in self-defense, causing the attackers to flee. On 19.05.2023, during an identification parade, he recognized Zariyab Khan, Abdul Lateef, Samual Robbert, and Wazeerzada for their respective roles in the violence. Accused Abdul Lateef pelted stones upon the police party and was involved in siege and arson, accused Samual Robbert made straight firing upon the gate of Police Station and lit-up the motorcycle parked outside the police station, accused Wazeerzada also made straight firing upon the gate of Police Station and lit-up the motorcycle parked outside the police station and accused Zariyab Khan made straight firing upon Police party. He put his thumb impression upon the proceedings of the identification parade.

PW-2 Abid LHC deposed the same facts as narrated by the PW-1. In addition to that, he stated that on 13.05.2023, SI Zafar Iqbal arrested and brought

the accused Abdul Lateef, Samual Robbert, and Wazeerzada to the police station. At the time of arrest, Wazeerzada was wearing a cap (P.1) with the words "Hum koi Ghulam hai absolutely not" and a red and green muffler (P.2), both of which were seized via recovery memo (Exh. PA), signed by him and Zafar Ali SI. From Abdul Lateef, a PTI flag and bamboo (P.3/1-2) were recovered and documented in memo (Exh. PB), also signed by him and Zafar Ali S.I. From Samual Robbert, a PTI flag (P.4) and a picture of Imran Khan (P.5) were recovered, which were taken into possession by I.O through recovery memo Exh. PC.

PW-3 Amman Ullah Khan HC is also the eye-witness of the occurrence and narrated the same details, however, he mentioned the date of occurrence as 09.05.2023 upon which he was declared as hostile but in cross-examination, he admitted that the occurrence took place on 10.05.2023 instead of 09.05.2023.

PW-4 Mustafa Ulfat ASI was also present at P.S Raman on 10.05.2023. He also narrated the same facts of the occurrence as mentioned by PW-1 and PW-2. In addition to that, he stated the specified motorcycle registration number set to fire i.e. one was STK-6211, three others were “applied for” and CD 70 CC. That he and other officials went up to the roof of the police station to save their lives and made aerial firing from the roof to disperse the mob. On 19.05.2023, he identified three accused during the identification parade, i.e., Accused in row No. 2, serial No. 8 [Samuel Robert], who fired on police and caused wreckage. Accused in row No. 4, serial No. 8 [Anwar Khan], who lit a motorcycle on fire. Accused in row No. 10, serial No. 1 [Zarab Khan], who fired, lit a motorcycle, and caused wreckage. He signed and thumb-marked the identification parade proceedings.

PW-5 Muhammad Faisal 7141/C deposed the occurrence as narrated by the PW-4. In addition to that on 19.05.2023, he participated in identification parade proceedings held at Central Jail Attock and identified three accused i.e. Accused in row No. 10, serial No. 1 [Zarab], who fired on police, lit motorcycles, caused wreckage. Accused in row No. 11, serial No. 8 [Muhammad Akram] who fired on police, lit motorcycles, caused wreckage. Accused in row No. 12, serial No. 4 [Mera Khan] who attacked police station, lit motorcycles, made firing.

PW-6 Muhammad Ammad 1693/C deposed the details of the occurrence.

