

Form No: HCJD/C-121
ORDER SHEET
IN THE LAHORE HIGH COURT, LAHORE
(JUDICIAL DEPARTMENT)

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Lahore High Court, Lahore
23/01/24

Case No. Crl. Misc. No.18135-B/2020

Imran Ali

Versus

The State etc.

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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09.06.2020

Mr. Muhammad Sultan Sheikh, Advocate for the petitioner.
M/s Abdul Samad, Munir Ahmad Sial and Nisar Ahmad Virk, Deputy Prosecutor Generals alongwith Sajjad, Inspector, Tasawar, SI and Jamil, ASI.

Through this petition under Section 497 Cr.P.C., petitioner Imran Ali has sought post arrest bail in case FIR No.06 dated 05.01.2020, in respect of offences under Sections 295-A, 290, 291, 341, 506, 147 & 149 PPC, Sections 7, 11(x)(3) of the Anti-Terrorism Act, 1997, Section 6 of the Punjab Sound System Regulation Act, 2015 and Sections 10 & 11 of the Prevention of Electronic Crimes Act, 2016, registered at Police Station, City Nankana Sahib.

2. The allegation against the petitioner is that on 03.01.2020 at 04:40 p.m., he alongwith seven nominated and 180/200 unknown accused, while armed with batons, formed an unlawful assembly in the area of Gurdwarah Janam Asthan, made public speech on loud speaker against Sikh community hurting their religious feelings. Hence, this case was registered.

3. We have heard learned counsel for the petitioner, learned Deputy Prosecutor General appearing for the State and perused the record.

4. The petitioner was specifically saddled with the responsibility of addressing hate speech to the

mob consisting of 180/200 people on loud speaker against the Sikh community. He was arrested on 05.01.2020 and during investigation the recovery of a mobile phone was shown against him, which was sent to the office of Punjab Forensic Science Agency and found that he uploaded the speech from his facebook ID in which he provoked other people into sectarian violence against Sikh community. The report of Punjab Forensic Science Agency regarding CCTV footage of speech of the petitioner has also been received with positive result showing that the same was without editing and the petitioner was the person who delivered the same. During investigation, the petitioner was found fully connected with the alleged crime, which attract the prohibitory limb of Section 497 Cr.P.C., therefore, he is not entitled to the relief claimed for at this early stage.

6. In view of what has been discussed above, the petition in hand is without any merit, the same stands dismissed.

(Syed Shahbaz Ali Rizvi) (Asjad Javaid Ghural)
Judge Judge

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IN THE LAHORE HIGH COURT, LAHORE

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Crl. Misc.No. 18135 /B/2020

Imran Ali son of Zulfiqar Ali, Caste Araeen,
resident of Mohallah Balillah, Chungi No.5, District
Nankana Sahib (Presently confined in District Jail,
Lahore).

Petitioner**Versus**

- 1) **The State.**
- 2) **Tasawar Munir**, S.I./SHO Police Station City
Nankana, District Nankana Sahib.

Respondents

Case FIR No: 06/2020 Dated 05.01.2020
Offences U/S: 295-A, 290, 291, 341, 506,
147, 149 PPC read with
section 7, 11X(3) of ATA
1997, section 6 of The Punjab
Sound System Regulation Act
2015 and 10/11 of Prevention
of Electronic Crimes Act 2016
City Nankana, District
Nankana Sahib.

Police Station:

**PETITION UNDER SECTION 497 CR.P.C FOR
THE GRANT OF POST ARREST
BAIL.**

Respectfully Sheweth:-

- 1- That the above mentioned case was got
registered on the complaint of respondent
No.2 against the petitioner and 07
nominated and 180/200 not nominated

accused persons under the said offences.
For the detail of prosecution story, a copy
of the FIR is attached herewith as
Annexure-A.

