

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

Mr. Justice Sardar Tariq Masood

Mr. Justice Mazhar Alam Khan Miankhel

CRIMINAL PETITIONS NO.1604-L AND 1624-L OF 2024

(On appeal against the order dated 27.11.2024 passed by the
Lahore High Court, Lahore, in Crl. Misc. No.44419-B & 42615-B/2024)

Malik Khizer Hayat (in both cases)

... Petitioner

VERSUS

The State thr. PG Punjab, Lahore and others (in both cases) ... Respondents

For the Petitioner : Mr. Umar Hayat Bhatti, ASC
(through video link from Lahore)

For the State : Mr. Muhammad Jaffar, Addl. PG, Pb.
Mr. Ihsan, DSP
Mr. Ghazi Hayat, ASI
(through video link from Lahore)

Date of Hearing : 10.06.2025

ORDER

Sardar Tariq Masood, J. Through the impugned order dated 27.11.2024, pre-arrest bail was granted to the respondents Suleman Asghar and Muhammad Arshad (*in Crl. Petition No.1604-L/2024*) and Zaman Asghar, Faisal Hussain and Afzaal Hussain (*in Crl. Petition No.1624-L/2024*) in case FIR No.1720/2024 dated 07.06.2024 registered at Police Station Bhikhi, District Sheikhupura, under sections 448, 511, 440, 457, 380, 148 and 149 of the Pakistan Penal Code (**PPC**); hence, listed petitions for leave to appeal.

2. After hearing learned counsel for the petitioner, counsel for the respondents, learned Addl. PG and having gone through the record we have observed that the High Court while granting pre-arrest bail to the respondents has categorically mentioned that the main witness i.e. Kamran, gate-keeper of the house was neither examined by the police nor his statement under section 161 of the Code of Criminal Procedure (**Cr.P.C.**) was recorded. The High Court also observed that section 380 PPC was deleted and so far the offence under section 457 PPC is concerned, we have observed that



although it is alleged that there was lurking house tress-pass but the ingredients of section 457 PPC are missing in this case and same will be determined by the Trial Court after recording of evidence, as observed by the High Court. The same is the position with regard to section 440 PPC. The order of the High Court being well reasoned needs no interference by this Court. Consequently, leave is refused and these petitions are dismissed.

Islamabad

10.06.2025

M. Saeed/*