

Form No: HCJ D/C-121.

**ORDER SHEET****IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

W.P No.107 of 2011

**Zafar Awan Advocate Versus The State.**

S. No. of order proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
-----------------------------	----------------------------	---

01                      20-01-2011      Petitioner in person.

Arguments on the point of maintainability of the instant petition have been heard. Order will be announced later on during court hours.

(MUHAMMAD ANWAR KHAN KASI)  
JUDGE

Presence: - As before

This petition has been filed against the lodging of FIR No.6/11, under sections 302/109 PPC read with section 7-ATA of Police Station Kohsar, Islamabad, against Malik Mumtaz Hussain Qadri on the allegation of murdering of Mr. Salman Taseer, Ex-Governor Punjab.

2- According to the petitioner, the accused has not committed any offence because he killed a man who had made contempt to the honour of Holy Prophet HAZRAT MUHAMMAD ﷺ. He argued that murder of such a person is legal, because even the repentance of such a person is not accepted by ALLAH ALMIGHTY as he had been agitating the emotions of Muslims. The arrest of the accused, according to him, is illegal and without any justification and instead of present FIR, another FIR under section 295-C PPC be registered against the concerned SHO.

3- Admittedly, the honour and status of Holy Prophet HAZRAT MUHAMMAD

ﷺ is above all the humanity and the world. In other words it can be stated that "لَعْنَةُ خُذَّاءِ بَنِي إِسْرَءِيلَ عَلَى قَتْلِهِ". It is also a unanimous verdict that the punishment of a Muslim, who abuses Holy Prophet or degrades Him, is "death". There is no denial that in a Muslim Country none can be permitted to say anything against the honour of Holy Prophet HAZRAT MUHAMMAD ﷺ and at the same time none can be allowed to take law into his own hands. Keeping this in view, legislature imposed the law in this regard and Section 295-C was incorporated to deal with such matters. Anybody attempting or committing the offence under section 295-C PPC would be dealt with in accordance with law by the court. Because the courts have been given powers to decide about the guilt or innocence of a person after appreciating proper evidence.

5- If individuals start taking law into their own hands, it would create chaos in the society because such punishments by individuals would be without the proof of allegations.

6- The State is responsible to register criminal cases and sent the accused before the competent court to face the trial, therefore, in the present circumstances the procedure of law cannot be disturbed. ISLAM is the religion of peace and tolerance and in such matters where offences under section 295-C PPC are said to be committed, the relevant law should be brought into motion and the courts would decide the cases in the light of relevant evidence.

7- Viewing the above, the petition is dismissed in limine.

(MUHAMMAD ANWAR KHAN KASI)  
JUDGE

M.Suhail

Blue Shipped  
may issue.