

**IN THE SUPREME COURT OF PAKISTAN**  
(APPELLATE JURISDICTION)

29/25

**PRESENT:**

MR. JUSTICE MUHAMMAD HASHIM KHAN KAKAR  
MR. JUSTICE ISHTIAQ IBRAHIM  
MR. JUSTICE ALI BAQAR NAJAFI

**CRIMINAL PETITION NO.310 OF 2025**

(Against the order dated 28.02.2025 in Crl. Misc. No.613-B of 2024, passed by the Lahore High Court Bahawalpur Bench Bahawalpur)

**Muhammad Akhtar**

...Petitioner(s)

**Versus**

**The State etc**

...Respondent(s)

For the Petitioner:

Mr. Zulfiqar Ahmed Bhutta, ASC

For the State:

Mr. Tariq Siddique, Addl. P.G. Punjab

Date of hearing:

17.04.2025

**ORDER**

**ISHTIAQ IBRAHIM, J.-** Through the instant petition filed under Article 185(3) of the Constitution of the Islamic Republic of Pakistan, 1973, Muhammad Akhtar Hussain Peerzada, the petitioner, seeks leave to appeal against the order dated 28.02.2025, rendered by the Lahore High Court, Bahawalpur Bench by virtue of which the petitioner's request for pre-arrest bail in case FIR No. 314, dated 29.05.2022, registered under Sections 337-F(vi), 337-F(i), 337-A(i), 337-L(2), and 34 of the Pakistan Penal Code, 1860 was declined.

2. Allegation against the petitioner is that on 29.05.2022 he along with co-accused caused fracture of little finger of left hand of complainant Mian Abdul Aziz by giving having blows with wheel pana rod.

3. We have heard the arguments of learned counsel for the petitioner and the learned Additional Prosecutor General for the State and perused the record.

4. Legally speaking, out of the offences with which the petitioner is charged, section 337-F(i), 337-A(i) and 337-L(2) PPC are bailable and in such like offences bail is a right, whereas, punishment of the offence under sections 337-F(vi) PPC



does not fall within the Prohibitory Clause of Section 497 Cr.P.C., and in such like offence grant of bail is a rule and refusal thereof an exception. In such view of the matter, if petitioner is denied the extra ordinary concession of pre-arrest bail, he would nonetheless be entitled to post-arrest bail, considering the nature and extent of the punishment prescribed for the offences with which he stands charged. In the case of *Khalil Ahmed Soomro v. The State* (**PLD 2017 SC 730**), the Supreme Court has observed that where an accused has a strong case for post-arrest bail, he ought not to be incarcerated merely to satisfy the complainant's desire to have him arrested for a few days, by denying pre-arrest bail. It is a well-settled principle of law that once the court concludes that the accused would become entitled to post-arrest bail upon dismissal of his pre-arrest bail application, then requiring him to undergo incarceration would be a mere procedural formality devoid of any meaningful purpose. Further reliance in this regard may also be placed on cases titled, "Muhammad Ramzan vs Zafar Ullah and another" (**1986 SCMR 1380**), and "Khair Muhammad and another vs the State through PG Punjab and another" (**2021 SCMR 130**).

5. For the foregoing reasons this petition is converted into an appeal and is allowed. The petitioner is granted pre-arrest bail provided he furnishes surety bond in the sum of rupees one lac to the satisfaction of the trial Court concerned within ten days of this order, failing which this order shall cease to have any effect.

Islamabad

17.04.2025

Approved for reporting.

M.Siraj Afridi PS