

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

**PRESENT:**

Mr. Justice Umar Ata Bandial  
Mr. Justice Syed Mansoor Ali Shah  
Mr. Justice Qazi Muhammad Amin Ahmed

**Criminal Petition No.1268-L of 2021**

*(Against the order dated 17.08.2021 passed by the Lahore High Court Lahore in Crl. Misc. No. 23255-B/2021)*

***Dilawar Ali***

*.....Petitioner(s)*

**Versus**

***The State, etc.***

*...Respondent(s)*

For the Petitioner(s): Mr. Javed Imran Ranjha, ASC *(via video link Lahore)*

For the State: Ch. Muhammad Sarwar Sidhu,  
Addl. P.G. Punjab along with Shirjeel Awan,  
SI and M. Usman, SI

Date of Hearing 27.01.2022.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.-** Declined downstairs throughout, lastly by a learned Judge-in-Chamber of the Lahore High Court Lahore, vide impugned order dated 18.07.2021, Dilawar Ali, petitioner herein, blamed to have strangled his better half Muqaddas Bibi, survived by an infant daughter of 9 month, to death, seeks leave to appeal therefrom for admission to post arrest bail. The deceased, often complained maltreatment and shared agony with her parents, however, she was advised to exercise restraint to save the bond, a hope that withered away on the fateful day. Petitioner attempted to hush up the death as suicidal, an hypothesis seemingly contradicted by the autopsy report.

2. Heard. Record perused.

3. With an infant baby girl of 9 months, it is rather hard to entertain hypothesis of suicide by a feeding mother. Medical Office noted a ligature mark around the neck seemingly a complete scar,

circumference the neck between both ears; it is thick and hard with parchment, without there being any obliquity, that inevitably occurs in a case of voluntary suicide on account of sudden fall through gravitational pull. External as well as internal patcheal hemorrhage unmistakably suggest application of manual compression, a sign diametrically inconsistent with the plea of suicide, further confirmed by an intact hyoid bone.

Instead of taking the police on board, petitioner preferred to avail remedy of ad interim pre-arrest bail, a protection hardly available to him under the law, however, finally recalled on 29.10.2020 and it is thereafter that he came up with the plea of suicide, a circumstance nugatory in itself. Joint abode of the spouses is a common ground and, thus, a statutory burden within the contemplation of Article 122 of the Qanun-i-Shahadat Order, 1984 is cast upon the petitioner to explain as to what befell upon his wife who spent the preceding night with him under the same roof; his failure to vindicate his position is further aggravated by the statements of witnesses, suggesting an ongoing acrimony between the spouses and, thus, constitutes "*reasonable grounds*" within the contemplation of section 497 of the Code of Criminal Procedure, 1898. View concurrently taken on the basis of aforementioned material, being within the remit of law, is not open to any legitimate exception. Petition fails. Leave declined.

**Judge**

**Judge**

**Judge**

Islamabad, the  
27<sup>th</sup> January, 2022  
Azmat/-