PW-7 Mohsin Saleem ASI narrated the details of the occurrence. He also chalked F.I.R. Ex.PD of instant occurrence u/s 324, 353, 186, 188, 427, 436, 440 148, 149-PPC read with Section 7-D OF ATA, 1997. On the same day, Mian Muhammad Shehbaz Inspector I.O visited the place of occurrence and upon his pointation, I.O prepared un-scaled site plan. 1.O took 23 pictures (P-6 to P-28) of place of occurrence which were printed on 12 different pages. 1.0 took the same into his possession through recovery memo Exh.PE. On the same day, I.O collected 158 stones P-29/1-158 from the place of occurrence in a sack which were used by the accused persons during the occurrence and took the same into possession through Recovery Memo Exh.PF. On the same day, I.O further took into possession the suitable amount of ashes of burnt motorcycles of the police officials vide recovery memo Exh.PG and prepared a seal parcel of the same bearing the seal 'MS". I.O took into possession the burnt bodies of the motorcycles. (1) Motorcycle Honda CD 70, registration No. STK-6211, Engine No.537700 belonging to Waqas Ahmed HC P-30 (2) Motorcycle 70 CC. Engine and Chassis No MRD-108435 belonging to Ali Akbar HC P-31(3), Motorcycle Honda CD 70 CC, Engine No E-447267, chassis No US 70-716617 belonging to Kafi Umer constable P-32 (4) Motorcycle Honda CD 70 CC. Engine NO 8091847, chassis NO JG442411belonging to Istajab Gull constable P-33 vide recovery memo Exh.PH and Muhammad Shareef ASI signed the said memo as witnesses. On the same day, I.O took into possession 15 empties of pistol 30 bare P-34(1-15). 20 empties of pistol 9MM P-35(1-20), 8 empties of Kalashnikov P-36 (1-8), 18 empties of SMG P-37(1-18) vide recovery memo Exh.PJ. I.O prepared separate sealed parcels of the same bearing the seal of “MS”. PW also deposed that on the same day, I.O took into possession from the place of occurrence three broken pieces of sign board P-38(1-3) and broken pieces of light glass P-39 affixed at police post vide recovery memo Exh.PK. On 13.05.2023, Zafar Iqbal SI PS Ramna, Islamabad after arresting nine accused persons came to Police Station Ramna, Islamabad and I.O conducted the personal search of these accused persons in his presence. During personal search of accused Abdul Lateef, I.O got recovered mobile Phone make Infinix P.40 and Cash Rs. 1000/- P.41 from his possession. I.O further recovered from the possession of accused Abdul Basit

a mobile phone hot-10 Inifinix p.42 and from the possession of accused Zeeshan I.O recovered an android mobile phone Huawei colour blue P.43 and Rs 700/- P-44 and from the possession of accused Samual Robbert, I.O recovered a mobile Phone Techno P-45 and cash Rs. 580/- P-46 and from the possession of accused Wazeerzada, I.O recovered Oppo Mobile blue colour P.47 and his original CNIC P-48 and from the possession of accused Anwar Khan, I.O recovered his original CNIC P.49 and Original Driving License P.50. I.O took into possession all above said recovered articles through recovery memo Exh.PL. On 19.05.2023, he participated in identification parade proceedings held at Central Jail, Attock in which he rightly identified accused Abdul Latif at serial No.5 in row number one, and stated his role that accused made firing at police station and burnt motorcycle. He also rightly identified accused Samuel at serial No. 8 in row No.2 and stated his role that he attacked upon police station, made firing and caused damage to properties, he also rightly identified accused Abdul Basit at serial No.2 row number 5 and stated his role that he attacked upon police station with sticks and made firing, he also rightly identified accused Zaryab Khan in serial No. 1 row number 10 and stated his role that he burnt motorcycles at the gate of police station, he also rightly identified accused Muhammad Ikram at serial No. 8 Row No.11 and stated his role that he attacked upon police station with sticks and made firing. He also rightly identified accused Meera Khan at serial No.4 Row No.12 and stated his role that he attacked upon police station, made firing upon police burnt motorcycle at gate and caused damage to properties. He put his thumb impression and signature upon the identification parade proceedings. On 26.05.2023, he participated in identification parade proceedings held at Central Jail, Attock in which he rightly identified accused Muhammad Aamir at serial No.4 in row No.2, and stated his role that on 10.05.2023, during the occurrence accused made firing upon police station and pelted stones as well. The accused was holding flag and stick in his hand. He put his thumb impression and signature upon the identification parade proceedings. On re-examination, he further stated that on 10.05.2023, he was posted as Duty Officer at police station Ramna, Islamabad and on the same day, he drafted the complaint Exh.PLL of the instant occurrence and chalked out the FIR already exhibited Exh-PD as per the contents of the complaint.

PW-8 Aman Ali 4875/C deposed the details of the occurrence. In addition to that, he deposed that on 19.05.2023, he participated in identification parade proceedings held at Central Jail Attock and identified three accused i.e. Accused in row No. 1, serial No. 5 [Abdul Latif], who fired on police, caused damage to property and burnt motorcycles. Accused in row No.2, serial No. 8 [Samuel] who fired on police, caused damage to property and burnt the motorcycles. Accused in row No. 3, serial No. 4 [Wazeerzada] who attacked police station, caused damage to motorcycles and burnt the motorcycles. Accused in row no.10 Serial No.1 [Zaryab Khan] who attacked upon police station with stones and petrol bombs. Accused in Row No.11 Serial No.8 [Muhammad Ikram] who attacked upon the police station and caused damage to property. Accused in Row No.12 Serial No.4 [Meera Khan] who attacked upon police station, made firing upon police burnt motorcycle at gate and caused damage to properties. On 26.05.2023, he participated in identification proceedings held at Central Jail, Attock, in which he rightly identified the accused Muhammad Aamir at serial No.4 in Row No.2, who made firing upon the police station and pelted stones as well. The accused was holding flag and stick in his hand.

