

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

JUSTICE NAEEM AKHTER AFGHAN
JUSTICE MUHAMMAD HASHIM KHAN KAKAR
JUSTICE ISHTIAQ IBRAHIM

CrI.P.L.A.1117/2024

(Against Order dated 3.10.2024 passed by the Lahore High Court,
Lahore in CrI. Misc. No.49721-B/2024)

Hafiz Farhat Abbas

...Petitioner(s)

Versus

The State through the Prosecutor General Punjab, Lahore
and another

...Respondent(s)

For the Petitioner(s):

...
In person alongwith
Mr. Muhammad Latif Khan Khosa, Sr.
ASC

Mr. Muhammad Shahbaz Ali Khan Khosa,
ASC

Assisted by
Mr. Mustehsan Raza Awan, Advocate

For the State:

Mr. Zulfiqar Abbas Naqvi, Spl. Prosecutor,
Punjab

Mr. Tariq Siddique, Addl. PG. Pb

Dr. Javaid Asif, DSP
Zahid Saleem, Inspector

Date of Hearing:

02.05.2025

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JUDGMENT

Naeem Akhter Afghan, J.- After refusal of pre-arrest bail by a
Division Bench of the Lahore High Court, Lahore vide order dated
3rd October, 2024, the petitioner has surrendered before this Court
for grant of pre-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 and 505 of the Pakistan Penal Code, 1860 (**PPC**) in FIR No. 103/2023 lodged with police station (**PS**) Sarwar Road, District Lahore on 12th May 2023 for the occurrence of 9th May, 2023.

2. The petitioner was granted ad-interim pre-arrest bail by this Court vide order dated 15th April, 2025 subject to his furnishing personal surety of Rs.50,000/- with the Additional Registrar (Judicial) of this Court.

3. Learned counsel for the petitioner contended that the petitioner has not been nominated in the FIR; he was implicated in supplementary statement of the complainant with noticeable delay with the allegation of hatching criminal conspiracy for the occurrence of 9th May 2023; the petitioner has cooperated with investigation as and when required; nothing incriminating is on record to connect the petitioner with the alleged offences; despite cooperating with the investigation, the petitioner is apprehending his arrest by the police out of malice and ulterior motives to create harassment.

4. While opposing the confirmation of ad-interim pre-arrest bail of the petitioner, learned Special Prosecutor, Punjab stated that on the basis of sufficient incriminating material available on record, which was collected after registration of the FIR, the petitioner was implicated in supplementary statement by the complainant as the tweets/audio/video clips on social media incriminated the petitioner in the occurrence of 9th May, 2023; there is no mala fide on the part of the police; the incriminating material available on record *prima facie* connects the petitioner with commission of non-bailable heinous offences.

5. After hearing learned counsel for the petitioner as well as the learned Special Prosecutor, Punjab we have perused the available record. Admittedly the petitioner has not been nominated in FIR No. 103/2023 lodged with PS Sarwar Road, Lahore on 12th May 2023 for the occurrence of 9th May 2023. The petitioner has been implicated in the supplementary statement of the complainant dated 10th June 2023 on the basis of tweets/audio/video clips on social media; the evidentiary value, as well as admissibility of the delayed supplementary statement of the complainant, as well as the tweets/audio/video clips on social media shall be determined at the trial after recording evidence.

6. No recovery has been effected from petitioner. Record reveals that the petitioner has co-operated with investigation of the case. The prosecution has yet to prove the allegation of hatching criminal conspiracy by the petitioner at the trial. The apprehension of the petitioner about his arrest by the police to create humiliation and harassment despite cooperating with investigation of the case cannot be held as vague or baseless. On the basis of tentative assessment of the material so far available on record, the case against the petitioner also falls within the ambit of further inquiry.

7. For the same allegation co-accused Imtiaz Mehmood has already been granted pre-arrest bail by this Court in FIR No.103/2023, PS, Sarwar Road, Lahore vide order dated 17th April, 2025 passed in Criminal Petition No.1165/2024. On the basis of rule of consistency as well, the petitioner is held entitled for confirmation of his ad-interim pre-arrest bail.

8. For the above reasons, while granting leave, the petition is converted into appeal and same is accepted. The ad-interim pre-

arrest bail granted to the petitioner vide order dated 15th April, 2025 is hereby confirmed.

9. The petitioner is directed to cooperate with further investigation, if and when required.

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

JUDGE

JUDGE

JUDGE

Islamabad, the
2nd May, 2025
Sarfraz /-
'Not approved for reporting'