

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Bench-I:**

Mr. Justice Syed Mansoor Ali Shah  
Mrs. Justice Ayesha A. Malik

**Crl.P.253-L/2025**

*(Against the order of Lahore High Court, Lahore  
dated 18.02.2025 passed in Crl. Misc.No.5460-B/2025)*

Rab Nawaz

... ***Petitioner(s)***

***Versus***

Shehzad Hassan, etc.

... ***Respondent(s)***

For the petitioner(s): Mr. Aqib Javed Malik, AHC  
(With permission of the Court)

For the State: Rana Abdul Majid, APG, Pb.

For the respondent(s): Respondents-in-person.

Date of hearing: 26.03.2025

**ORDER**

**Syed Mansoor Ali Shah, J.-** The petitioner seeks leave to appeal against the order dated 18.02.2025 whereby post-arrest bail was granted to respondent No.1 in case FIR No.203/2023 dated 22.02.2023 registered at Police Station Bhalwal City, District Sargodha in respect of offences under Sections 302/427/109/34-PPC. The petitioner seeks cancellation of the same through the instant petition.

2. Briefly stated, the contents of the crime report reveal that the petitioner is alleged to have, on 22.02.2023 at approximately 11:00 a.m., acted in concert with a co-accused, both armed with weapons, and fired five shots, resulting in the murder of Asad Ahmad, the brother of the complainant.

3. The precise facts that formed the basis for grant of post-arrest bail to respondent No.1 are that the test identification parade was held on 25.09.2023 after a period of seven months of occurrence, therefore, the value of such a test identification parade can best be determined during trial and the recovery of

Kalashnikov is at best a corroborative piece of evidence which cannot be singularly used to decline bail.

4. We have heard the learned counsel for the parties and gone through the record with their able assistance. The scope of the interference to be made by this Court in its appellate jurisdiction, in matters of cancellation of bail are well settled and hardly need reiteration. Bail, though a concession granted to ensure the liberty of an accused pending trial, is not an unqualified right and can be withdrawn, if misused. The law recognizes that bail may be cancelled if the accused, after securing release, engages in conduct that undermines the administration of justice. Such grounds include attempts to influence or intimidate witnesses, tampering with evidence, committing another offence while on bail, or violating conditions imposed by the court. Furthermore, if the accused fails to appear before the court without just cause, or if new facts come to light that materially alter the basis on which bail was granted, the court may justifiably revoke the concession. The guiding principle remains that the liberty of an individual must be balanced against the need to ensure a fair trial and uphold public confidence in the justice system.

5. Other than the above, the principles evolved for examining a bail granting order for the purpose of cancellation, the court usually interferes on two grounds: (i) when the impugned order is perverse on the face of it, or (ii) when the impugned order has been made in clear disregard of some principle of the law of bail.<sup>1</sup> A perverse order is the one that has been passed against the weight of the material on the record or by ignoring such material or without giving reasons;<sup>2</sup> such order is also termed as arbitrary, whimsical and capricious. While it is one of the elementary principles of the law of bail that courts are not to indulge in the exercise of a deeper appreciation of material available on record at the bail stage and are only to determine tentatively, by looking at such material, whether or not there exist any “reasonable grounds” for believing that the accused person is guilty of the alleged

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<sup>1</sup> Zaro v. State 1974 SCMR 11.

<sup>2</sup> Sidra Abbas v. State 2020 SCMR 2089.

offence.<sup>3</sup> None of these grounds for cancellation of bail are attracted in the present case. Consequently, we are not inclined to interfere in the impugned order of the High Court. Accordingly, leave to appeal is declined and this petition is dismissed.

Judge

Lahore,  
26<sup>th</sup> March, 2025.  
**Approved for reporting.**  
Iqbal/Umer A. Ranjha, LC\*

Judge

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<sup>3</sup> Farid v. Ghulam Hussan 1968 SCMR 924 and Khalid Saigol v. State PLD 1962 SC 495.