PW-9 Atta Ullah 7549/C deposed the details of the occurrence. In addition to the identification of accused mentioned by the PW-8, he identified accused Anwar at Serial No.8 in Row No.4 who attacked on the police with stones and sticks and caused damage to property.

PW-10 Atif Khan 5108/C deposed the details of the occurrence. In addition to that, during identification parade on 19.05.2023, he identified accused Abdul Latif at Serial No.5 in Row No.1. He also identified accused Meera Khan at Serial No.4 in Row No.12, with their roles.

PW-11 Muhammad Khalid HC deposed the details of the occurrence.

PW-12 Waqas Ahmed 7422/HC deposed that on 10.05.2023, he was performing his special duty at Srinagar Highway. He parked his Honda motorcycle CD 70 in the parking of P.S Ramna and went to perform duty. When he came back to P.S Ramna, he was told that the mob attacked upon police station and his motorcycle was burnt in consequence of such attack as well as three other motorcycles were burnt by the mob. He identified his motorcycle through number

plate, engine and chassis number. I.O prepared memo of identification Ex.PM of his motorcycle which was signed by him and Moharrar. I.O recorded his statement u/s 161 Cr.P.C.

PW-13 Zafar Iqbal Inspector deposed that on 13.05.2023, he joined investigation with the I.O. They along with other officials were on patrolling duty and received spy information regarding the presence of accused of this case within the jurisdiction of P.S Ramna. They apprehended nine accused namely Ehtasham Khan, Shahzaib, Abdul Lateef, Samuel Robbert, Wazeerzada, Anwar Khan, Abdul Basit, Zeeshan Ali and Muhammad Yousaf and brought them to Mian Shahbaz Inspector who interrogated and formally arrested them. I.O recorded his statement u/s 161 Cr.P.C.

PW-14 Ameer Ali Soomro S.I deposed that on 15.05.2023, he along with other officials were on patrolling duty within the jurisdiction of P.S Ramna. They arrested three accused persons namely Zaryab Khan, Meera Khan and Muhammad Akram. He brought the accused persons before Mian Muhammad Shahbaz Inspector/I.O who interrogated the accused persons and formally arrested them and conducted their personal search. On personal search of accused Zaryab Khan, a red and green cap P-51 of PTI and Danda P-52 were recovered which I.O took into possession through recovery memo Ex.PN. On personal search of accused Muhammad Akram, a flag of PTI (P-53), a danda P-54 and a mobile phone Infinix P-55 were recovered which I.O took into possession through memo Ex.PO. On personal search of accused Meera Khan, a cap P-56 of PTI and a mobile phone Vivo P-57 were recovered which I.O took into possession through memo Ex.PP. I.O recorded his statement u/s 161 Cr.P.C.

PW-15 Muhammad Sharif ASI deposed the details of the occurrence. He deposed that on 10.05.2023, Mian Muhammad Shahbaz Inspector/I.O visited the place of occurrence and upon his pointation, prepared unscaled site plan of the same. I.O took into possession 23 pictures (P-6 to P-28) of place of occurrence, collected 158 stones (P-29/1-158) from the place of occurrence, took into possession the suitable amount of ashes of burnt motorcycles of the police officials, the burnt bodies of the motorcycles, 15 empties of pistol 30 bore P-34/1-15, 20 empties of pistol 9MM P-35/1-20, 8 empties of Kalashnikov P-36/1-8, 18

empties of SMG P-37/1-18, three broken pieces of sign board P-38/1-3 and broken pieces of light glass P-39, through separate recovery memos. On 19.05.2023, he participated in identification parade proceedings held at Central Jail, Attock in which he rightly identified accused Abdul Latif at serial No.5 in Row No.1, Samuel at Serial No.8 in Row No.2, Anwar Khan at serial No.8 in Row No.4, Zeeshan Ali at serial No.3 in Row No.6, Yousaf at serial No.6 in Row No.8, Zaryab Khan at serial No.1 in Row No.10 and Meera Khan at serial No.4 in Row No.12. He put his thumb impression and signatures upon the identification parade proceedings.

