IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present

Justice Muhammad Ali Mazhar
Justice Irfan Saadat Khan
Justice Malik Shahzad Ahmad Khan

CRL.P.L.A.No.745 OF 2025
On appeal against the Judgment dated 21.04.2025
passed by the Lahore High Court, Lahore in
Crl.Misc.No.16268-B/2025

Abid   ...Petitioner

Versus

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

For the Petitioners	**:**	Syed Khawar Ameer Bukhari, ASC Syed Rifaqat Hussain Shah, AOR
For the State	**:**	Mr. Tariq Siddique, Addl.P.G Bashir Ahmed, Inspector
For the Complainant:		Mr. Asif, In person
Date of Hearing	**:**	09.07.2025

O R D E R

Muhammad Ali Mazhar, J. – This Criminal Petition for leave to appeal is directed against the Order passed by the Lahore High Court in Criminal Misc. Application No.16268-B/2025, whereby the post-arrest bail application filed by the petitioner in the FIR No.1778/2024, dated 31.08.2024, lodged at PS Chak Jhumra, District Faisalabad, under Section 457, 380, and 411 of the Pakistan Penal Code, 1860 ("PPC") was rejected.

2. According to the minutiae of the prosecution case, the First Information Report ("FIR") was lodged against some unknown persons on the allegation that they broke the locks of the complainant's Spare Parts Shop and committed theft of spare parts worth Rs.20,06,000. The petitioner was implicated through a supplementary statement and was arrested on 11.01.2025. He applied for post-arrest bail in the court of Judicial Magistrate, PS Chak Jhumra, District Faisalabad, which was dismissed *vide* order dated 30.01.2025. Thereafter, he filed bail application in the court of Additional Sessions Judge, Faisalabad, which

was also dismissed on 05.03.2025. Ultimately, the petitioner preferred bail application (Crl. Misc. App. No.16268/B/2025) in the Lahore High Court, which was also dismissed *vide* the impugned order.

3. The learned counsel for the petitioner argued that all the courts below failed to appreciate that, initially, the case of the prosecution was against unknown persons, and the petitioner was implicated subsequently through a supplementary statement which itself makes out a case for further inquiry. In fact, no source of such statement was disclosed in the supplementary statement by the complainant.

4. The Additional Prosecutor General ("APG"), assisted by Bashir Ahmed, Inspector, argued that the case falls within the prohibitory clause and, according to him, the petitioner is a hardened criminal and is involved in many similar cases. Whereas, the complainant, present in person, while admitting that some lapses were committed by the Investigation Officer ("IO") in the investigation, vehemently opposed the bail petition and emphasized that upon receiving information through a reliable source, he rightly implicated the petitioner, who was involved in committing theft in his shop.

5. Heard the arguments. It is an admitted position that no person was implicated in the FIR lodged on 31.08.2024, but after 10 days of its registration, the supplementary statement of the petitioner was recorded by the police in which he, for the first time, implicated the present petitioner on the basis of some information received through a supposedly reliable source, but even the name of his source of information was never disclosed in the supplementary statement or to the police.

6. In our view, the case requires further inquiry and unless the trial is conducted and completed, the culpability of the present petitioner cannot be proved. The mere statement of the learned APG that the petitioner is involved in some other similar cases also does not hold water, for the reason that nothing was produced before us by the IO or the learned APG for our consideration to this end. The perception and discernment of the expression "further inquiry" is a question which must have some nexus with the result of the case and it also pre-supposes the tentative assessment which may create doubt with respect to the involvement of an accused in a crime. Whereas, the expression "reasonable grounds" refers to grounds which may be legally tenable, admissible in evidence, and

appealing to a reasonable judicial mind as opposed to being whimsical, arbitrary, or presumptuous. The prosecution has to demonstrate that it is in possession of sufficient material/evidence, constituting 'reasonable grounds' that an accused has committed an offence falling within the prohibitory limb of Section 497 of the Code of Criminal Procedure, 1898 ("Cr.P.C."), while for attaining bail, the accused has to show that the evidence/material collected by the prosecution and/or the defence plea taken by him created reasonable doubt/suspicion in the prosecution case and he is entitled to the benefit of bail. The basic idea is to enable the accused to answer the criminal prosecution against him, rather than letting him rot behind bars. The astuteness and insight that bail is the rule and jail is the exception is overwhelmingly recognized through the repetitive pronouncements of this Court.

7. In wake of the above discussion, this Criminal Petition is converted into an appeal and allowed. As a consequence thereof, the impugned order is set aside and the petitioner is granted bail subject to furnishing solvent surety in the sum of Rs.100,000/- with PR bond in the like amount to the satisfaction of the Trial Court. However, if the petitioner misuses or abuses the concession of bail and does not cooperate in the investigation and the trial, the learned Trial Court may be at liberty to cancel the bail. The learned APG informed us that the report under Section 173, Cr.P.C., has already been submitted in which only 4 or 5 persons are in the calendar of witnesses. We expect that the learned Trial Court shall expedite the trial and without granting any unnecessary adjournment to the parties, expeditiously decide the case, preferably within a period of 6 months. The observations made in this bail order are tentative in nature and shall not prejudice the case of either party.

Judge

Judge

Judge

Islamabad
09.07.2025
Khalid
Approved for reporting