

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

27/25

**PRESENT:**

Justice Musarrat Hilali  
Justice Aqeel Ahmed Abbasi

AFR  
AD

**CRIMINAL PETITION NO.1315-L OF 2022**

(Against the order dated 19.09.2022 of the Lahore High Court, Lahore in Crl. Revision No.55552 of 2022)

Muhammad Azeem, etc

... Petitioners

Versus

The State, etc

... Respondents

For the Petitioners: Mr. Munir Ahmad Bhatti, ASC  
(via video link from Lahore)

For the State: Rai Akhtar Hassan, Addl. P.G. Punjab

For the Respondents: Irfan Ali and Imran Ali  
(both in person)

Date of Hearing: 07.04.2025.

**ORDER**

**AQEEL AHMED ABBASI, J.-** The instant criminal petition for leave to appeal has been filed against the order dated 19.09.2022 passed by the Lahore High Court, Lahore in Criminal Revision No.55552 of 2022 whereby the aforesaid criminal revision filed against the order dated 08.06.2022 passed by the Additional Sessions Judge, Lahore requiring the petitioners to face the trial in cross-version case for the offences under Sections 337-A(iv), 337-A(ii), 337-F(iii), 337-F(i)/147 & 149 PPC has been dismissed in limine.

2. Brief facts leading to the present petition are that the FIR No.1509 of 2021 registered at Police Station, Shalimar, Lahore was lodged by the present petitioners against the opposite party (Respondent No.2 Muhammad Irfan Ali) under Sections 302, 147/149 PPC. However, the accused party also registered a cross-version against the present petitioners under Sections 337-A(iv), 337-A(ii), 337-F(iii), 337-F(i)/147 & 149 PPC. However, after thorough investigation, the police report under Section 173 Cr.P.C. was submitted in which petitioners were shown in column 2. The Trial Court did not concur with such report and while taking cognizance, vide order dated 08.06.2022 summoned the present petitioners to face the trial under the said offences mentioned in the cross-version. The present petitioners challenged the said order before the Lahore High Court, Lahore in Criminal Revision No.55552 of 2022 on the grounds that the petitioners are innocent who after thorough investigation by the police have been declared innocent as there is no material whatsoever to connect the present petitioners with the alleged offence, whereas, the petitioners are the eye-witnesses in FIR No.1509 of 2021, therefore, they have been falsely implicated in a frivolous counter version case at the instance of accused persons. However, the learned Lahore High Court, vide impugned order has dismissed the Criminal Revision while observing that since there is medical legal report of injured Faizan, therefore, let the Trial Court after recording evidence decide the role or vicarious liability of the petitioners in counter version case.



3. Learned counsel for the petitioners has vehemently argued that the Trial Court as well as the learned Single Judge of the Lahore High Court, Lahore have seriously erred in law and facts while ignoring the fact that the FIR No.1509 of 2021 under Section 302, 147/149 PPC of the petitioners against the accused party was promptly lodged, and after thorough investigation the criminal case has proceeded against such accused persons wherein the petitioners are the eye-witnesses of the crime, whereas, in order to pressurize the witnesses and to prevent them from pursuing the criminal case against them, they have been falsely implicated in frivolous counter version case. Per learned counsel, the accused party, after inordinate delay, which has not been explained with mala-fide intention, got a cross-version of the same incidence, as a counterblast to wriggle out from criminal charges of murder against the accused persons in FIR No.1509 of 2021. According to learned counsel, it is settled legal position that every criminal case, including a case of cross-version, has to be examined on the basis of the allegations contained in the FIR, and unless a cognizable case is made out, and there is some connecting material or evidence to connect the accused with the alleged offence, registration of a criminal case or to summon the proposed accused persons before Trial Court in such frivolous case is not warranted under law. Per learned counsel, in the counter version case, the Investigating Officer, after scrutiny and thorough examination of the material and evidence available on the record has rightly discharged the petitioners

while showing their names in column No.2, whereas, both the learned Trial Court and Hon'ble Lahore High Court, without pointing out any error or referring to any material or evidence have discarded the investigation in the instant case. It has been prayed that impugned order may be set aside.

4. The perusal of record shows that the learned Trial Court as well as the Lahore High Court, Lahore have failed to appreciate that the petitioners are the eye-witnesses of a crime against the respondents in FIR No.1509 of 2021 under Sections 302, 147/149 PPC at Police Station, Shalimar, Lahore wherein, respondents are facing trial, whereas, one of the brother of the petitioners, on account of firearm injuries allegedly caused by the respondents party, has already expired. Moreover, there is inordinate delay while introducing counter version, whereas, except some purported Medical report of injuries, which has been challenged before the Medical Board constituted pursuant to Court's order, where the accused in above FIR failed to appear for Medical Examination, the cognizance has been taken under Section 190 Cr.P.C. by the learned Trial Court, however, without summoning the Investigating Officer or pointing out any error or illegality in the process of investigation. In view of the facts and circumstances of the case, we are of the opinion that both the Courts have failed to examine the entire facts and the material, including the investigation of counter version case, and could not refer to any factual error or legal infirmity while discarding the report furnished by the Investigating



Officer under Section 173 Cr.P.C. Accordingly, this criminal petition is converted into appeal and allowed and the impugned order dated 19.09.2022 passed by the Lahore High Court, Lahore is set aside.

**Islamabad.**

07.04.2025

~~Not~~ Approved For Reporting'  
(Zubair)