

Form No: HCJDC-121

ORDER SHEET

IN THE LAHORE HIGH COURT, LAHORE
(JUDICIAL DEPARTMENT)

498 (2)

Case No. Crl. Misc. No.35794-B/2020

Section
Lahore High Court, Lahore

Tahir Naqash, etc.

Versus

The State etc. M/M

Sr. No. of order/ Proceedings	Date of order/ Proceedings	Order with signatures of Judge, and that of parties or counsel, where necessary.
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02.10.2020

Sheikh Usman Kareem-ud-Din, Advocate alongwith the petitioners.
Hafiz Masab Rasool, Advocate for the complainant.
Ms. Tahira Yasmin, Additional Prosecutor General alongwith Nisar Ahmed, A.S.I.

Through this petition under Section 498 Cr.P.C., petitioners Tahir Nakkash, Akbar Ali and Sharafat Ahmad have sought the premium of bail before arrest in case FIR No.352 dated 03.05.2020, in respect of offences under Sections 298-B & 298-C PPC, registered at Police Station, Mangatanwala, District Nankana Sahib.

2. The allegation against the petitioners is that on 02.05.2020 at about 05:00 p.m. they, in order to undermine the religious emotions of Muslim Ummah, posed being 'Muslims' and constructed their place of worship in the shape of mosque. It was further alleged that they got installed electricity meter at their place of worship showing it as a mosque in the name of 'Masjid-Bait-ul-Zakar'. They had also pasted different verses of Holy Quran and also names of the Holy Personalities as of Muslims. Hence, this case was registered.

3. I have heard learned counsel for the petitioners, learned Additional Prosecutor General appearing for the State assisted by learned counsel for the complainant and perused the record.

4. Report has been submitted by the learned Sessions Judge, Nankana Sahib in compliance order of this Court dated 11.09.2020, which speaks volume with regard to the uncalled-for conduct of the petitioners in getting extra-ordinary relief of pre-arrest bail from the learned Court below because they did not bother to advance arguments and got seven opportunities and ultimately, their petition was dismissed for non-prosecution.

5. The petitioners, being Non-Muslim community of the country relating to Qadiyani/Ahmdi group, constructed their place of worship as of Masjid alongwith its *Mehrab*, got issued electricity meter in the name of said place showing its name as *Masjid Bait-uz-Zikar* and thereby posed themselves as a Muslim community. During investigation, the investigating officer reached at a definite conclusion that petitioner Akbar Ali had purchased the aforesaid place of worship on 05.11.2018 from one Zahoor through stamp paper where petitioner No.1 was serving as teacher, Akbar Ali as head and Sharaf Ali as *Mutwali* of the place of worship. During investigation, they were found fully involved in this occurrence and their physical custody is required to the police for further investigation. Pre-arrest bail is an extra ordinary relief, which is meant only for innocent persons where the intended arrest of an accused is found to be actuated with *malafide* on part of the complainant or the police whereas nothing is available on record to prima facie show that the petitioners have been falsely implicated in this case, therefore, they

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C. S. J. Section
Lahore
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are not entitled to the extra-ordinary relief of pre-arrest bail.

In view of what has been discussed above, the petition in hand is without any merit, the same stands dismissed. Order granting ad interim pre-arrest bail to the petitioners is hereby recalled.

[Signature]

(Asjad Javaid Ghural)
Judge

[Handwritten initials]

Asif

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IN THE LAHORE HIGH COURT, LAHORE.

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COURT FEE

Criminal Misc. No. 35794 / B / 2020

1. Tahir Nakkash son of Muhammad Aslam Jatt, resident of Kharepar Sharif, Tehsil and District Kasur.
2. Akbar Ali son of Muhammad Ibrahim.
3. Sharafat Ahmad son of Nasir Ahmad, residents of Colony Shaukat Abad, Nankana Sahib.

Petitioners

Versus

1. The State.
2. Hafiz Farman Ali son of Rana Muhammad Iqbal, resident of Colony Shaukat Abad, Nankana Sahib.

Respondents

Case FIR No. 352/2020

Dated: 03.05.2020

Offence:

U/Ss. 298-B & 298-C PPC

Police Station:

Mangatanwala, Distt. Nankana Sahib

APPLICATION UNDER SECTION 498 Cr.PC FOR THE GRANT OF PRE-ARREST BAIL

Respectfully Sheweth:

1. That the respondent No. 2 has got registered the titled criminal case against the petitioners in the Police Station Mangatanwala with mala fide intention