

IN THE LAHORE HIGH COURT, LAHORE.

***Before* SHAHID HAMEED DAR, J**

Crl. Misc. No.827-B/2017

EHSAN AHMAD & 2 OTHERS Petitioners

Versus

THE STATE and ANOTHER Respondents

POLICE STATION : Sharaqpur, District Sheikhpura.
FIR No.291/2014 Dated 13.5.2014

OFFENCE : Under Sections 295-A, 337-V, 427 of PPC
Later on offence under section 295-C PPC
was added.

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

DECISION : Petition dismissed on 10.3.2017

28.08.2015 Mr. Munir Ahmad Bhatti, Advocate for the petitioners.
Rana Tassawar Ali Khan, Deputy Prosecution General
Punjab for the State with Muhammad shafique ASI.
Mr. Ghulam Mustafa Chaudhry, Advocate for the
complainant.

The petitioners Ehsan Ahmad, Mubashir Ahmad and
Ghulam Ahmad seek

ORDER SHEET.

IN THE LAHORE HIGH COURT, LAHORE.

JUDICIAL DEPARTMENTCase No. Crl.Misc.No.827-B/2017.

Ehsan Ahmad & 2 others

Vs. The State and another.

S.No. of order/ proceeding	Date of order/ proceeding.	Order with signatures of Judge, and that of parties or counsel, where necessary.
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4. 10.3.2017. Mr. Munir Ahmad Bhatti, advocate for the petitioners.
Rana Tassawar Ali Khan, Deputy Prosecutor General Punjab for the State with Muhammad Shafique ASI.
Mr. Ghulam Mustafa Chaudhry, advocate for the complainant.

The petitioners, Ehsan Ahmad, Mubashir Ahmad and Ghulam Ahmad seek post-arrest bail in case F.I.R. No.291/2014, dated 13.5.2014, under section 295-A, 337-V, 427, 295-C P.P.C, registered at Sharaqpur, district Sheikhupura, being in jail since 18.7.2014.

2. The allegation against the petitioners, Ehsan Ahmad, Mubashir Ahmad and Ghulam Ahmad, who are *Ahmadies/Qadianies*, is that they came to the shop of Syed Riaz Hussain Shah (complainant) at about 6.00 p.m. on 12.5.2014 and started quarrelling with him as to why he had pasted a pamphlet, that glorified the Holy Prophet (Peace Be Upon Him), on a counter of his shop; they slapped him in his face and caught hold of his beard, whereafter they peeled-off the pamphlet and threw it in the drain; they defiled the sacred name of the Holy Prophet (Peace Be Upon Him) within the view of a many.

3. After hearing the learned counsel for the parties and perusing the record, it is observed that the petitioners' learned counsel, though, vociferously argued about the mode of insertion/addition of section 295-C P.P.C. in this case and about duty of the State to safeguard the legitimate rights and interests of minorities under article 36 of the Constitution of Islamic Republic of Pakistan, 1973, by referring to various judgments, Tariq Bashir and 5 others v. The State (P.L.D. 1995 S.C. 34), Ghulam Mohi-ud-Din Shah v. Hafiz Muhammad Ramzan and others (2007 S.C.M.R. 1931), Malik Muhammad Mumtaz Qadri v. The State and others (P.L.D. 2016 S.C. 17) & Muhammad Aslam v. The State (P.L.D. 2016 Lahore 655), yet,

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High Court, Lahore

he found himself short of words in countering the arguments of the complainant's learned counsel that the prosecution witnesses appeared before the learned trial court on as many as forty-eight (48) occasions, but they went back unexamined due to non-cooperation of the petitioners, who did everything to hinder smooth sailing of their trial by the learned trial court. The record reveals that the pamphlet allegedly detached and disdainfully thrown by the petitioners in the drain bore a reflection of the sacred Seal of the Last Apostle (Peace Be Upon Him), wherein the words, ALLAH, RASOOL & MUHAMMAD, may easily be visioned. This pamphlet, together with two others, was taken into possession by the police on 13.5.2014 and made a part of the record. Two of the eyewitnesses, Muhammad Iqbal and Munawar Hassan, who were recorded under section 161 Cr.P.C. by the investigating officer, the same day, categorically endorsed the F.I.R. story in their statements. The offence, the petitioners are confronted with, entailed capital punishment. The petitioners are themselves responsible for occasioning delay in conclusion of their trial. Hence, they have little to press for seeking bail even on the statutory ground of delay in conclusion of their trial. The judgments relied on by the learned counsel do little good to the petitioners' cause, being distinctive on facts and merits.

4. Therefore, I am not inclined to accept this application, which is accordingly dismissed.

(SHAHID HAMEED DAR)
JUDGE.

M.Khalid

Petition No. 119452
Case No. 15-3-17
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Court
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Name of
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Date of Completion of Copy 18-3-17
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