LAHORE HIGH COURT

BULLETIN

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FORTNIGHTLY CASE LAW BULLETIN

(01-08-2025 to 15-08-2025)

A Summary of Latest Judgments Delivered by the Supreme Court of Pakistan & Lahore High Court, Legislation/Amendment in Legislation and important Articles

Prepared & Published by the Research Centre Lahore High Court

JUDGMENTS OF INTEREST

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LATEST LEGISLATION/AMENDMENTS

SELECTED ARTICLES

1. **Supreme Court of Pakistan**
Abdul Salam Khan v. M/s Bank Al-Habib Ltd, etc.
C.P.L.A. No. 88-P of 2022
Mr. Justice Syed Mansoor Ali Shah, Mrs. Justice Ayesha A. Malik
https://www.supremecourt.gov.pk/downloads_judgements/c.p._88_p_2022.pdf

Facts: The petitioner challenged the auction of immovable property by a bank in execution of money decree. The appeal before the High Court remained pending for ten (10) years. Then the matter reached the august Supreme Court and again took three years to decide.

Issues: i) How the delay in adjudication of cases diminishes public trust and affects the country economically?
ii) How a structured Case Management could cater the delay in adjudication?
iii) How the judicial systems across the world have reformed to reduce the docket to deliver justice?

Analysis: i) It is beyond cavil that delay in adjudicating cases by the courts at any tier of the justice system corrodes public confidence in the judiciary, undermines the rule of law, and disproportionately harms the weak and vulnerable who cannot afford the cost of prolonged litigation. Delay in adjudication carries severe macroeconomic and societal consequences: it deters investment, renders contracts illusory, and weakens the institutional legitimacy of the judiciary. A justice system's credibility rests not only in the fairness of its decisions but also in the timeliness with which those decisions are rendered.
ii) The Court, as a matter of institutional policy and constitutional responsibility, must urgently transition toward a modern, responsive, and intelligent case management framework. Such a system must, at a minimum, ensure: the early fixation of cases on a non-discriminatory basis; the elimination of "queue-jumping" and preferential scheduling; the prioritization of matters involving constitutional, economic, or national importance without compromising the timely resolution of individual claims; the implementation of age-tracking protocols to automatically identify dormant cases; and the judicious use of Artificial Intelligence ("AI") tools to assist in scheduling and triage while preserving the sanctity of judicial discretion.
iii) Judicial systems across the world have recognized that delay is not an intractable inevitability but a solvable institutional challenge. Countries such as Singapore, the United Kingdom, Brazil, