

IN THE LAHORE HIGH COURT, LAHORE.
***Before* MUHAMMAD ANWAARUL HAQ, J**
MAZHAR IQBAL SIDHU & SHEHIRAM SARWAR CH., JJ

Crl. Misc. No.5415-B/2015

TAHIR MEHDI IMTIAZ AHMED Petitioner

Versus

THE STATE ETC. Respondents

POLICE STATION : Millat Park, District Lahore.
FIR No.151/2014 Dated 16.04.2014

OFFENCE : Under Sections 295-A, 298-C of PPC
(Later on offences under sections 11-W and
8 of the Anti-Terrorism Act, 1997 and
section 99-A Cr.P.C. were included).

PETITION : Under Section 497 Cr.P.C. for grant of bail
after arrest.

DECISION : Bail granting order was recalled on
13.07.2015 by learned Single Bench,
thereafter on 05.8.2015 bail petition
was dismissed by learned Division
Bench.

13.07.2015 Ch. Imran Raza Chaddhar, Advocate vice learned counsel
for the petitioner.
Mr. Iftikhar-ul-Haq Chaudhry, Additional Prosecutor-
General for the state with Muhammad Yaseen A.S.I. with
record.
Mr. Ghulam Mustafa Chaudhry, Advocate for the
complainant.

In the early hours of the day after hearing arguments

ORDER SHEET

IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENTCase No. **CH Misc. No. 5415-B of 2015****Tahir Mehdi Initiaz Ahmad**

vs

The State etc.

Sr. No.	Date of order	Order with signature of Judge, and that of parties or counsel, where necessary.
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08) **13.07.2015** Ch. Imran Raza Chaddhar, Advocate *vice* learned counsel for the petitioner.

Mr. Hukhar-ul Haq Chaudhry, Additional Prosecutor-General for the State with Muhammad Yaseen A.S.I. with record.

Mr. Ghulam Mustafa Chaudhry, Advocate for the complainant.

In the early hours of the day after hearing arguments on behalf of learned counsel for the petitioner and learned Law Officer, order was announced in open court and bail was allowed to the petitioner on the ground that learned Law Officer and the police official present with record categorically stated that material mentioned in the F.I.R. was not banned at any stage but before dictating the formal order, Mr. Ghulam Mustafa Chaudhry, Advocate putting appearance on behalf of the complainant of this case has placed on record notification issued by the Government of the Punjab, Home Department, dated 25.06.2015 and newspaper "Daily Dunya Lahore" dated 08.05.2015, according to which magazines "Malahana Ansarullah" mentioned at Sr. No. 65 and "Rahani Khazayeen Jild No. 1 to 23" at Sr. No. 106, have been banned and as per notification, possession of such material falls within the purview of offences under Articles 11-W and 8 of Anti-Terrorism Act, 1997 and Section 99-A, Cr.P.C. Therefore, in the interest of justice, the verbal order announced in open Court in favour of the petitioner, is recalled and hearing of this case is adjourned for **15.07.2015** with a direction to the office to issue Notice *Peri* to learned counsel for the petitioner and notice to the Investigating Officer concerned to ensure their presence before this Court on the date fixed.

(Muhammad Anwaarul Haq)

ORDER SHEET
IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Case No. Crl. Misc. No. 5415-B of 2015

Tahir Mehdi Imtiaz Ahmat

vs

The State etc.

Sr. No.	Date of order	Order with signature of Judge, and that of parties or counsel, where necessary.
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09) 15.07.2015 Ch. Inran Raza Chaddhar, Advocate *vice* learned counsel for the petitioner.

Mr. Ifikhar-ul Haq Chaudhry, Additional Prosecutor-General for the State with Muhammad Yaseen A.S.I. with record.

Mr. Ghulam Mustafa Chaudhry, Advocate for the complainant.

On 13.07.2015, after hearing arguments on behalf of learned counsel for the petitioner and learned Law Officer, verbal order was announced in open court and bail was allowed to the petitioner on the ground that learned Law Officer and the police official present with record categorically stated that material mentioned in the F.I.R. was not banned at any stage but before dictating the formal order, Mr. Ghulam Mustafa Chaudhry, Advocate putting appearance on behalf of the complainant of this case had placed on record notification issued by the Government of the Punjab, Home Department, dated 25.06.2015 and newspaper "Daily Dunya Lahore" dated 08.05.2015, according to which magazines "Mahnana Ansarullah" mentioned at Sr. No. 65 and "Rohani Khazayeen Jild No. 1 to 23" at Sr. No. 106, had been banned and as per notification, possession of such material falls within the purview of offences under Articles 11-A and 8 of Anti-Terrorism Act, 1997 and Section 99-A, Cr.P.C. Propriety demands that this matter may be heard by the learned Division Bench dealing with the cases under Anti-Terrorism Act, 1997, therefore, office to fix this bail petition before the learned Division Bench dealing with the similar cases in the next week after soliciting necessary orders in this regard from the Hon'ble Chief Justice.

(Muhammad Anwaarul Haq)
 Judge

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In Case No.

ORDER SHEET**IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT**

Case No: Crl.M.5415-B-2015

Tahir Mehdi Imtiaz Ahmed.

Versus

State etc.

S.No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of parties of counsel, where necessary.
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28.07.2015

Ch. Imran Raza Chadhar, Advocate for petitioner.
Ch. Muhammad Mustafa D.P.G with M. Yasin S.I.
Kh. Ibrar Majal, Advocate and Ch. Ghulam Mustafa
Advocate for complainant.

Instant bail application remained pending before the learned single Bench of this Court and as per the order dated 13.07.2015 it was announced to be allowed but while dictating the order, the learned Bench learnt that certain offences have been added and in the subsistence of those single bench debars to hear it and with the observations the file was referred for its disposal by the learned Bench by obtaining an appropriate order of our lord the Hon'ble Chief Justice. The Hon'ble Chief Justice after considering the order of the learned Judge referred the case to this Division Bench. Juridically assistance has been sought and both the parties have relied upon precedented laws. The case law referred to and relied upon by the learned counsel for the petitioner reported as State Vs. Danial alias Dani (PLD 2015 S.C 322) is inapplicable in the circumstances of this case, therefore, esteemly it is regretted to be relied upon, the Division Bench is competent to decide the instant matter.

2. To come up for arguments on merits on 05.08.2015.


(Shehram Sarwar Ch.)
Judge


(Mazhar Iqbal Sidhu)
Judge

Form No. HC/D/C-121
ORDER SHEET
IN THE LAHORE HIGH COURT
JUDICIAL DEPARTMENT

CRL. MISC. NO. 5415-B OF 2015.

Tahir Mehdi Imtiaz Ahmad		Vs.	The State, etc.
Sr. No. of order/ proceeding	Date of order/ proceeding	Order with signature of Judge, and that of parties or counsel, where necessary.	

05.08.2015 Ch. Imran Raza Chadhar, Advocate for the petitioner.

Rana Abdul Majeed, Additional Prosecutor General with Muhammad Yasin S.I.
M/s Ghulam Murtaza Chaudhary, Ghulam Mustafa Chaudhary, Hameed Ahmad Chaudhary, M. Tahir Sultan Khokhar, Muhammad Anir Latif and Tahira Shaheen, Advocates for the complainant.

Tahir Mehdi Imtiaz Ahmad, petitioner seeks bail after arrest in case FIR No/51 dated 16.04.2014 offence under sections 295-A, 298-C PPC (later on offences under sections 11-W and 8 of the Anti-Terrorism Act, 1997 and section 99-A Cr.P.C. were included) registered at Police Station Millat Park, Lahore.

2. Earlier this petition was heard by a Single Bench of this Court but subsequently when, offences under the Anti-Terrorism Act, 1997 were inserted, the matter was referred to the Division Bench of this Court.

3. As per contents of the FIR, the role ascribed to the present petitioner is that he had printed Rasala Tehrik-e-Jadeed alongwith other books in which derogatory and blasphemous remarks were published against the Prophet Hazrat Muhammad (ﷺ), Hazrat Esah Peace be upon him and other Islamic beliefs were ridiculed.

4. Arguments heard and the record perused.

5. The petitioner is nominated in the FIR with a specific role. Nothing is on record to prove that the

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Petitioner has been falsely implicated. During police investigation, it transpired that the petitioner was not just printing the blasphemous material against the Islamic faith but was also publishing it. The Police has declared the Petitioner guilty. The Petitioner belongs to the minority group of the Qadiani faith. No doubt the Constitution of Pakistan protects all minority groups but that does not mean that the religious sentiments of the Muslims are disrespected and ridiculed. It was held in 1993 SCMR 1718 "Zaheeruddin and others versus The State and others", that the Qadianis as belonging to the minority group had the right to be protected under Articles 19, 20 and 25 of the Constitution of Pakistan, to profess, practice and propagate their religion provided they profess, practice without adopting Shaa'ir-e-Islam in a manner which does not offend the feeling of the Muslims.

6. It is pertinent to mention here that the said blasphemous material and books recovered by the Police, which were published and printed by the Petitioner, were in fact banned through various notifications of the Government of Pakistan.

7. As per notification No.SQ(IS.III) 6-15/2010 issued by the Government of the Punjab Home Department dated 27.10.2011, a ban was imposed on the monthly Magazine "Misbah". Vide notification No.SO(IS.III) 6-15/2010 issued by the Government of the Punjab Home Department dated 09.10.2014, a ban was imposed on Mahnama Tehrik-e-Jadeed and vide notification No.SO(IS.III) 6-15/2010 issued by the Government of the Punjab Home Department dated 25.06.2014, a ban was also imposed on Magazine

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"Al-Fazal". Even though the ban was imposed on the above books and magazines as they were out rightly blasphemous, still the Petitioner was printing and publishing the said seditious/blasphemous, material. Ridiculing the Muslim belief and promoting the Qadiani belief. This act of the Petitioner was the basis of promoting religious hatred amongst the religious groups in Pakistan, hence endangering the stability of the Country. It has been held by the Supreme Court of Pakistan in 2002 SCMR 442 'Muhammad Siddique versus Intiaz Begum and 2 others' that no one can claim bail as of right in non bailable offences even though the same does not fall under the prohibitory clause of section 497 Cr.P.C.

8. As deliberated above, no case is made out for grant of post arrest bail. Resultantly, the instant petition is dismissed.


(Mazhar Iqbal Sidhu)
Judge


(Erum Sajad Gull)
Judge

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IN THE LAHORE HIGH COURT, LAHORE

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Tahir Mehdi Imtiaz Ahmad son of Muhammad Zafarullah Khan, Caste Warriach, resident of House No. 17/2, Mohallah Darul-Nasar Gharbi, Chenabnagar, District Chiniot, presently confined in District Camp Jail, Lahore.

Petitioner

Versus

1. The State.
2. Hafiz Muhammad Nasir son of Noor Muhammad, resident of Al-Mumtaz Road, Pakki Thatti, Samanabad, Lahore.

Respondents

Case FIR No. 151

Dated: 16-04-2014

U/Ss. 295A / 298C PPC

P.S. Millat Park, Lahore.

Application, on behalf of the petitioner for releasing him on bail, till the decision of the above titled case, under section 497 Cr. P.C.

Respectfully Sheweth:

1. That the petitioner is behind the bars since 30-03-2015 who applied for the grant of post-arrest bail in the court of learned Judicial Magistrate, Model Town, Lahore who dismissed the bail application of the petitioner vide order dated 08-04-2015.