

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

**PRESENT:**

Mr. Justice Sardar Tariq Masood  
Mr. Justice Mazhar Alam Khan Miankhel  
Mr. Justice Qazi Muhammad Amin Ahmed

**Crl. Petition No.1581 of 2021**

*(Against the order dated 13.12.2021 passed by the Lahore High Court, Rawalpindi Bench in Crl. A. No.2126-B and 2045-/2021)*

***Waqas Nazir and others***

*...Petitioner(s)*

**Versus**

***The State & another***

*...Respondent(s)*

For the Petitioner(s): Mr. Shaukat Aziz Siddiqi, ASC  
Pir Muhammad Masood Chishti, ASC  
Ch. M. Sasfdar Bhatti, ASC  
Syed Rifaqat Hussain Shah, AOR

For the State: Mr. Muhammad Jaffar,  
Addl. P.G. Punjab with Muhammad  
Saqlain Naeem, DSP, Zeeshan Haider,  
SHO and M. Imran Khalid, ASI

For the Respondent(s): Malik Waheed Anjum, ASC

Date of Hearing 21.02.2022.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.:-** Proceedings in a pre-arrest bail petition, pending before a learned Additional Sessions Judge at Rawalpindi, turned the District Court Complex into a battle field between the two rival factions of property developers, at 8:15 a.m. on 27.8.2021; both groups, each in numbers unusually large, took on each other and in the process ransacked benches at the first floor as well as nameplates of the Judges and used them as weapons of assault on their opponents; they also dismantled plastic pipes of air conditioners; the court staff attempted to intervene only to face their wrath and then confined themselves behind the safety of close doors; the Judges also retired after suspending the judicial work; a panic gripped the premises amid multiple fire shots; a police contingent detached at the court complex intervened and apprehended many of

them at the spot. A criminal case was registered wherein both sides were arrayed side by side; present petitioners belong to one of them and seek bail after denial by a learned Judge-in-Chamber vide impugned order dated 13.12.2021, leave to appeal wherefrom is prayed for on the grounds that all the offences, based upon general allegations, are scheduled as bailable and that mischief of section 7 of the Anti Terrorism Act, 1997 is not attracted to the facts and circumstances of the case as the only injury sustained by one of the Advocates is designated as *Shajjah-i-Khafifah* within the contemplation of section 337 A(i) of the Pakistan Penal Code, 1860. Continuous detention, by now exceeding six months in judicial lock up, is serving no useful purpose, a circumstance to be thoughtfully viewed by the Court, concluded the learned counsel. The learned Law Officer has defended the view taken by the High Court, in its discretion, being well within the remit of law.

2. Heard. Record perused.

3. Pendency of an ad-interim pre arrest bail in a case of homicide before a learned Additional Sessions Judge on the eventful day is a common ground and so is assembly of a large number of supporters of each side in the court premises for purpose no other than to flex their muscles. Recovery memos confirm seizure of crime empties as well as two vehicles carrying offensive weapons with munitions right from inside the court premises. Damaged nameplates, broken benches and other installations removed during the occurrence are also part of the inventory. We entertain no manner of doubt that it was beginning of a day in District Courts Rawalpindi far from usual, disruptive and awe-inspiring, for which both sides, bracing each other in a large number of cases, cannot conveniently shield themselves behind a bald denial.

District/Trial Courts constitute a most important tier of our judicial system; here parties brace each other face to face at close blank with the Judge and advocates within physical reaches; these temples of justice, by necessary implications, are required to be most guarded by law; it is essential that all those who man the first rung of judicial ladder attend their pursuits with the satisfaction of being safe and secure; it is equally important that even the mightiest cannot dare to contemplate a transgression without a backlash sanctioned by law

and, thus, we find the High Court wise and conscionable in its discretion to disallow the motions.

We do not consider it expedient to comment upon the argument relating to the suggested non-applicability of penal provisions invoked by the prosecution, a business to be best settled by the trial Court on the strength of material/evidence before it, uninfluenced by the issue specific observations recorded hereinabove. Even otherwise, the Supreme Court seldom interferes with exercise of discretion in bail matters, that too, in cases of denials, manifestly untenable, not the one in hand. Petition fails. Leave declined.

**Judge**

**Judge**

**Judge**

Islamabad, the  
21<sup>st</sup> February, 2022  
*Azmat/-*