2- That the petitioner earlier filed his post
arrest bail before the Special Judge Anti
Terrorism Court, Lahore and the same was
dismissed vide order dated 04.02.2020.
Copies of bail petition and order dated
04.02.2020 are attached as **Annexure-
B&C.**

3- That the petitioner was arrested in this case
subjected to physical remand for 23 days
and presently confined in District Jail,
Lahore. The petitioner prays for his release
on bail before this Honourable Court inter-
alia on the following amongst other:-

GROUND

a) That the brother of the petitioner
solemnized marriage with sui juries girl
belong to Sikh Community who converted
to Islam on 28.08.2019 by her own free-
will after getting highly influenced by

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For the Court
Cor. Session
Lahore High Court, Lahore

Islamic Teaching. Copies of Nikah Nama and Embracing Islam Certificate are attached as **Annexure-D&E**.

b) That soon after of embracing Islam and getting hitched with Muhammad Hassan, the petitioner and his other family members was threatened by the respondent No.2 and Sikh Community and to ask the petitioner and his brother Muhammad Hassan to give divorce to said Ayesha (Jagjeet Kaur) and also return back to Sikh Community, otherwise to be ready to face dire consequences or die.

c) That the brother of the petitioner and his wife Ayesha filed petition before Session Court Lahore for causing illegal harassment in which learned Addl. District & Sessions Judge, Lahore restrained for causing illegal harassment towards them but no avail. Copy of petition and order are attached as **Annexure-F&G**.

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 Lahore High Court, Lahore

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d) That the local police arresting the close relatives of petitioner in connection with FIR No.287/2019 dated 28.08.2019 registered under section 365-B PPC at Police Station City Nankana, District Nankana Sahib without any legal justification and unlawfully wherein the said alleged abductee Ayesha (Jagjeet Kaur) denied the allegations which are levelled in the FIR and in this regard, recorded her statement under section 164 Cr.P.C before the learned Special Judicial Magistrate, Lahore. Copies of application and statement under section 164-Cr.P.C are attached herewith as **Annexure-H&I.**

e) That the family of said Ayesha (Jagjeet Kaur), so-called human right activists (foreign funded anti Pakistani), Pakistani and Foreign Media is spreading false propaganda of forceful conversion to Islam which is fallacious and distorted and the same is detrimental to the lives of said Ayesha and petitioner's family as well as earning a bad name for Pakistan

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For Special Judicial
Magistrate, Lahore
High Court, Lahore

because the said Ayesha converted to Islam by her own free-will after getting Embraced by the Teaching of Islam and Holy Prophet (PBUH) which is the fundamental right every citizen granted under the Constitution of Islamic Republic of Pakistan.

f) That the allegation of forced conversion is totally lacking conformity to truth and fact. In fact, the Foreign Aided NGO's and the Foreign States like India and USA etc. are doing this do undermine the unity of Pakistan and inciting hatred among minorities living in Pakistan.

g) That the brother of petitioner as well as other family members after receiving threats from respondent No.2 as well as Sikh Community, the said Ayesha (Jagjeet Kaur) moved an application before Learned Special Judicial Magistrate, District Courts, Lahore for sending her to Dar-ul-Aman (Shelter Home), Lahore and the same was accepted and the said Ayesha was sent to

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 Lahore High Court, Lahore

Dar-ul-Aman (Shelter Home), Lahore vide order dated 29.08.2019. Copies of application and order dated 29.08.2019 are attached as **Annexure-J&K.**

h) That the said Ayesha and brother of petitioner filed writ petition No.53294/2019 before the Honourable Lahore High Court, Lahore for enforcement of fundamental rights enshrined in Article 9, 14 & 20 read with Article 2-A, 4 and 35 of the Constitution of Islamic Republic of Pakistan which was decided on 18.11.2019 by Honourable Lahore High Court, Lahore. Copies of writ petition and order dated 09.10.2019 are attached as **Annexure-L&M.**

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Executive Officer
Lahore High Court, Lahore

That the said Ayesha filed a writ petition No.75083/19 for her release from Dar-ul-Aman, Lahore and the same is pending before the Honourable Lahore High Court, Lahore. Copy of writ petition is attached herewith as **Annexure-N.**

j) That the respondent No.2 on the behest of Sikh Community is continuously threatening the petitioner and his other family members for withdrawal of above mention writ petition, on the refusal by the petitioner and other family members, the respondent No.2 while creating self-made, false and fabricated story registered the above mentioned FIR against the petitioner and others.

k) That the petitioner is absolutely innocent and has falsely been implicated in this case by the police with malafide intention and for ulterior motives just to show the efficiency. In the given situation, the petitioner is entitled for his release on bail by this Honourable Court.

