

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial

Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.251 of 2020

*(Against order dated 6.2.2020 passed by
the Lahore High Court Lahore in Crl. Misc.
No.2091-B/2020)*

Alamgir Khan

...Petitioner(s)

Versus

The State & another

...Respondent(s)

For the Petitioner(s): Mr. Abdul Latif Afridi, ASC

For the State: Mr. Ahmed Raza Gillani, Additional P.G.
Punjab with M. Nawaz SHO and
M. Sarwar, SI, P.S. Civil Lines, Lahore.

Date of hearing: 30.03.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Behind bars since 01.12.2019, Alamgir Khan alias Alamgir Wazir, petitioner, seeks admission to bail; it is alleged that on 29.11.2019, at about 4:30 p.m, he delivered an incendiary speech, on a loud speaker, to a rally comprising 250/300 participants on the Mall Road Lahore; speakers incited the participants through inflammatory addresses against the State institutions, video streamed by the officials deployed at the scene captured the incident; a case *vide* FIR No.990 of 2019 under Sections 124-A, 290, 291 of the Pakistan Penal Code, 1860 read with Section 16 of the Maintenance of Public Order 1960 and Section 6 of the Punjab Sound Systems (Regulations) Act 2015 was registered on the complaint of Muhammad Nawaz SI with Police Station Civil Lines Lahore on 01.12.2019.

2. Learned counsel for the petitioner contends that the petitioner, hailing from the District South Waziristan, is an errant youth, emotionally devastated by colossal loss of lives of his clan including that of his father at the hands of *Taliban* in the aftermaths of

war against terror and as such his outburst cannot be viewed as seditious within the contemplation of section 124-A of the Code *ibid*; it is next argued that offence of sedition though possibly punishable with imprisonment for life, nonetheless, carries the possibility of shorter sentence extending to three years while the coordinate charges do not attract the "*prohibition*". Referring to clean antecedents, Mr. Abdul Latif Afridi, ASC, under instructions, emphatically pledged petitioner's discreet and cautious future conduct. Learned Law Officer contested the plea by relying upon the transcript of the impugned speech to argue that the petitioner not only disrupted the public life on a thoroughfare in the metropolis but also incited sedition to the public at large and, thus, his release would be prejudicial to peace, security and tranquility.

3. Heard. Record perused.

4. Freedom of speech is a most cherished right, guaranteed under the Constitution; it is certainly subject to "*reasonable restrictions*" within the contemplation of Article 19 thereof; whether in his outburst, mentioned in the transcript, the petitioner contravened the stipulated restrictions, is a question to be best settled by the trial Court, having regard to the totality of the impugned discourse, after conclusion of evidence. State must be benign upon dissent and criticism of its citizens, no matter how crudely articulated or misplaced, on the issues of desecration of the right to life during war through opinions, though subjective, nonetheless, actuated by personal anguish; it must stand on surer foundations.

Petitioner is a student, his days of incarceration are serving no useful purpose to the prosecution. Criminal Petition is converted into appeal and same is allowed; the petitioner shall be released upon furnishing bond in the sum of Rs.100,000/- with one surety in the like to the satisfaction of the learned trial Court/Duty Magistrate.

Judge

Judge

Islamabad, the
30th March, 2020
Not approved for reporting
Azmat/-