

IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

**PRESENT:**

Justice Naeem Akhter Afghan  
Justice Muhammad Hashim Khan Kakar  
Justice Ishtiaq Ibrahim

**Criminal Petition No. 1175 of 2024**

(On appeal against the order dated 03.10.2024 of the Lahore High Court,  
Lahore passed in CrI. Misc. No. 48510-B of 2024)

Ejaz Ahmad Chaudhary

...Petitioner

**Versus**

The State thr. P.G. Punjab and another

...Respondents

For the Petitioner: Mr. Shabib Masud, ASC  
Mr. Moiz Tariq, ASC

For the State: Mr. Zulfiqar Abbas Naqvi, Spl. Prosecutor, Punjab  
Tariq Siddique, Addl.P.G., Punjab  
Dr. Javid Asif, DSP  
Zahid Saleem, Inspector

Date of Hearing: 02.05.2025

**ORDER**

**Naeem Akhter Afghan, J.** The petitioner is seeking leave to appeal against the order dated 3<sup>rd</sup> October 2024 passed by Lahore High Court in Criminal Miscellaneous No. 48510-B/2024 whereby he was refused post-arrest bail under sections 7 of the Anti-Terrorism Act, 1997 (**the Act**), 324, 395, 436, 427, 290, 291, 148, 149, 337-L(ii), 34, 109, 120-D, 121, 121-A, 131, 146, 153, 153-A, 153-B, 505 of the Pakistan Penal Code, 1860 (**PPC**) in FIR No. 103/2023 lodged with police station (**PS**) Sarwar Road, District Lahore on 12<sup>th</sup> May 2023 by Inspector Sajjad Hussain.

2. Learned counsel for the petitioner contended that the petitioner was not nominated in the FIR; he was implicated in the supplementary statement of the complainant with the allegation of hatching the conspiracy for the occurrence of 9<sup>th</sup> May 2023; the investigation to his extent has already been completed; after submission of challan, the trial has commenced and eight prosecution witnesses have been examined; the petitioner is behind the bars since May 2023 but despite lapse of two years the trial has not concluded; the case against the petitioner falls within the ambit of further inquiry; *vide* order dated 17<sup>th</sup> April 2025 co-accused Imtiaz Mehmood has already been granted pre-arrest bail by this Court for the same allegations and on the basis of rule of consistency, the petitioner is also entitled for the concession of bail.

3. While opposing the grant of post-arrest bail to the petitioner, learned Special Prosecutor, Punjab stated that subsequent to the registration of the FIR on 12<sup>th</sup> May 2023, on the basis of tweets/audio/video clips on social media through Whatsapp, Facebook and Twitter, the petitioner was implicated by the complainant in supplementary statement dated 10<sup>th</sup> June 2023; sufficient incriminating material is available on record to *prima facie* connect the petitioner for hatching the criminal conspiracy for commission of non-bailable offences; that delay in conclusion of trial cannot be wholly attributed to the prosecution as on most of the dates of hearing, adjournment was sought by the learned defence counsel.

4. After hearing learned counsel for the petitioner as well as the learned Special Prosecutor, Punjab we have perused the available record which transpires that the petitioner was not nominated in FIR No. 103/2023 lodged with PS Sarwar Road, District Lahore on 12<sup>th</sup> May 2023 for the occurrence of 9<sup>th</sup> May 2023. The petitioner was implicated by the complainant in his supplementary statement dated 10<sup>th</sup> June 2023 on the basis of tweets/audio/video clips on social media. The admissibility, relevancy and evidentiary value of the supplementary statement of the complainant as well as the alleged tweets/audio/video clips on social media are yet to be determined at the trial which has not yet concluded despite lapse of almost two years. According to the settled principles of law, bail cannot be withheld as mere punishment.

5. The petitioner has been arrested for the allegation of hatching the criminal conspiracy for the occurrence of 9<sup>th</sup> May 2023. The allegation is yet to be proved by the prosecution at the trial. The prosecution has yet to explain the delay of three days in lodging FIR as well as delay of about one month for making the supplementary statement by the complainant.

6. On the basis of tentative assessment of the material so far available on record, the case against the petitioner falls within the ambit of further inquiry. The petitioner is also entitled for grant of bail on the rule of consistency as co-accused Imtiaz Mehmood has already been granted bail by this Court for the same allegation in the same FIR *vide* order dated 17<sup>th</sup> April 2025.

7. For the above reasons, while granting leave, the petition is converted into appeal and same is accepted. The petitioner is granted post-arrest bail under sections 7 of the Act, 324, 395, 436, 427, 290, 291, 148, 149, 337-L(2), 34, 109, 120-D, 121, 121-A, 131, 146, 153, 153-A, 153-B, 505

PPC in FIR No. 103/2023, PS Sarwar Road, District Lahore subject to furnishing surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) with PR bond of like amount to the satisfaction of the trial court.

8. The observations made hereinabove are tentative in nature and shall not influence merits of the case at the trial.

Judge

Judge

Judge

Islamabad  
2<sup>nd</sup> May, 2025  
Atif\*/  
**NOT APPROVED FOR REPORTING**