

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

**PRESENT:**

Mr. Justice Mazhar Alam Khan Miankhel  
Mr. Justice Qazi Muhammad Amin Ahmed

**Criminal Petition No.1245 of 2020**

*(Against the order dated 03.11.2020 passed by the Lahore High Court Multan Bench Multan in Crl. Misc. No.6529-B/2020)*

***Muhammad Zahid Aslam & another***

*...Petitioner(s)*

**Versus**

***The State & another***

*...Respondent(s)*

For the Petitioner(s): Mr. James Joseph, ASC

For the State: Mirza Abid Majeed, DPG Punjab with  
Muhammad Akram, SP Investigation,  
Pervaiz Ahmed, DSP/I.O and Tahir  
Inspector, Rajanpur.

For the Complainant: Mr. Shah Khawar, ASC

Date of hearing: 10.02.2021.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.-** In a series of events that occurred between January 2015 to September 2019, Syed Ahsan Ali Raza Shamsi alleges to have been deprived of a colossal amount of rupees 20 million, grabbed by Muhammad Zahid alias Sain Sarkar, petitioner, transacted through banking channel as well as vehicles valuing rupees 40 million; he also blamed Ali Raza Mashahadi *alias* Madhu Lal to have received a sum of Rs.300,000/-, that too, through a documented transaction. According to the complainant, he met Muhammad Zahid *alias* Sain Sarkar, a supposititious saint, in January, 2015 who introduced him to Ali Raza Mashahadi alias Madhu Lal; they lured him into their spell to receive the amounts as well as the vehicles; they also threatened to eliminate his parents through sorcery, finally prompting him to report the fraud to the police on 7.1.2020. The

petitioners denied accusations point-blank, however, were declined judicial protection both by the Court of Session as well as the High Court. Given complainant's status as a lawyer's son, who boosted his own law practice with a substantial holding and in view of peculiarity of allegations, paralleled by a story supported by bank transactions, District Police Officer Rajanpur was directed to submit a comprehensive report, an exercise, ordinarily avoided by this Court in such proceedings, nonetheless, found by us of little assistance.

2. Heard. Record perused.

3. It goes without saying that grant of pre-arrest bail in a cognizable criminal case is an extraordinary remedy, cautiously granted to protect dignity and honour of a citizen, manifestly found being harassed or hounded through process of law actuated by motives, oblique and sinister, while taking into account the possible set back, likely to be endured by the prosecution during investigative process. It is in this narrow spectrum that the plea raised by the petitioners during investigation as well as before the Court, merits consideration.

An agreement to sell, executed between the complainant and a minor son of Muhammad Zahid *alias* Sain Sarkar, petitioner, dated 25.09.2018 is on the record, however, conspicuously sans reference in the crime report lodged in as late as January 2020. A good number of receipts reflecting multiple transactions between the parties regarding a fish farm await attention by the Investigating Officer; similarly a suit by the complainant against Muhammad Zahid *alias* Sain Sarkar, with a claim of Rs.97,26,000/- instituted on 12.12.2019 clamours for explanation. Through banking transactions dated 21.05.2018 01.2.2019, 06.02.2019 and 28.02.2019, Muhammad Zahid *alias* Sain Sarkar channeled amounts to the tune of Rs.10,00,000/-, Rs.1,50,000/-, Rs.500,000/- and Rs.6,50,000 respectively in complainant's bank account, unmistakably suggest a lot more than what meets the eye, without transgressing the barriers of tentative assessment. Argument that a civil dispute, admittedly earlier settled by a local notable, is being converted into criminal prosecution to cast its rigors on the petitioners and as such *mala fide* is lurking behind the intended arrest is not beside the mark. Liberal application of penal provisions, scheduled as non-bailable, in the absence of contents, to *prima facie* attract their mischief, lends credence to an intriguing

collaboration between the complainant and the police; a case for judicial protection stands made out. Petitions are converted into appeal and allowed; ad-interim bail already granted to the petitioners/appellants is confirmed on their furnishing fresh bonds in the sum of rupees one million with two sureties each in the like amount to the satisfaction of the learned trial Court.

**Judge**

**Judge**

Islamabad, the  
10<sup>th</sup> February, 2021  
Azmat/-