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IN THE LAHORE HIGH COURT, LAHORE.
***Before* ABDUL SAMI KHAN, SARDAR TARIQ MASOOD, JJ**

Crl. Misc. No.6013-B/2013

KHALID ASHFAQ ETC. Petitioners

Versus

THE STATE & ANOTHER. Respondents

POLICE STATION : Islam Pura, District Lahore.
FIR No.510/2013 Dated 10.4.2013

OFFENCE : Under Sections 295-B, 298-C of PPC,
and 11-W of Anti-Terrorism Act, 1997.

PETITION : Under Section 497 Cr.P.C. read with
section 21-D of Anti-Terrorism Act, 1997
for release of petitioners on bail.

DECISION : Bail Petition dismissed on 18.06.2013

18.6.2013 Ch. Aamir Rehman, Advocate for the petitioners.
Mr. Tariq Javed, DDPP with Muhammad Khan, S.I.
Mr. Ghulam Mustafa Chaudhry, Advocate for the
Complainant.

Through this petition, the petitioners have sought bail
after arrest in case.....

Cr.M.No. 6013-B/2013.

497
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Form No: HCJD/C-121

ORDER SHEET

IN THE LAHORE HIGH COURT, LAHORE

JUDICIAL DEPARTMENT

Criminal Miscellaneous No. 6013-B/2013.

Khalid Ashfaq etc

Petitioner

versus

The State and another

Respondents

S. No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of Parties or counsel, where necessary
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18.06.2013.

Ch. Aamir Rehman, Advocate for petitioners.
Mr. Tariq Javed DDPP with Muhammad
Khan S.I.

Mr. Ghulam Mustafa Chaudhry Advocate for
Complainant.

Through this petition, the petitioners have sought bail after arrest in case FIR No.510/13 dated 10.04.2013 under section 295-B, 298-C P.P.C. read with section 11-W Anti-Terrorism Act, 1997, registered at Police Station Islampura Lahore.

2. The learned counsel for the petitioner submits that the petitioners are innocent and have been falsely involved in this case by the complainant with mala-fide and ulterior motive who is habitual litigant; the story narrated in the FIR is totally false and concocted; from the perusal of the FIR the offences mentioned therein are not attracted; there is no admissible piece of evidence against the petitioners, they have not actually distributed blasphemous material to any person as there is no statement of any independent person regarding this fact on the file of this case, even the element of preaching is

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also not established either from the FIR or from the statement of prosecution witnesses recorded u/s 161 Cr.P.C. the material have been planted against the petitioner just to strengthen the prosecution case, no recovery has been effected from Tahir Ahmad petitioner. He also submits that the petitioners are previous non-convict, the investigation is complete and the petitioners are no more required for further investigation, therefore, their further incarceration will not serve any useful purpose.

3. Learned DDPP assisted by the learned counsel for the complainant has vehemently opposes the contention of learned counsel for the petitioners by submitting that there is no malice on the part of the complainant to falsely involve the petitioners in this case; the petitioners are named in the promptly lodged FIR and specific roles have been assigned to them therein; the blasphemous material has been recovered from the petitioners at the spot when they were arrested; the provisions of Section 295-C P.P.C. are attracted in this case which has not been inserted by the police in the FIR which offence carries punishment of death; during the investigation of this case the witnesses have got recorded their statements under section 161 Cr.P.C. to the Investigating Officer pointing accusing figures towards the petitioners as the culprit who have perpetrated the offences; the investigation in this case has been conducted by a joint investigating team and during investigation petitioners have been found involved in this case; two accused are still at large; the offence with which the petitioners are charged, falls within the prohibitory clause of section 497 Cr.P.C.; challan in this case has been submitted and the case is fixed for ~~it~~ today.

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i.e. 18.06.2013 for framing of charge; submits that instead of allowing bail to the petitioners, the trial Court may be directed to conclude the trial expeditiously.

4. Arguments heard. Record perused.

5. This is bail after arrest. only tentative assessment is allowed at this stage. The petitioners are named in the promptly lodged F.I.R. They have been apprehended at the spot by the police while in possession of blasphemous material i.e. News Paper "Daily Al'Fazal" etc. According to police file, they were openly distributing the blasphemous material among the general public inspite of the fact that the news paper has been banned by the government vide Notification dated 26.10.2011. The offence with which the petitioners are charged falls under the prohibitory clause of section 497 Cr.P.C. During investigation carried out by a joint investigation team the petitioners have been found involved in this case. The challan has been submitted and the case is fixed for framing of charge. There is ample evidence in the shape of statements of witnesses recorded u/s 161 Cr.P.C. and recoveries against the petitioners. The points raised by the learned counsel for the petitioners amounts to deeper appreciation of evidence which we are afraid cannot be considered at this stage. Resultantly, we find no force in this petition, hence, the same is hereby dismissed. However, the learned trial Court is directed to conclude the trial expeditiously preferably within three months.

Original Copy to be kept in Section
of the Court
e-Stamping Office

(Sardar Farid Masood))
Judge

(Abdul Sami Khan)
Judge

SHAHID

TRUE COPY
In Case No. 6013-B-73
24/6/2013
Examiner: J.C.B (Copy Branch)
Lahore High Court, Lahore.

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IN THE LAHORE HIGH COURT, LAHORE.

LAHORE HIGH COURT
JUDICIAL OFFICE
LAHORE
20-5-13

Cr. Misc. No. 6013 /B/2013

1. Khalid Ishfaq son of Muhammad Ishfaq, resident of House No. 11, Street No. 3-A, Samadhi Ganga Ram, Ravi Road, Lahore.
2. Tahir Ahmad son of Abdus Saeed Shah, resident of House No. 13, Street No. 2, Millat Ittfaq Colony, Tariq Building, Sanda, Lahore.
(Now both confined in District Jail Lahore)

Ali
20/5/13

Petitioners

Versus

1. The State.
2. Muhammad Hassan Muaviya son of Hafiz Muhammad Suleman, resident of Noorani Park, Begumpura, Street No. 4, House No. 4, Lahore.

Respondents

Case FIR No. 510

Dated 10-04-2013

Under Sections:

295-B, 298-C, Pakistan Penal Code &
11-W, Anti Terrorism Act, 1997

Police Station:

47521

20-5-13

Islampura, Lahore

Application, under section , 497 of the Cr.P.C. read with section 21-D of the Anti Terrorism Act, 1997 for release of the petitioners on bail till the final adjudication of the above titled case