

ORDER SHEET
IN THE LAHORE HIGH COURT,
LAHORE.
JUDICIAL DEPARTMENT

Crl. Misc. No. 34187-B of 2025

Aqsa Noureen alias Asima Bibi. **Versus** 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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18.08.2025. Sardar Muhammad Hanif Dogar and Miss Shazia Rajab, Advocates for the petitioner.
M/s Ch. Imtiaz Hussain Bhatti and Syed Fakhar Hussain Shah Gillani, Advocates for the complainant.
Rana Tassawar Ali, Deputy Prosecutor General, Punjab and Rasheed Inspector with police record.

The petitioner (Aqsa Noureen alias Asima Bibi), being arrayed as accused in cross-version case set-up by one Muhammad Khursheed for offence under Section 336-B, 382, 302, 411 of PPC during the investigation of FIR No.1152 of 2024, dated 26.03.2024, registered with Police Station Madina Town, Faisalabad under the authorship of one Mst. Aqsa Noureen for the offences under Section 452/354 of PPC has sought her post arrest bail on statutory ground.

2. In the above said cross-version, Muhammad Khursheed maintained that his brother Shoukat Ali was earning his livelihood by bed sheets peddling on a bicycle for the last 18/20 years. On 26.03.2024, at about 08.30 a.m. he was moving at Mohallah Rasool Park Madina Town, Faisalabad, where Mst. Aqsa Noureen alias Asia Bibi asked him to step into the house for the measurement of size of beds and then to give the bed sheets. Two unknown persons were already sitting in the house. They asked Shoukat to hand over his bed sheets and cash to them, but he offered resistance, whereupon Mst. Aqsa Noureen attacked with red

chili powder on his eyes. He was about to move outside, but Mst. Aqsa Noureen sprinkled petrol upon Shoukat Ali and set fire to him. 50 percent of his body stood burnt. Said two unknown culprits snatched luggage/bed sheets and cash of Rs.80,000/- from Shoukat Ali, who ran outside and reached Bahadar Singh-wala Chak No.213/RB on bicycle. Occurrence was witnessed by Amir Khursheed and Imtiaz Ahmad. Amir Khursheed laid information with Rescue 1122.

3. Learned counsel for the petitioner mainly focused on the points that petitioner Aqsa Noureen alias Asma Bibi was complainant of FIR case, wherein above said Shoukat Ali deceased allegedly trespassed into her house and manhandled her, but when he failed to gratify his lust and she/Aqsa Noureen raised hue and cry, the said Shoukat deceased fled away towards outside; when both the parties come forward with their respective cross-version, which of the version was true and correct, was a question of further inquiry; even otherwise, petitioner has sought her bail mainly on the ground of statutory delay in the conclusion of the trial; since the petitioner was a female, as such she has earned a valuable right to be released on bail, because the trial was not completed within a period of one year since her arrest on 02.04.2024; delay accrued in the trial was not attributable towards the petitioner, as such she claims bail as of right.

4. Learned Deputy Prosecutor General assisted by learned counsel for the complainant opposed the present petition on the grounds that although the petitioner was a female and she had been in the interment for a continuous period of one year and her trial had not yet been concluded, but the circumstances of the case were reflecting her to be a dangerous and desperate criminal, therefore, her case, being hit by 4th proviso to Sub-Section (1) of Section 497 of Cr.P.C., was liable to be declined.

5. Arguments heard. File perused.

6. Petitioner was under the allegation that she asked Shoukat Ali deceased, who was selling bed sheets in the street on bicycle, to step into the house for taking the measurement of beds and to give the sheets and then alongwith her two companions snatched cash of Rs.80,000/- alongwith bed sheets and set him on fire sprinkling petrol. Occurrence took place on 26.03.2024. Shoukat Ali injured breathed his last on 01.04.2024 on account of burn injuries. It was born out of the record that petitioner was a female and was behind the bar for the last more than one year and her trial has not yet been conclude, but the question to be determined by this Court was as to whether she was entitled to be released as of right on the ground of statutory delay accrued in the conclusion of trial or her case was hit by exception provided in 4th proviso to Sub-Section (1) of Section 497 of Cr.P.C.

7. Normally a female accused of an offence punishable with death, has to be released on bail if she has passed a continuous period of one year behind the bar and her trial has not yet been concluded, but she shall not be so released, if she happened to be a person convicted for an offence punishable with death or imprisonment for life, or she, in the opinion of the Court is found to be a hardened, desperate or dangerous criminal, or is accused of an act of terrorism punishable with death or imprisonment for life, vide 4th proviso to Sub-Section (1) of Section 497 of Cr.P.C, which is being produced below for the facility of reference:-

“Provided further that the provisions of the foregoing proviso shall not apply to a previously convicted offender for an offence punishable with death or imprisonment for life or to a person who, in the opinion of the Court, is a hardened, desperate or dangerous criminal or is accused of an act of terrorism punishable with death or imprisonment for life”.

8. Meaning and scope of the phrase “hardened, desperate or dangerous criminal” has been explained by August Supreme Court in Shakeel Shah’s case, holding that the above words denotes a person, who is likely to seriously injure and hurt others without caring for the consequences for his violent act and can pose a serious threat to the society if set free on bail, such tentative opinion as to the character of the accused is to be formed by the Court upon careful examination of the facts and circumstances of the case. The Court may also refer to the previous criminal record of accused, if available for forming such opinion. The very gravity and severity of the offence alleged against the accused and mode and manner adopted by the accused for the commission of same may also be taken into consideration for that purpose.

9. In the present case, the petitioner alongwith co-accused allegedly deprived the deceased of his bed sheets and cash of Rs.80,000/- committing robbery and when he/deceased offered resistance, she first threw chili power into his eyes and then set him on fire by sprinkling petrol. More than 50 % of his body stood burnt. He remained in fight between life and death for about 4/5 days and faced persistent physical pain and mental anguish. Circumstances of the case were presenting a dreadful picture. Story of the occurrence was creating panic and atmosphere of fear in the mind of a prudent person. On perusal of file ground disappears from under one’s feet. Mode and manner of the occurrence adopted by petitioner and her companions was horrible and atrocious, which was suggestive of the fact that she was a hardened, desperate or dangerous criminal. I am of the confirmed view that case of the petitioner was squarely covered by the exception, set out in 4th proviso to Sub-Section (1) of Section 497 of Cr.P.C. I, therefore, restrained myself from exercising my discretion in favour of the petitioner despite of the fact that she was a female and

behind the bar for a continuous period of more than one year and her trial has not yet been concluded.

10. For the reasons recorded above, present petition has no force and is **dismissed**.

11. Needless to mention that any observation made in the above order is tentative in nature and shall not influence the learned trial court in any manner.

(TANVEER AHMAD SHEIKH)
JUDGE

Approved for reporting.

JUDGE

**Muhammad Ajmal **