PW-16 Ali Akbar HC deposed that on 10.05.2023, he was on special duty relating to a protest on Srinagar Highway, Islamabad. He went to place of his duty on official vehicle after leaving his motorbike applied for Engine 70CC and Chassis No.MRD-108435 at the parking of P.S Ramna. When he came back to P.S, he came to know that a charged mob had burnt his motorcycle in an attack to police station. He identified his motorbike through Engine and Chassis number upon which Inspector Mian Muhammad Shahbaz/I.O prepared identification memo Ex.PQ. On 16.05.2023, he again joined investigation of instant case with I.O who conducted personal search of accused Muhammad Aamir on his arrest and secured a mobile phone make Vivo Y33S P-58, PTI Flag P-59 and PTI Cap P-60, which I.O took into possession through recovery memo Ex.PR. I.O also secured a Land Cruiser P-61 having registration No.ADN-444, color white which was in personal use of accused persons, vide recovery memo Ex.PS. On 19.05.2023, he again joined the investigation of instant case with the I.O. Upon the instructions of I.O, he obtained three sealed parcels from Moharrar and deposited the said parcels containing seal of MS to NFSA, Islamabad vide Road Certificate No.259/23 intact and handed over the copy of Road Certificate with the receiving of officials of NFSA, Islamabad on the back side, to I.O. On 22.05.2023, he handed over Identification Parade Report containing 15 pages of accused persons Abdul Latif, Samual Robert, Wazirzada, Anwar Khan, Abdul Basit, Zeeshan Ali, Shahzeb, Yousuf, Ehtasham Ali, Zaryab Khan, Muhammad Akram and Meera Khan, to the I.O after receiving the same from Naib Court of A.C Potohar, Islamabad. I.O took the same into possession vide recovery memo Ex.PT. On 23.05.2023, I.O conducted personal search of accused Muhammad

Sohail on his arrest and secured mobile phone make Vivo Y-21 (P-62), PTI Cap (P-63) and danda (P-64) which I.O took into possession vide recovery memo Ex.PU. On 26.05.2023, on disclosure of accused Abdul Latif and Wazirzada, they led the police party to the place in front of Multi Ground, Sector G-11 Markaz and the accused persons picked up 1/1 danda from the green belt and handed over the same to I.O which he took into possession vide recovery memo Ex.PV. On the same day, I.O got printed 24 pictures related to violence and protest from the mobile phone of accused persons of instant case and took the same into possession vide recovery memo Ex.PW. On 28.05.2023, he handed over Identification Parade Report containing 6 pages of accused persons Muhammad Aamir and Sohail Khan, to the I.O after receiving the same from Naib Court of AC, Islamabad, which the I.O took into possession via recovery memo Ex.PX. I.O also took into possession Toyota Hilux P-65 having registration No.SX-320 in start position which was present at F-10/3, Islamabad. On searching the said vehicle, a stamp P-66 of Umer Ayoub and smart card P-67 of said vehicle also recovered from its pouch. I.O took these articles vide recovery memo Ex.PY. On 30.06.2023, accused Muhammad Sohail led the police party towards CDA Inquiry Office Sector G-11/1 Islamabad and went to an empty plot, and picked up a danda P-68 having length around 3 feet and handed it over to the I.O, which the I.O took into possession vide recovery memo Ex.PZ. On the same day, I.O got printed three pictures P-69/1-3 from the mobile phone Vivo Y21 P-62 of accused Sohail Khan and took the same into possession vide recovery memo Ex.PAA. He, as a witness, signed the recovery memos mentioned above.

PW-17 Qazi Umer 7258/C & PW-18 Istajab Gull 4942/C deposed the details of the occurrence.

