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ORDER SHEET
IN THE LAHORE HIGH COURT, LAHORE
JUDICIAL DEPARTMENT

*Examiner
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Lahore High Court, Lahore*

1. Crl. Misc. No.74648-B of 2025

Abu Awais versus The State and another

2. Crl. Misc. No.75317-B of 2025

Muhammad Waseem versus The State and another

3. Crl. Misc. No.77374-B of 2025

Husnain Haider versus The State and another

Sr. No. of order/ proceeding	Date of order/ proceeding	Order with signature of Judge, and that of parties or counsel, where necessary.
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06.01.2026.

Mr. Allah Nawaz Khosa, Advocate for petitioner Muhammad Waseem.

Mr. Muhammad Ihsan Gondal, Advocate for petitioner Husnain Haider.

Ms. Rashida Parveen, ADPP.

Raja Ghaffar Hussain, Advocate for complainant.

Mr. Afzal, Circle Officer, Anti-Corruption Establishment and Ijaz Ahmad, Assistant Director (Legal) Anti-Corruption Establishment, with record.

By this single consolidated order, I intend to decide the above titled three bail petitions as thrice are in same FIR and in same offences.

2. By means of Crl. Misc. No.74648-B/2025, Abu Awais, petitioner, vide Crl. Misc. No.75317-B/2025, Muhammad Waseem, petitioner whereas vide Crl. Misc. No.77374-B/2025, Husnain Haider, petitioner, seek post-

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arrest bail in case/FIR No.41/2025, dated 03.11.2025, offence under Sections 161 PPC read with Section 5 of the Prevention of Corruption Act No.II of 1947 at Police Station ACE, District Gujrat.

3. The prosecution case, in brief, as per crime report/FIR is that the petitioners, by misusing their official authority, obtained bribe from the complainant for approving the map of the complainant's maternal uncle's house; however, the map was never approved.

4. Harkened and record perused.

5. The tentative perusal of record would reflect that per the prosecution's own case, the map of the complainant's maternal uncle's house was to be approved; however, he has neither been cited as a witness to the alleged bribe nor his statement under Section 161 Cr.P.C. is part of police record. The FIR does not disclose any specific date or time of the alleged occurrence. Further, despite the physical remand of the petitioners, no recovery whatsoever was effected from their possession. The Investigating Officer has also failed to place on record any document to substantiate the alleged misuse of authority by the petitioners. It is settled principle of law that benefit of doubt can be even extended at bail stage. Reliance is placed on case law reported as "*Salman Zahid versus The State through P.G Sindh*" (2023 SCMR 1140), "*Fahad Hussain and another versus The State through Prosecutor General Sindh*" (2023 SCMR 364). Even otherwise, petitioners are public servants and there is no apprehension of their abscondance, if enlarged on post arrest bail. The petitioners are behind the bars since their arrest and their continued detention serves no fruitful purpose for the prosecution. Tentatively speaking, case of petitioners falls within the ambit of further inquiry under section 497(2) Cr.P.C. Reliance is placed on case law

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reported as "Muhammad Nadim versus The State and another" (2023 SCMR 184).

6. For the reasons listed above, the petitioners have succeeded to make out their case for post arrest bail. Thus, subject to furnishing bail bonds by the petitioners in the sum of Rs.2,00,000/- (two lac) each with one surety each in the like amount to the satisfaction of learned trial Court titled petitions are allowed and petitioners are admitted to post arrest bail. The above observations are of tentative nature and would not prejudice the case of either of the party during trial.

SL
(Tariq Mahmood Bajwa)
Judge

Habib Ullah

88553

06/11/24

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IN THE LAHORE HIGH COURT,

LAHORE

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75317
Crl.Misc No...../B/2025

Town No:-

Amin R/o Sapaal
.....nzaad Colony Gujrat.
.....Petitioner/Accused

VERSUS

1. The State
2. Imrana Ehsan Wife of Ahsan Ali ,R/o Mohalla New Gulshan Colony ,Gujranwala.

.....Respondents

PETITION UNDER SECTION 497 Cr.P.C FOR GRANT OF POST-ARREST BAIL.

