

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

**PRESENT:**

MR. JUSTICE SYED HASAN AZHAR RIZVI  
MR. JUSTICE MALIK SHAHZAD AHMAD KHAN

**Criminal Petition No.585 of 2025**

(On appeal against the Order dated 23.04.2025  
passed by the Lahore High Court, Lahore in  
Crl. Misc. No.14086-B of 2025)

Muhammad Irshad & another

...Petitioner(s)

**Versus**

The State & another

...Respondent(s)

For the Petitioner(s):      Rana Muhammad Shakeel ASC (*via video link, Lahore*) a/w petitioners Muhammad Irshad and Ali Raza

For the State:              Mr. Sajjad Hussain Bhatti, Deputy  
Prosecutor General Punjab  
Umar Hayat SI

Date of Hearing:              02.09.2025

**ORDER**

**MALIK SHAHZAD AHMAD KHAN, J:-** Instant petition has been filed by Muhammad Irshad and Ali Raza (petitioners) against impugned order dated 23.04.2025, in Crl. Misc. No.14086-B of 2025, passed by the Lahore High Court, Lahore with the prayer to set-aside the said order and grant pre-arrest bail to the petitioners in case FIR No.160/2025, dated 28.01.2025, offences under Sections 324/337A(iii)/337A(ii)/337F(ii)/148/149 PPC, registered at police station Zafarwal, District Narowal.

2.      Arguments heard. Record perused.
3.      It is evident from the perusal of order dated 23.06.2025, of this Court that the instant petition has already been partially dismissed to the extent of Muhammad Sajid (Muhammad Sajid Iqbal) petitioner No.1, on account of his arrest. Insofar as the case of Muhammad Irshad and Ali Raza (petitioner Nos.2 & 3, respectively), is concerned, we have noted that as per contents of the FIR, Muhammad Irsahd (petitioner No.2),

was assigned the role of inflicting a wooden '*bala*' on the forehead of Younas PW, whereas Ali Raza petitioner No.3, has been assigned the role of inflicting a hatchet blow on the back side of head of Sufiyan PW. The injuries attributed to both the petitioners were declared by the concerned Medical Officer to be punishable under section 337A(ii) PPC. During investigation, it was concluded by the Investigating Officer that Muhammad Irshad (petitioner No.2), was merely present at the spot and he did not cause any injury on any member of the complainant party. The said findings of the Investigating Officer have made the prosecution case as one of further inquiry entitling Muhammad Irshad (petitioner No.2), to the relief of pre-arrest bail as observed in the judgments reported as '*Ehsan Ullah v. The State*' (2012 SCMR 70) and '*Muhammad Ishaq v. The State and others*' (2012 SCMR 1137). So far as Ali Raza (petitioner No.3), is concerned, we have noted that in the medico legal report of Sufiyan PW, the Medical Officer has mentioned the injury on his head as skin deep. Section 337A(ii) PPC, is attracted when bone under the injury is exposed but it is evident from the perusal of medico legal report of Sufiyan PW that no such finding regarding exposing the bone of the head of Sufiyan PW was mentioned in the report rather it was categorically mentioned that injury on the head of Sufiyan PW was skin deep, hence offence under section 337A(i) PPC, which is a bailable offence, is attracted instead of section 337A(ii) PPC, to the extent of the abovementioned injury entitling Ali Raza (petitioner No.3), to the grant of pre-arrest bail. Reference in this context may be made to the judgment reported as "*Muhammad Qasim and another v. The State and others*" (PLD 2014 Lahore 555).

4. We have also noted that sixteen (16) named and 4/5 unknown accused persons total 20/21 accused persons have been implicated in this case by the complainant, therefore, possibility of malafide

involvement of the petitioners in this case by the complainant while using the wider-net cannot be ruled out at this stage.

5. In the light of above discussion, this petition is converted into an appeal and the same is partly allowed. Consequently, the impugned order is set-aside to the extent of Muhammad Irshad and Ali Raza (petitioner Nos.2 & 3, respectively). The ad-interim pre-arrest bail already granted to Muhammad Irshad and Ali Raza (petitioner Nos.2 & 3, respectively), vide order dated 23.06.2025, is hereby confirmed subject to their furnishing of fresh bail bonds in the sum of Rs.50,000/- (rupees fifty thousand only) each with one surety each in the like amount to the satisfaction of the learned Trial Court.

JUDGE

JUDGE

Islamabad, the  
2<sup>nd</sup> of September, 2025  
Not Approved For Reporting  
Aitzaz/