

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Justice Yahya Afridi, CJ
Justice Shakeel Ahmad
Justice Ishtiaq Ibrahim

Criminal Petition No. 645-L of 2025

(Against the order dated 19.11.2024 passed by the Lahore High Court,
Lahore in Cr.Misc. No. 46729-B of 2024)

Zahid Khan, etc. ...Petitioners

Versus

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

For the Petitioners	: Mr. Amjad Iqbal Khan, ASC with the petitioners.
For the State	: Rana Abdul Majeed, Addl. P.G. Punjab Sarfraz Khan, S.I. Waqar Azeem, I.O.
For the Complainant	: Mr. Sher Afghan Asadi, ASC
On Court's Call	: Dr. Usman Anwar, I.G. Punjab
Date of Hearing	: 25.06.2025

ORDER

Yahya Afridi, CJ.- This petition before us arises out of the dismissal of the application for pre-arrest bail by the Lahore High Court on 19.11.2024. Despite this dismissal, the record reveals that petitioners remained at large for over six months, during which period no effective steps were taken by the police to secure their arrests.

2. At the very outset, we regard such inaction on the part of the investigating authorities a matter of serious concern. Prompt and faithful enforcement of judicial orders is fundamental to the criminal justice system. Once pre-arrest

bail is declined by a competent court of law and the accused stands exposed to arrest in accordance with law.

3. It is, therefore, necessary to clarify that any practice whereby police authorities treat the mere filing of a petition before the Supreme Court as an implied stay or bar to arrest, despite the dismissal of pre-arrest bail, indicates a misunderstanding of the purpose of pre-arrest bail. This relief exists as an exceptional measure to protect individuals against arbitrary or *mala fide* arrest, where circumstances clearly warrant such protection. Once a competent court has declined pre-arrest bail, it has necessarily determined that no such exceptional circumstances exist and arrest is lawful and necessary to ensure an effective investigation. Allowing the mere act of filing another petition to operate as a *de facto* stay would render that judicial determination meaningless, defeat the objective of ensuring prompt and fair investigation, and risk abuse of process by enabling accused persons to indefinitely evade arrest without any legal basis. Therefore, judicial orders must remain binding and enforceable unless and until a competent court expressly orders otherwise. It must be remembered that interim protection is not automatic; it must be specifically sought and expressly granted. Absent such an order, a refusal of bail remains fully operative and must be implemented promptly and in good faith by investigating authorities.

4. In this context, and pursuant to directions issued by this Court, the worthy Inspector General of Police, Punjab, appeared in person to explain the conduct of the investigating authorities. He unequivocally affirmed the legal position set out above, confirming that unless there exists an express injunctive or restraining order from this Court, the mere pendency of a petition before the Supreme Court ought not to be treated as a shield by any accused to avoid arrest. When questioned about the reasons for this extended delay

and apparent failure to give effect to the order of the High Court, he submitted that a circular had been issued only a day before the present hearing, directing all police officers to ensure strict compliance with such orders in the future and to execute arrests without delay once pre-arrest bail is refused. He further assured the Court that these instructions would be renewed and recirculated every six months to maintain institutional awareness and discipline within the force.

5. It bears emphasis that the practice of delaying or avoiding arrest on the pretext of a pending petition raises serious concerns, as it essentially frustrates and weakens ongoing investigations and undermines the authority and finality of judicial orders. In addition, such a practice risks promoting a culture of impunity, enabling accused persons to evade the process of law by exploiting systemic inaction. We find that such conduct cannot be sustained, as it runs counter to the ongoing efforts of the judicial and legal system to not only uphold the rule of law but also to inspire and maintain public confidence in it.

6. This Court, therefore, finds it imperative to state clearly that investigating officers and police authorities are legally bound to act upon court orders dismissing pre-arrest bail immediately, without waiting for further instructions or presuming the existence of any stay where none has been granted. Administrative convenience, internal practice, or mere pendency of higher-forum proceedings cannot justify or excuse failure to act in accordance with law.

7. At this stage, learned counsel for the petitioners did not press the present petition and stated that the petitioners would avail such remedies as may be available to them in law before the appropriate forum.

8. In view of the foregoing discussion, this petition is dismissed as not pressed.

Chief Justice

Judge

Judge

Lahore
25.06.2025
Approved for reporting.