PW-19 Nehel Hafeez Assistant Commissioner, deposed that on 16.05.2023, she was posted at Islamabad as Assistant Commissioner, Islamabad/Executive Magistrate. On the same day, application of I.O Mian Muhammad Shahbaz Inspector for conducting identification parade was entrusted to him by the ADC(G), and he fixed the proceedings for 19.05.2023. On 19.05.2023, at about 1:00 p.m, he went to Central Jail, Attock and in the community hall of the said jail. Accused persons Abdul Latif, Samuol Robert, Wazirzada, Anwar Khan, Abdul Basit, Zeeshan Ali. Shahzeb, Yousuf, Ehtashiam

Ali, Zaryab Khan, Muhammad Akram and Meera Khan along with 96 dummies having similar features as those of accused persons were present there. He arranged 12 rows consisting of one accused person and eight dummies in each row. He asked the accused persons to change their position if they desire so. Proposed witness Mohsin Saleem ASI rightly identified the accused Abdul Latif standing at serial number five row No. 1, Samuol Robert standing at serial No. 8 row number two, Abdul Basit standing at serial No. 2 row number five, Zaryab Khan standing at serial No. 1 row number ten, Muhammad Akram standing at serial No. 8 row number Eleven, Meera Khan standing at serial No. 4 row number 12. Proposed witness Muhammad Sharif ASI rightly identified the accused Abdul Latif standing at serial number five row No. 1, Samuol Robert standing at serial No. 8 row number two, Anwar Khan standing at serial No. 8 row number four, Zeeshan standing at serial No. 3 row number six, Shahzeb standing at serial No. 4 row number seven, Yousuf standing at serial No. 6 row number eight, Zaryab standing at serial No. 1 row number ten, Muhammad Akram standing at serial No & row number eleven, Meera Khan standing at serial No. 4 row number twelve. Proposed witness Mustafa Ulfat H/C rightly identified the accused Samoul Robert standing of serial number Eight row No.2, Anwar Khan standing at serial No. 8 row number four, Zaryab Khan standing at serial No. 1 row number ten, Muhammad Akram standing at serial No. 8 row number eleven, Meera Khan standing at serial No. 4 tow number twelve. Thereafter proposed witness Muhammad Faisal/C identified accused Zaryab standing at serial No. I row number ten, accused Muhammad Akram standing at serial No. 8 row number eleven, accused Meera Khan standing at serial No. 4 row number twelve. Thereafter proposed witness Zafar Hayat H/C identified accused Abdul Latif standing at serial No. 5 row number one, accused Samoul Robert standing at serial No. 8 row number two, accused Wazirzada standing at serial No 4 row number three, accused person Zaryab Khan standing at serial No 1 row number ten. Thereafter proposed witness Aman Ali/C identified accused Abdul Latif standing at serial No. 5 row number one, accused Samoul Robert standing at serial No. 8 row number two, accused Wazirzada standing at serial No. 4 row number three, accused person Zaryab Khan standing at serial No 1 row number ten, accused person Muhammad Akram standing at serial No.8 row number eleven, accused person Meera Khan standing at serial No.4 row number twelve. Thereafter

proposed witness Aman Ullah/HC identified accused Abdul Latif standing at serial No. 5 row number one, accused person Muhammad Akram standing at serial No.8 row number eleven. Thereafter proposed witness Atif Khan/C identified accused Abdul Latif standing at serial No. 5 row number one, accused person Meera Khan standing at serial No 4 row number twelve. Thereafter proposed witness Atta Ullah/C identified accused Abdul Latif standing at serial No. 5 row number one, accused Samoul Robert standing at serial No. 8 row number two, accused Wazeerzada standing at serial No. 4 row number three, accused person Anwar Khan standing at serial No.8 row number four, accused person Zaryab Khan standing at serial No.1 row number ten, accused person Muhammad Akram standing at serial No.8 row number eleven. He recorded the statement of witness with respect to role of said accused persons. He also recorded the objections of the accused persons after completing the proceedings. He further deposed that the Identification Parade Report is Ex.PCC/1-15 and his Certificate on Identification Parade Report is Ex.PDD. He deposed that he sealed the Identification Parade Report into an envelope and sent to the office of concerned District and Session Judge Islamabad/ATC.

PW-20 Abdullah Assistant Commissioner deposed that on 25.05.2023, he was posted at Islamabad as Assistant Commissioner, Islamabad/Executive Magistrate. On the same day, application of I.O., Mian Muhammad Shahbaz Inspector for conducting identification parade was entrusted to him by the ADC(G). He fixed the proceedings for 26.05.2023. On 26.05.2023, at about 12:00 pm, he went to Central Jail. Attock and in the community hall of the said jail. Accused persons Muhammad Aamir and Sohail Khan along with 18 dummies having similar features, were present there. He arranged 2 rows consisting of one accused person and nine dummies in each row. He asked the accused persons to change their position if they desire so. Proposed witness Muhammad Mohsin Saleem rightly identified the accused Sohail standing at serial number four row No.2. Proposed witness Muhammad Aman Ali rightly identified the accused Sohail standing at serial number four row No.2. Proposed witness Atta Ullah identified the accused Sohail standing at serial number four row No.2. He recorded the statement of witnesses with respect to role of said accused persons. He also recorded the objection of accused persons after completing the

proceedings. He further deposed that the Identification Parade Report is Ex.PFF/1-6 and his Certificate on the Identification Parade Report is Ex.PGG. He sealed the Identification Parade Report into an envelope and sent it to the office of the District and Session Judge. (West) Islamabad.

