

ORDER SHEET
IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Writ Petition No.40844 of 2025

Abdul Rehman Faryad Vs. Government of Punjab etc.

Sr. No. of order of proceeding	Date of order of proceeding	Order with signature of Judge, and that of Parties of counsel, where necessary
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18.07.2025 Rao Abdul Jabbar, Advocate for the petitioner.
 Mr. Muhammad Nasir Chohan, Additional Advocate General, Punjab with Asad Inspector.

Through the instant petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner, Abdul Rehman Faryad, has challenged the legality and validity of the letter/order dated 03.06.2025 whereby Home Secretary, Government of the Punjab (respondent No.1) declined his request for the issuance of a Character Certificate without reflecting the details of a criminal case in which he was already acquitted.

2. Precisely stated the facts as set forth in the memorandum of the present petition are that the petitioner, Abdul Rehman Faryad, was implicated in a criminal case bearing FIR No.1254/2024, registered at Police Station Nawan Kot, Lahore, under Sections 3 & 4 of the Punjab Prohibition of Kite Flying Ordinance, 2001. Upon the completion of investigation, a report under Section 173 of the Criminal Procedure Code, 1898 (Cr.P.C.) was submitted, and charge was formally framed against the petitioner. However, the trial culminated in the petitioner's acquittal under Section 249-A Cr.P.C., through an order dated 20.12.2024, passed by the Magistrate Section 30, Lahore. Subsequently, the petitioner approached the respondents for the issuance of a Police Character Certificate, which he required in connection with his plan to travel to the United Kingdom. A certificate was issued to him on 13.03.2025 by the Superintendent of Police (Security), Lahore. However,

despite the petitioner's acquittal, the said certificate mentioned the afore-referred FIR, thereby reflecting a criminal history against his name. Aggrieved by this inclusion, the petitioner submitted an application to the Home Secretary, Government of the Punjab, Lahore, requesting the issuance of a fresh Police Character Certificate without any reference of the previously registered FIR, given that he had already been acquitted of the charges. Upon the failure of the authorities to take any action on his application, the petitioner was constrained to invoke the constitutional jurisdiction of this Court by filing Writ Petition No.25979 of 2025. This petition was disposed of vide order dated 02.05.2025, directing the Home Secretary, Government of the Punjab to decide the petitioner's pending application within a period of fifteen (15) days. Despite the direction of the Court, the respondent failed to comply within the stipulated timeframe, compelling the petitioner to file Crl.Org.No.32631 of 2025, seeking contempt proceedings against the Home Secretary, Government of the Punjab. This contempt petition was, however, disposed of vide order dated 23.06.2025 on the ground that the respondent had, in the meantime, disposed of the petitioner's application. The petitioner was thereafter informed about the decision on his application through a letter/order dated 03.06.2025 issued by the Section Officer (Police Inquiry), Government of the Punjab. The legality and constitutionality of that decision are now under challenge through the instant petition. For advantage sake, relevant portion of letter/order dated 03.06.2025 is reproduced hereunder:-

"PSRMS is digital record of FIR, index and case file. The FIR and its index is perpetual record and under Rule 24.5 of the Police Rules, 1934 the record of a First Information Report (FIR) is mandated to be preserved for a period of 60-years. Therefore, record of any person involved in any FIR cannot be deleted. However, the status of the accused can be updated according to the decision of learned Courts in index card prepared in the CRO Branch for the record. In your case yours status has already been updated in the

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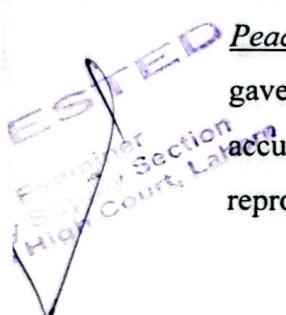
Police Station Record Management System according to the competent authority approved new format of Police Character Certificate which is effective from 21.02.2025."

3. Arguments heard. Record perused.
4. A careful scrutiny of the record reveals that the petitioner, along with his co-accused Muhammad Osama, was named in the First Information Report (FIR) for allegedly being found in possession of kites and related material on 06.04.2024 at about 8:00 a.m., while traveling in a rickshaw. After the investigation, the case was placed before the Magistrate Section 30, Lahore. Upon a thorough review of the evidence and case file, the learned Magistrate found no incriminating material against the petitioner or his co-accused. Consequently, in exercise of powers under Section 249-A, Cr.P.C., the Magistrate acquitted both individuals of the charges through an order dated 20.12.2024. It is pertinent to note that the allegations levelled against the petitioner do not involve moral turpitude, nor do they relate to any offence against the State. Furthermore, the case record is completely silent as to any appeal or revision filed by the State challenging the acquittal. Therefore, the acquittal order has attained finality in the eye of law. In these circumstances, it would be legally unjustified to draw any adverse inference or attach any stigma to the petitioner merely based on the registration of an FIR or the fact that a trial was conducted, when such proceedings have conclusively ended in an unchallenged acquittal. Hence, the presumption of innocence which stands supported by the acquittal must be given full effect.
5. Learned law officer, while referring to the Punjab Amendment to Rule 5 of Chapter XXIV of the Police Rules, 1934, introduced through Notification No.14/EXEC-III dated 2nd of January 2024, contended that the First Information Report Register is now required to be maintained in digital form

