

**IN THE SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

**PRESENT:**

***MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, C.J***

***MR. JUSTICE IJAZ AHMED CHAUDHRY***

***MR. JUSTICE GULZAR AHMED***

**CRIMINAL PETITION NO. 170 OF 2013**

Haseeba Taimor Afridi

.... Petitioner

Versus

The State & another

.... Respondents

For the Petitioner

Malik Waheed Anjum, ASC  
Mr. Arshad Ali Chaudhry, AOR

For the State

Mr. Asjad Javed Ghurral, Addl. P.G.  
a/w Mr. Imtiaz Ahmed Butt, SHO  
Asghar Ali, S.I.

For the Complainant

Mr. Zulfiqar Ahmed Bhutta, ASC

Date of hearing

05.6.2013

**ORDER**

Heard learned counsel for the parties. Learned Additional Prosecutor General candidly conceded that so far prosecution has not collected incriminating evidence against the petitioner to justify her involvement/detention.

2. We fail to understand that when there was no incriminating evidence as to why the police caused the arrest of

the petitioner who is stated to be of 15 years of age and subsequent thereto despite of subjecting her to investigation no evidence was brought on record then why she was sent to judicial lockup. In this behalf the Supervisory Officer, responsible to monitor the investigation of the subordinate officers, is equally responsible. Not only this, the Magistrate Raja Faisal Rasheed who had been granting remand, should have also looked into the file instead of remanding the petitioner to police custody without any justification. Under section 167 Cr.P.C. it is the duty of the Magistrate to satisfy himself that there are grounds for believing that the accusation or information is well founded for justifying custody of an accused with the police.

3. In the circumstances we allow ad-interim bail to the petitioner Haseeba Taimoor Afridi d/o Taimoor Afridi subject to her furnishing personal bond in the sum of Rs.5,000/- (Rupees five thousand) only to the satisfaction of the Ilaqua Magistrate.

4. Explanation be called for from the SSP In-charge of Investigation, the SHO as well as the Investigating Officer/Officers, named above, to state the reason for causing arrest and detention of the petitioner.

5. The Magistrate shall also send his explanation through the Sessions Judge, Rawalpindi, to explain as to why without adhering to the relevant provisions of law, noted

hereinabove, in a mechanical manner police remand was granted permission of judicial remand was granted followed by judicial remand as presently she is in custody in Adiala Jail.

Put up on 7<sup>th</sup> June, 2013.

Chief Justice

Judge

Judge

Islamabad  
05<sup>th</sup> June, 2013  
(Zulfiqar)