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 Cor. Bench Section
 Lahore High Court, Lahore

That all the nominated co-accused have already allowed pre-arrest bail which was confirmed vide order dated 29.01.2020 by the court of Mr. Arshad Hussain Bhutta, learned Judge ATC Lahore. In the given situation, the petitioner is also entitled for the concession of after arrest

ball from this Honourable Court. Copies of ball and order dated 29.01.2020 are attached as **Annexure-O&P**.

m) That the petitioner remained on physical remand for 23 days and nothing was recovered from him and in such a situation, the case of the petitioner becomes one of further inquiry.

n) That the involvement of the petitioner in this case is based on malafide intention, ill-will and ulterior motives on the part of the prosecution. The true facts behind the registration of this false case against the petitioner and his other family members are that the real brother of the petitioner namely Muhammad Hassan, the Sikh Community with the active connivance of the local police putting undue pressure upon the petitioner's family for the return of said Ayesha Bibi.

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Counsel for the petitioner
Lahore High Court, Lahore

o) That the story narrated in the FIR is absolutely false, untrue, concocted, unnatural and unbelievable. As per the

contents of the FIR, the date and time of occurrence is mentioned as **05.01.2020** at **07:15 p.m.** while in the body of FIR the date and time is written as **03.01.2020** at **03:40 p.m.** which creates much doubts in the prosecution story and the benefit of every doubt always goes in favour of the petitioner, even at bail stage.

p) That the petitioner has no previous record of his involvement in any such like criminal case and there is no apprehension of absconding away or tampering with the prosecution evidence by the petitioner after his release on bail.

q) That the investigation of the case is complete, nothing was recovered and nothing is to be recovered from the petitioner and he is not required for further investigation and in such a situation, further incarceration of the petitioner in the prison will not serve any useful purpose.

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Examined & Verified
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Lahore High Court, Lahore

r) That trial of the case has not yet been started. It is also important to point out here that keeping in view the authoritative pronouncement of the Honourable Higher and Superior Courts the bail of the petitioner cannot be withheld as a punishment and he cannot be kept in jail for an indefinite period.

s) That the petitioner is peace loving and law abiding citizen of Pakistan, he cannot even think to commit such like offence as alleged by the prosecution.

t) That it is quite in the interest of justice, equity and fair play that the petitioner may be released on bail till the final decision of the instant case.

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Com. Excm. Secy.
Lahore High Court, Lahore

That the extra-ordinary circumstances are prevailing in the Country due to outbreak of Pandemic of Corona Virus and extraordinary circumstances require extraordinary measures, the jails of the country are already overcrowded and there is an apprehension of out-break of

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the above mentioned virus in the population of confined prisoners, in the given situation, the petitioner is entitled to be release on bail.

- v) That the Petitioner is ready to furnish bail bond to the entire satisfaction of this Honourable Court.

PRAYER

Under the above-mentioned submissions, it is humbly prayed that while accepting the present petition, the petitioner may kindly be granted post arrest bail, till the final decision of the case, in the interest of justice.

Petitioner

Through:

MUHAMMAD SULTAN SHEIKH

Advocate High Court

CC No.PLH-53759

CNIC No.35405-0371728-7

Cell No.0332-4326145

MUHAMMAD ZOHAIK KHAN

Advocate High Court

CC No.PLH-53760

CNIC No. _____

Office No.M-29/A, Mazanine Floor, Daud Atif Centre,
Near Jain Mander Chowk, Lahore

Certificate:

Certified that as per instructions of my client this is 1st bail petition before this Honourable Court.

Advocate,

Examiner
Authorized
23/01/24