

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present

Justice Muhammad Ali Mazhar
Justice Ayesha A. Malik

CR.P.L.A. No.806 OF 2025

On appeal from the Order dated
12.03.2025, passed by the Lahore
High Court in Crl.Misc.No.78960-
B/2024

Manan Ali and others ...Petitioners

Versus

The State through Prosecutor
General Punjab and another ...Respondents

For the Petitioners : Mr. Khurram Mahmood Quresh
ASC
Mr. Tariq Aziz, AOR
(along with all petitioners)

For the State : Mirza Abid Majeed, DPG, Punjab
Along with Rashid Bilal, ASI

For the Complainant : Mr. Arsalan Ali. (In person)

Date of Hearing : 10.07.2025

Order

Muhammad Ali Mazhar, J:- This Criminal Petition for leave to appeal is directed against the order dated 12.3.2025, passed by the Lahore High Court in Crl.Misc No.78960-B/2024, whereby, the ad-interim bail granted to the petitioners was recalled and the application for pre-arrest bail was dismissed.

2. The record shows that this petition is barred by 53 days. An application for condonation of delay (*Crl.M.A. No.893/2025*) has also been filed along with the petition. In the interest of justice and for the reason set out in the application for condonation, *Crl.M.A. No.893/2025* is allowed and the delay is condoned.

3. According to the prosecution case, all the petitioners (Manan Ali S/O Liaquat Ali, Arslan Ansar S/O Muhammad Ansar, Majid Riaz

S/O Muhammad Riaz, and Syed Taskeen Haider Shah S/O Syed Tanveer Haider Shah) are nominated in FIR No.884, dated 23.10.2024, lodged at Police Station Sadar Kharian, Gujrat, under Sections 324, 109, 148, 149, 337-A(i), 337-F(i), 337-L(2), 337-F(v), 337-F(vi), and 354 of the Pakistan Penal Code, 1860 ("PPC"). The allegations against the petitioners are that they, along with other co-accused persons, while armed with pistols and *dandas* (clubs/batons), assembled and intercepted the complainant and attacked him. The petitioners have been assigned different roles, with specific injuries allegedly caused by them, such as gunshots and blows with a *danda*/club, being attributed to the complainant's party. The prosecution witnesses, in their statements under Section 161 of the Code of Criminal Procedure, 1898 ("Cr.P.C."), fully supported the complainant's version. Concurrently, a cross version of Khurram Hayat was recorded on the same day and time, against the complainant in FIR No.884/2024 and his accomplices for the offences under Sections 337A (ii), 337A (i), 337F (iv), 341, 148 and 149, PPC. According to the cross version of Khurram Hayat, he was going to his school ground on his motorbike to play cricket on 23.10.2024, approximately at 2:00 PM, and when he reached near the house of Muhammad Yousuf, the accused persons (names of whom are mentioned in the cross version) attacked him. They were armed with clubs and an axe, and inflicted injuries upon different parts of his body. Upon hearing his hue and cry, Abdul Mannan and Arsalan S/O Muhammad Ansar, reached the scene, and when the accused persons saw them, they fled away while issuing death threats to Khurram Hayat.

4. The learned counsel for the petitioners argued that the petitioners have no previous criminal record and they have been implicated in the instant case with *mala fide* intention due to previous litigation and enmity. He further argued that the cross version on part of the petitioners has already been registered in the same matter and the High Court has failed to consider that the case requires further inquiry to prove guilt. It was further averred that the registration of the FIR and the nature of the allegations are based on personal grudges and rivalry. He further argued that ad-interim pre-arrest bail was granted to the petitioners by the High Court *vide* Order dated 16.12.2024, but *vide* Order dated 12.03.2025, the bail was recalled without the arguments of the petitioners' counsel being

heard, thus the petitioners were condemned unheard. It was further argued that the High Court even failed to consider the effect of cross-version.

5. Though the learned DPG, Punjab, with the assistance of Rashid Bilal, ASI, opposed the bail petition, they could not deny that it is a matter of cross version, and at this stage it is not possible to determine whose version is true and correct to establish culpability. As far as the complainant is concerned, he also opposed the bail petition, but could not controvert the recording of the cross version.

6. Heard the arguments. It is a matter of record that the incident occurred on 23.10.2024 at 2:00 PM and was reported by the complainant of FIR No.884/2024 on 23.10.2024 at 4:20 PM, and the cross version of Khurram Hayat arising out of the same incident was also recorded on 23.10.2024 at 4:20 PM *vide* Serial No. 5149. In fact, the cases encompassing the "cross versions" recorded for one and the same incident articulate conflicting and distinct accounts. The crucial question required to be tentatively assessed by the Court is whether there are reasonable grounds to believe that the accused has committed the offence or not. Though in a cross version case, the bail cannot be claimed as of right, but if the cross version raises reasonable scepticism vis-à-vis the guilt of an accused, the Court may grant bail under Section 497(2) of the Cr.P.C., on the ground that such case requires further inquiry to unearth the truth and ascertain who acted in aggression and who acted in self-defence. In the aftermath of a cross version, the role of the parties can be reversed, wherein the accused becomes the complainant and the complainant becomes the accused. In the literal sense, the aggressor is the party accused of initiating the violent or criminal act, whereas the person who claims to have been aggressed upon lodges the cross version to divulge his narrative and dislodge the allegations. At this stage, where the cross version of parties is available on record, it is not clear who aggressed and who was aggressed upon, so in all fairness, the case requires further inquiry, and without recording evidence, guilt cannot be proved.

7. It is a well-settled exposition of law that the quintessence of further inquiry must have linkage with the outcome of the case for which a tentative estimation of the material on record is to be mulled over. The case of further inquiry presupposes a tentative assessment

which may create doubt with respect to the involvement of the accused in the crime. The prosecution, in order to make out a case for refusal of bail to an accused, is primarily supposed to place on record material on the basis of which he is believed to be involved in a non-bailable offence, but in absence of such material, the court, for the purpose of releasing the accused on bail, instead of dilating upon the facts of the case in detail, can dispose of the matter by holding that his detention is unjustified or unreasonable. It is well-settled that deeper appreciation of evidence is not permissible at the bail stage. Simultaneously, it is also well settled that the object of trial is to make an accused face the trial, not to punish an under-trial prisoner. The Investigation Officer is present in Court and submits that the challan has already been submitted in the Trial Court. Let the charge be framed by the Trial Court, and we expect that the Trial will be conducted expeditiously.

8. As a result of above discussion, this Criminal Petition is converted into an appeal and allowed; the *ad-interim* pre-arrest bail granted to the present petitioners by this Court *vide* Order dated 20.06.2025 is hereby confirmed on the same terms and conditions. We are sanguine that the learned Trial Court shall conclude the trial expeditiously and if the petitioners misuse or abuse the concession of bail or do not cooperate in the investigation and the trial, the complainant or the prosecution may move an application for cancellation of bail and the learned Trial Court may be at liberty to cancel the bail. The observations made in this bail order are tentative in nature and shall not prejudice the case of either party in the trial.

Judge

Judge

Islamabad
10.07.2025
Khalid
Not approved for reporting