PW-21 Mian Muhammad Shahbaz Inspector, is the Investigation Officer of this case, who deposed that on 10.05.2023, after entrustment of investigation to him, he proceeded to the place of occurrence, in the presence of eye witnesses, he inspected the place of occurrence and on the pointation of eye witnesses, he prepared unscaled site plan Ex.PH. He joined the eye witnesses into investigation. That Waqas Ahmed, Istajab Gull and Kaafi Umer identified bodies of their burnt motorcycles upon which he prepared memo of identification of burnt motorcycles. He Collected 158 stones P-29/1-158 from the place of occurrence in a sack which were used by the accused persons during the occurrence and took into possession the same through recovery memo Ex.PF. He also took into possession the suitable amount of ashes of burnt motorcycles of the police officials via recovery memo Ex.PG, the burnt bodies of the motorcycles P-30 to P-33 vide recovery memo Ex.PH, 15 empties of pistol 30 bore P-34/1-15, 20 empties of pistol 9MM P-35/1-20, 8 empties of Kalashnikov P-36/1-8, 18 empties of SMG P-37/1-18, vide recovery memo Ex.PJ, three broken pieces of sign board P-38/1-3 and broken pieces of light glass P-39 affixed at police post, vide recovery memo Ex.PK. That on 13.05.2023, he conducted personal search of nine arrested accused persons and recovered miscellaneous articles which he took into possession through recovery memo Ex.PL. That on 15.05.2023, Ammer Ali Somroo ASI along with other officials apprehended three accused persons namely Zaryab Khan, Meera Khan and Muhammad Akram and brought them before him. He interrogated the accused persons and formally arrested them and conducted personal search and articles recovered from the personal search of accused Zaryab Khan i.e. red and green cap P-51 of PTI and Danda P-52, were taken into possession vide recovery memo Ex.PN, a flag P-53, a danda P-54 and a mobile phone Infinix P-55 recovered from the accused Muhammad Akram, were taken into possession vide recovery memo Ex.PO. He also took into possession the cap P-56 of PTI and a mobile phone Vivo P-57 from Meera Khan, through recovery memo Ex.PP. On 16.05.2023, Abid Ali ASI produced accused Muhammad Aamir

along with vehicle NO.ADW-444, he formally arrested the accused, conducted his personal search and recovered mobile phone Vivo Y33S P-58, PTI Flag P-59 and PTI Cap P-60, and took the same into possession vide recovery memo Ex.PR. He also secured a Land Cruiser P-61 bearing registration No.ADW-444, white color which was in personal use of accused persons vide recovery memo Ex.PS. That on 19.05.2023, on his instructions, Moharrar Maalkhana handed over three sealed parcels said to contain empties to Ali Akbar HC for depositing the same in concerned laboratory who deposited the said parcels to NFSA Islamabad vide Road Certificate No.259/23 intact and handed over the copy of said Road Certificate with the receiving of official of NFSA, Islamabad on its back side, to him. On 19.05.2023, he sent Ali Akbar for obtaining copies of identification parade from concerned Magistrate. Said Ali Akbar handed over to him identification parade containing 15 pages of accused persons, after receiving the same from Naib Court of AC Potohar, Islamabad which he took into possession vide recovery memo Ex.PT. On 23.05.2023, he arrested accused Muhammad Sohail and conducted his personal search and secured mobile phone make Vivo Y21 P-62, PTI Cap P-63 and danda P-64, vide recovery memo Ex.PU. On 26.05.2023, on disclosure of accused Abdul Latif and Wazir Zada, they led the police party to a place in front of Multi Ground, and picked up 1/1 danda from the green belt and handed over the same to him which he took into possession vide recovery memo Ex.PV. On the same day, he got printed 24 pictures related to violence and protest from the mobile phones of accused persons of instant case and took the same into possession vide recovery memo Ex.PW. On 28.05.2023, he sent Ali Akbar HC for obtaining the copies of identification parade report, who after obtaining Identification Parade Report containing 6 pages from Naib Court of A.C, Islamabad, handed over the same to him which he took into possession vide recovery memo Ex.PX. On the same day, he also took into possession Toyota Hilux P-65 having registration No.sx-320 in start position which was present at F-10/3, Islamabad. On searching the said vehicle, a stamp P-66 of Umer Ayoub and smart card P-67 of said vehicle also recovered from its pouch, which were also taken into possession by him through recovery memo Ex.PY. On 03.06.2023, accused Muhammad Sohail disclosed during interrogation that he can led the police party to the recovery of danda which was used in the occurrence of instant case. He led the police party to an empty plot located near CDA Inquiry

