

Form No:HCJD/C-121
ORDER SHEET
LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Case No. Crl. Misc. No.56879/B/2024

Habib ur Rehman

Vs.

The State etc.

S.No. of order/ Proceedings	Date of order/ Proceedings	Order with signature of Judge and that of Parties of counsel, where necessary.
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03.10.2024 Mr. Muhammad Haroon Gondal, Advocate with petitioner.
Ch. Awais Aslam Sindhu, Advocate for complainant.
Mr. Waqas Anwar, Deputy Prosecutor General.
Sajjad, ASI.

Through this petition, Habib ur Rehman petitioner seeks pre-arrest bail in case FIR No.519 dated 12.07.2024 registered for offences under Sections 506(ii) & 34 of Pakistan Penal Code, 1860, at Police Station Bambanwala, District Sialkot.

2. Arguments heard. Record perused.
3. Perusal of crime report transpires that petitioner intercepted Shahid Ali and Imran on their way to home and on gunpoint abused and extended them life threats. Admittedly, as per contents of crime report though petitioner threatened the complainant and the other witness yet it is nowhere mentioned therein that the same was done with an intent to cause alarm to the witness or to cause them to do any act which they are not legally bound to do, or not to do any act which they are legally entitled to do, as the means of avoiding the execution of such threat. Perusal of relevant column of the FIR transpires that Section 506(ii) of Pakistan Penal Code, 1860, has

been applied against the petitioner while reading of Chapter XXII of the Code ibid reveals that Section 506(ii) or 506(B) is non-existent. However, with regard to the quantum of sentence and the nature of threat, Section 506 of Pakistan Penal Code, 1860, without mentioning any first or second part explains to the effect that if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, the offender would be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both. The earlier part of the same section says as under:-

“whoever commits the offence of criminal intimidation shall be punished with imprisonment which may extend to three years or with fine up to five hundred thousand rupees or with both.”

While definition of criminal intimidation is provided in Section 503 of the Criminal Procedure Code, 1898, that goes as under:-

“Whoever threatens another with an injury to his person, reputation or property, or to the person or reputation of anyone in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat”

The latter part of the subject provision is the continuity of the earlier part and it is not to be read separately. Both

parts are distinguishable with regard to the nature, gravity of threat and the quantum of sentence only but the second part neither is an independent provision nor it makes a threat simplicitor, criminal intimidation. Misconception existing and noticed by this Court must be removed as the same results in misquoting of a penal provision and wrong application of the same.

4. Now coming back to the merits of the case in hand, in consideration of mentioned supra, culpability of the petitioner for an offence punishable under Section 506 of Pakistan Penal Code, 1860, yet requires determination by the learned trial court which makes this case one of further inquiry into petitioner's guilt entitling him to the grant of relief being craved. Petitioner has already joined the investigation hence, sending him behind the bars does not look justified. Being so, this petition is allowed and ad-interim pre-arrest bail already granted to the petitioner is confirmed subject to his furnishing fresh bail bonds in the sum of Rs.100,000/- with one surety in the like amount to the satisfaction of learned trial court.

5. Copy of this order be sent to the Inspector General of Police, Punjab, and the Prosecutor General, Punjab.

Signed on 22.10.2024.

**(Syed Shahbaz Ali Rizvi)
Judge**

Approved for reporting.

Judge