IN CASE:-

FIR No.	41/2025
Dated	03-11-2025
U/s	161 PPC & Section 05 PCA 1947.
P.S	Anti Corruption
District	Gujrat.

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Respectfully Sheweth:-

1. That the petitioner is an innocent person, law-abiding citizen, and has been falsely implicated in the above-mentioned case due to mala fide intention, ulterior motives, and personal grudge of respondent No.2, and the registration of the FIR is the result of concoction, exaggeration, and abuse of process of law.
2. That briefly stated, the prosecution story as set out in the FIR is that respondent No.2/complainant alleged that the petitioner, along with other accused persons, demanded illegal gratification amounting to Rs.40,000/- on the pretext of approval of a building map relating to a six marla

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residential plot. The said allegations are absolutely false, baseless, and devoid of any independent corroboration.

Copy of the FIR is annexed herewith as **Annexures "A"**.

3. That the petitioner was arrested on 03.11.2025 in connection with the above FIR and was subsequently remanded to judicial custody on 07.11.2025. Thereafter, the petitioner moved an application for post-arrest bail before the learned Special Judge, Anti-Corruption, Gujranwala, which unfortunately was dismissed vide order dated 09.12.2025, without properly appreciating the facts and settled principles of law governing grant of bail. Copies of the bail application and impugned order are annexed as

Annexures "B" & "B-1"

4. That the petitioner has remained behind the bars since his arrest, and no useful purpose would be served by keeping him incarcerated for an indefinite period, particularly when the allegations do not prima facie connect him with the commission of the alleged offence.

5. That the petitioner seeks his post-arrest bail on the following amongst other:-

GROUND:-

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That the allegations levelled against the petitioner are vague, general, non-specific, and lacking essential particulars. **Neither the FIR nor any subsequent document discloses the exact date, time, place, or manner in which the alleged illegal gratification of Rs.40,000/- was**

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demanded or accepted. Such material omissions render the prosecution- story doubtful and unreliable at the very outset.

- ii. That the entire prosecution case is based on a bare assertion of the complainant, without any independent corroboration. It is a settled principle of law that mere allegation of demand or acceptance of bribe, without recovery and independent verification, is insufficient to justify continued detention of an accused, particularly at the bail stage.
- iii. That no recovery of alleged bribe money has been effected from the petitioner, nor any marked currency notes have been recovered. No trap proceedings were conducted in accordance with the mandatory procedure prescribed under law, which seriously weakens the prosecution case and entitles the petitioner to the concession of bail.
- iv. That there is no documentary evidence available on record to establish that the petitioner was competent or authorized to approve or disapprove the building map of the alleged six marla plot. In the absence of proof of authority, the allegation of demand of illegal gratification becomes inherently improbable.



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v. That the petitioner has been arrested merely on suspicion and presumption, which is not permissible in law. Liberty of a citizen cannot be curtailed on the basis of conjectures, assumptions, or unverified allegations.

vi. That the offences alleged against the petitioner do not fall within the prohibitory clause of Section 497 Cr.P.C., and therefore the rule of consistency and settled law mandates that bail should be granted as a matter of course, unless exceptional circumstances exist, which are conspicuously absent in the present case.

vii. That the continued incarceration of the petitioner amounts to pre-trial punishment, which is violative of Articles 4, 9, and 10-A of the Constitution of the Islamic Republic of Pakistan, guaranteeing due process and right to fair trial.