Office Sector G-11/1, Islamabad and picked a danda P-68 length around 3 feet and handed it over to him, which he took into possession vide recovery memo Ex.PZ. He also prepared unscaled site plan Ex.PKK of place of said recovery. On the same day, he got printed three pictures P-69/1-3 from the mobile phone Vivo Y21 P-62 of accused Sohail Khan and took the same into possession vide recovery memo Ex.PAA. All the memos were signed by the witnesses. He recorded the statements of witnesses u/s 161 Cr.P.C.

9. After a meticulous and cautious evaluation of the entire prosecution evidence, this Court finds that the case against the four accused persons i.e. Muhammad Akram, Meera Khan, Sohail Khan, and Shahzaib, suffers from material contradictions, procedural irregularities, and evidentiary weaknesses, which cumulatively shake the very foundation of the prosecution's version and make it highly unsafe to maintain the convictions recorded by the learned Trial Court against them.

10. PW-1, namely Zafar Hayat S.I stated that on 10.05.2023, while serving as Moharrar at P.S Ramna, Islamabad, around 40-50 armed PTI supporters attacked the Police Station around 7:40 p.m. They chanted slogans, carried flags, sticks, and weapons, and attempted to break the gate and set four Police motorcycles on fire. Despite efforts to stop them, unknown individuals in a black Prado and white Corolla opened fire with intention to kill them, damaging the mosque windows inside the station. Police responded with aerial firing in self-defense, causing the attackers to flee. On 19.05.2023, during an identification parade, he recognized Zariyab Khan, Abdul Lateef, Samual Robbert, and Wazeerzada for their respective roles in the violence. According to him accused Abdul Lateef pelted stones upon the Police party and was involved in siege and arson, accused Samual Robbert made straight firing upon the gate of Police Station and lit-up the motorcycle parked outside the Police Station, accused Wazeerzada also made straight firing upon the gate of Police Station and lit-up the motorcycle parked outside the Police Station and accused Zariyab Khan made straight firing upon Police party.

11. His statement is supported by other prosecution witnesses in the same language. Names of Appellants, namely Sohail Khan and Shahzaib, are not

mentioned by any of the prosecution witnesses produced by the prosecution during the trial, and no role has been assigned to them. Similarly, Appellants, namely Muhammad Akram and Meera Khan, are though identified by some of the prosecution witnesses, but no specific role is assigned by PW-1 and the rest of the prosecution witnesses. Therefore, this Court finds that the prosecution has failed to establish the charges beyond a reasonable doubt against any of the four accused persons. Their conviction by the Trial Court appears to be based on speculative and presumptive reasoning rather than concrete and legally admissible evidence.

12. In view of above discussion, we are of the considered view that the Appellants [Muhammad Akram, Meera Khan, Sohail Khan, and Shahzaib] are entitled to the benefit of doubt. The prosecution's case, as presented against the Appellants, falls short of the required standard under the criminal justice system, and it would be highly unsafe to allow their conviction to stand. Resultantly, both the above titled appeals are ***allowed*** and Impugned Judgment dated 30.05.2025, is hereby **set aside** to the extent of present Appellants, and consequently, they are acquitted of the charges levelled against them. They be released forthwith if not required to be detained in any other case. Case properties shall remain intact till expiry of period of appeal/revision. Personal belongings (if any) be returned to the present Appellants, in accordance with the law.

(KHADIM HUSSAIN SOOMRO)
JUDGE

(MUHAMMAD AZAM KHAN)
JUDGE

Sajid/--