

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

Present:

MR. JUSTICE UMAR ATA BANDIAL, HCJ
MR. JUSTICE IJAZ UL AHSAN
MR. JUSTICE MUNIB AKHTAR
MR. JUSTICE YAHYA AFRIDI
MR. JUSTICE SAYYED MAZHAR ALI AKBAR NAQVI

Criminal Original Petition No.148/2022 IN Const.P.19/2022

Federation of Pakistan through Secretary Ministry of Interior **Petitioner(s)**

Versus

Imran Ahmed Khan Niazi

Respondent(s)

For the Petitioner(s) : Ch. Aamer Rehman, Addl.AG for Pakistan

For the Respondent(s) : N.R.

Date of Hearing : 26.10.2022

ORDER

The learned Additional Attorney General for Pakistan has referred to the contents of our order dated 25.05.2022 (*afternoon*) and our judgment dated 26.05.2022 passed in Constitution Petition No.19 of 2022. From the contents of the said order, he has pointed out that the following undertakings were given by Dr. Babar Awan, learned Sr.ASC and Mr. Faisal Fareed, learned ASC on behalf of the Respondent, Mr. Imran Khan, Chairman, Pakistan Tehreek-e-Insaf ("**PTI**") for holding PTI's rally in the ground situated between Sectors H-9 and G-9, Islamabad:

- i. The rally will not cause any inconvenience at or blockage of Srinagar Highway;
- ii. No inconvenience will be caused to the public and citizenry at large; and

- iii. The rally will be conducted in a peaceful and lawful manner without damaging any public or private property.

He has then read to us material from the reports filed by the Islamabad Capital Territory (“ICT”), Intelligence Bureau (“IB”) and Inter-Services Intelligence (“ISI”) in answer to the questions posed in paragraph-7 of our judgment dated 26.05.2022. After reading extracts from the said reports, the learned Additional Attorney General has submitted that the persons who gave the undertakings as well as the person on whose behalf the said undertakings were given breached the same attracting the offence specified in Section 3 read with Section 2(a) of the Contempt of Court Ordinance, 2003 (“**Ordinance**”). He has accordingly urged that contempt proceedings be initiated against the Respondent and his two learned counsel named above for their role and liability as accessories.

2. We have read the material and examined the provisions of the Ordinance and Order XXVII of the Supreme Court Rules, 1980. At the present stage, it is necessary that the factual aspects of the alleged breach of the undertakings be ascertained at a *prima facie* level. This is because although the events that followed the order dated 25.05.2022 (*afternoon*) and the evidentiary material collected subsequently by the Agencies are damaging, the role and liability of the Respondent as an absent party before the Court is still not clear. Accordingly, we direct that the office shall serve the reports submitted by the three Agencies

together with Criminal M.A.No.1825 of 2022 filed in Criminal Original Petition No.148/2022, upon Mr. Imran Khan, Chairman PTI, Dr. Babar Awan, learned Sr.ASC and Mr. Faisal Fareed, learned ASC to enable them to file their replies to the same. The said persons shall also answer the allegations leveled by the learned Additional Attorney General for Pakistan in light of the material referred through written replies filed on or before **31.10.2022**. Thereafter, re-list in the same week.

3. When confronted with our query as to the maintainability of CrI.M.A.No.1738 of 2022, filed under Article 187 of the Constitution, seeking interim relief, the learned Additional Attorney General for Pakistan has sought time to obtain instructions and assist us in the matter. This order shall also be implemented by the office *mutatis mutandis* in respect of the petitioner in Constitution Petition No.19 of 2022.

Chief Justice

Judge

Judge

With profound respect, I maintain my opinion expressed in para-4 of my note added to the order dated 26.05.2022, passed in Constitution Petition No.19 of 2022 and Civil Miscellaneous Application No. 3447/2022.

Judge

Judge

Islamabad, the
26th October, 2022
Sarfraz /*
Not approved for reporting