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viii. That there is a considerable delay in registration of FIR, that delays have not been explained by the complainant satisfactorily, such delay is sufficient to establish that the above-titled case is result of deliberation and consultation.

ix. That it is pertinent to mention here that during the course of investigation the version of the complainant was not fully proved and the case of petitioner is one of further inquiry although the

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petitioner is nominated in the instant FIR but he has not been ascribed any specific role into the alleged occurrence, therefore, petitioner is entitled for the concession of post-arrest bail. Furthermore August Supreme court of Pakistan granted post arrest bial in alike case reliance is placed upon **2022 SCMR 419, 20200 SCMR 20268, PLD 2021 SC 927, PLD 2021 SC 738.**

- x. That the liberty of an individual could not be curtail according to the constitution of Islamic Republic of Pakistan and according to the esteemed case of August Supreme court of Pakistan titled as *Tariq Bashir Cheema Vs the State* reported as **NLR 1995 SC Page 01** the bail is only change of custody from jail authorities to the surety.
- xi. That the complainant party has highly political influence and the complainant involved the petitioner in the above said FIR just to black mail and pressurize the petitioner, which also proves the malafide of complainant and the case is made out doubtful and further inquiry and according to the law laid down in **2023 SCMR 330, 2022 SCMR 2142, 2022 SCMR 1424, 2021 SCMR 130, PLD 2021 SC 738** the courts have to discuss all the merits of the case even at bail stage as well.

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xii. That the petitioner is behind the bars since his arrest, but the local police has only submitted report under section 173 Cr.P.C before learned trial court and the question of whether the petitioner is vicariously liable for the offences committed can only be determined by the learned trial court after holding of the trial furthermore petitioner is entitled for concession of post arrest bail. Reliance is placed upon: **2014 SCMR 1502, 2000 SCMR 1854, 1996 SCMR 1125.**

xiii. That no direct or indirect evidence is available against the petitioner available on the record, even otherwise no facial description of assailants was given in the FIR which can connect the petitioner with the commission of alleged offence. Infact, the petitioner has been implicated in this case merely on suspicion and honorable Superior courts have granted the post arrest bail in this scenario. Reliance is placed upon **PLD 2008 Lahore 470, 2019 PCr.L.J Note 139.**

xiv. That no offence has been committed on the part of petitioner and no eye witness of the occurrence is present and no incriminating evidence or material is available on the file of record against petitioner and the number of contradictions was found in FIR, statement of witnesses and medical report, and

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further inquiry was needed to connect accused person with the crime in question.

xv. That there is no incriminating material or iota of evidence against the petitioner because nothing was recovered from him, if any recovery was shown to have been made that would be planted one.

xvi. That it is worth to mention over here that the conduct of complainant also be discussed even at bail stage reliance is placed upon: **PLD 2021 Sindh 173.**

xvii. That the case of the complainant is founded highly doubtful, hence the petitioner is entitled for the concession of post-arrest bail in the instant case as a matter of right and the petitioner is behind the bars since his arrest and not more required for further investigation as well as the petitioner is ready to furnish bail bonds for the satisfaction of this Hon'ble Court.

xviii. That the case of the complainant is founded highly doubtful, hence the petitioner is entitled for the concession of post-arrest bail in the instant case as a matter of right.

xix. That, petitioner is non-convicted and there is no chance to temper or hamper with the prosecution evidence.



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xx. That petitioner is behind the bars since his arrest and not required for further investigation and is ready to furnish bail bonds for the satisfaction of this Hon'ble Court.

PRAYER:

In view of the facts and grounds stated above, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to grant post-arrest bail to the petitioner, Muhammad Waseem, in FIR No.41/2025 dated 03.11.2025, registered under Section 161 PPC read with Section 5(2) of the Prevention of Corruption Act, 1947, at Police Station Anti-Corruption Establishment, District Gujrat.,

Any other relief deemed just and proper in the circumstances of the case may also be granted.

..... *Humble Petitioner*

Dated _____

(23)

Through Counsel:-

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Lahore High Court, Lahore.

ALLAH NAWAZ KHOSA
Advocate High Court
CNIC No:32102-7363491-1
Cell No: 0333-6073636
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Centre, Mozang, Lahore.

CERTIFICATE:-

As per information, this is the 1st bail petition filed by the petitioner before this Hon'ble Court.

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Qanun-e-Karandaish 1981