

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

**PRESENT:**

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

**CRIMINAL PETITION NO. 868 OF 2025**

*(On appeal against the order dated 02.06.2025 of the  
Lahore High Court, Lahore in Cr. Misc. No. 22074-B  
of 2025)*

Asad Khalil

... Petitioner

**Versus**

The State and another

... Respondents

For the Petitioner: Mr. Abdul Khaliq Safrani, ASC

For the Complainant: Kh. Awais Mushtaq, ASC a/w complainant  
in person

For the State: Mr. Sajjad Hussain Bhatti, DPG  
Mr. Atta Ali, DSP  
Mr. Faisal Khan, SI/I.O.

Date of Hearing: 04.09.2025

**ORDER**

**MALIK SHAHZAD AHMAD KHAN, J.-** Through the instant petition, Asad Khalil, petitioner, has assailed the order dated 02.06.2025 passed by the learned Lahore High Court, Lahore, with the prayer to set aside the said order and grant post-arrest bail to him in case registered vide FIR No. 97 dated 08.01.2025 under Sections 324, 302, 148 & 149 PPC at Police Station Sabzi Mandi, District Gujranwala.

2. Arguments heard. Record perused.

3. The FIR of this case was lodged by Muhammad Ramzan, ASI, who stated in the FIR that on 08.01.2025 at 05:40 PM he received an information that two rival groups of the area were firing at each other in the area of Gilla Ansar Buttwala. On receiving the

said information, he reached at the spot and found that the accused nominated in the FIR belonging to two rival groups were firing at each other and during the firing, Abdul Jabbar, who belonged to the first group received a firearm injury on his right knee whereas two passersby namely Ahmed aged about 12 years and Usman also received firearm injuries on their right flank and left wrist, respectively. On seeing the police party, the accused of both the groups fled away from the spot, hence, the FIR of this case.

4. The minor Ahmed subsequently died, whereupon, offence under Section 302 was added in this case vide zimni No. 1 dated 09.01.2025. It is, however, admitted by the learned Deputy Prosecutor General that the above-mentioned Ahmed died on account of firing of the rival group of the petitioner and his legal heirs also effected a compromise with the accused of rival group. A joint role of cross firing was levelled in the FIR against the members/accused of both the parties. Although, it was mentioned in the contents of the FIR that one person of the first group namely Abdul Jabbar was injured during the occurrence as he received a firearm injury on his right knee but it was not mentioned therein that who out of the four nominated accused of the second group caused the said single injury on the right knee of Abdul Jabbar injured. The occurrence in this case took place on 08.01.2025 and Abdul Jabbar attributed the injury on his right knee to Asad Khalil, petitioner, in his statement recorded under Section 161 Cr.P.C. on 14.02.2025. He made his above-referred statement for the first time after 01 month and 06 days of the occurrence. Although, it is argued by the learned DPG that as the above-mentioned Abdul Jabbar was injured, therefore, his statement could not be recorded earlier but

he was time and again asked that as to whether any application was moved by the Investigating Officer to the concerned medical officer that as to whether the above-mentioned Abdul Jabbar was fit to make statement or not but he has conceded that no such application was moved before the medical officer by the Investigating Officer of this case. Moreover, the single injury attributed to Asad Khalil, petitioner, is on the right knee of Abdul Jabbar injured. The petitioner was armed with a firearm but he did not cause any injury on any vital part of the body of Abdul Jabbar injured, who was at the mercy of the petitioner, therefore, attraction of offence under Section 324 PPC against the petitioner requires further probe and inquiry, as observed in the cases of Muhammad Umer Vs The State and another (PLD 2004 SC 477) and Umer Hayat Vs. The State (2008 SCMR 1621). Insofar as the offence under Section 302 PPC is concerned, as mentioned earlier, the allegation of causing firearm injury on the right flank of Ahmed, deceased, was levelled against the rival group of the petitioner and admittedly there is no allegation in this respect against the petitioner.

5. Learned DPG has conceded on instructions that the petitioner is not involved in any other criminal case. Furthermore, it is evident from the perusal of the contents of the FIR that both the parties were firing at each other at the time of occurrence and as such it is a case of cross-versions, therefore, it will be determined by the learned Trial Court after recording of evidence that as to who was the aggressor and who was aggressed upon and as such a case for grant of post-arrest bail is made out in favour of the petitioner as observed in the cases of Noor Muhammad Vs. The State (2009 SCMR 324), Abdul Hameed Vs. Zahid Hussain (2011 SCMR 606) and

Khalid Mehmood Vs. Muhammad Kashif Rasool (2013 SCMR 1415).

Consequently, this petition is converted into an appeal and allowed. The impugned order is set aside. The petitioner is granted post-arrest bail subject to his furnishing of bail bonds in the sum of Rs.100,000/- with two sureties in the like amount to the satisfaction of the learned Trial Court.

JUDGE

JUDGE

Islamabad, the  
4<sup>th</sup> of September, 2025  
Not Approved For Reporting  
**Khurram**