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on a central server, located at a place designated by the Provincial Police Officer. On this basis, it was argued that the criminal record, including details of involvement of an accused in any FIR, cannot be removed even in cases where the accused has been acquitted. In addressing this submission, it ought to be noted that law enforcement agencies have the administrative authority to maintain internal records of reported incidents, including FIRs, for various legitimate purposes. These purposes include, but are not limited to, preserving institutional memory, conducting statistical or trend analysis, and facilitating coordination and information-sharing between various government and law enforcement entities. The retention of such data, so long as it is confined to lawful administrative use and is not disclosed or misused in a manner prejudicial to the rights of the individual, cannot be construed as a violation of fundamental rights guaranteed under the Constitution of Islamic Republic of Pakistan, 1973. This view finds further support from the case reported as Zulfiqar Ali v. Ex-officio Justice of Peace and others (PLD 2023 Lahore 512), wherein this Court gave certain guidelines for presenting the criminal history of an accused in the courts, the relevant portion of the judgment is reproduced below for reference:-



“(i). While producing the record pertaining to the criminal history of any petitioner/accused, the list must show the status of criminal case(s) against him. Status connotes whether such case is still pending or had culminated in acquittal, conviction, discharge or withdrawal.

(ii). Fate of every criminal case must be entered in the relevant Police Register maintained under the Punjab Police Rules, 1934, immediately after the pronouncement of judgment/order and the same should also be entered in PSRMS.

(iii). The final fate of a criminal case is always decided by the court, therefore, better coordination mechanism must be evolved/improved to promptly convey the judgment/order of the court to the police station concerned for its entry in the relevant record.

(iv). Instructions issued to the District Heads of Punjab Police regarding the submission of criminal history of the

petitioner/accused by the Additional Inspector General of police (Investigation) shall be strictly complied with."

Thus, the preservation of digital FIR record is permissible under the law, such record must be used strictly within the confines of legality, ensuring that no adverse inference is drawn against an individual who has been acquitted, unless such use is justified by a lawful purpose and supported by due process.

6. The petitioner's sole grievance, as voiced in the present petition, is that the respondents be directed to issue a Police Character Certificate that accurately reflects his present legal status specifically, that he stands free from any criminal liability. In this context, it is essential to observe that once an accused has been acquitted by a competent court of law, he is to be considered, in the eye of law, entirely absolved of the allegations levelled against him. In such eventuality, any continuous reference or inclusion of the relevant FIR in official documents such as a character certificate, despite a conclusive acquittal of an accused is unwarranted. Such a practice not only violates the individual's constitutionally protected right to human dignity under Article 14 of the Constitution of the Islamic Republic of Pakistan, 1973 but also imposes a lasting and unjust stigma upon a citizen who has been exonerated through due judicial process. This position finds judicial endorsement in the case reported as Waqas Khan and 2 others v. The State (PLD 2025 Peshawar 67), wherein the learned Peshawar High Court made the following observation:-

"It may also be noted that though the petitioners were charged in the FIR but once he was acquitted by the competent Court of law then all the allegations levelled in the FIR are considered to be no more in existence and they are to be presumed, treated and regarded as innocent persons under the law, therefore, the factum of mentioning of the FIR and acquittal order on the basis of compromise in the impugned character certificates for police clearance are neither legal nor justifiable rather the same would amount to defeat the very purpose and effect of the acquittal order."

From above, it can be gathered that once a person has been acquitted and the order has attained finality, any act by public authorities that continues to associate that individual with a criminal allegation undermines not only the acquittal itself but also the foundational principles of fairness, dignity, and presumption of innocence. Therefore, the petitioner is entitled to a Police Character Certificate that reflects his acquittal and the absence of any subsisting criminal liability.

7. In view of the foregoing discussion and legal position, this petition is hereby allowed. As a consequence thereof, Home Secretary, Government of the Punjab (respondent No.1) is directed to ensure the issuance of a Police Character Certificate in favour of the petitioner, which accurately reflects his present legal status. The said certificate shall exclude and omit any reference whatsoever to FIR No.1254/2024, registered at Police Station Nawan Kot, Lahore, in the light of the petitioner's lawful acquittal and the absence of any existing criminal liability.

8. Copy of this order be transmitted to the Inspector General of Police Punjab and the Chief Secretary Punjab, to ensure its strict implementation in light of the directions and observations given above.

*Inner Copy Supply Section
Authorized Under Article 87 of
Shan-e-Shahadat Order 1981*

-Sd-

(ABHER GUL KHAN)
JUDGE

APPROVED FOR REPORTING

-Sd-

Abher Gul Khan
JUDGE

This order was announced
On 18.07.2025, dictated.
prepared and signed on
24.07.2025
Najum*

TRUE COPY

20/7/25
Examiner J.C.B (Copy Branch)
Lahore High Court, Lahore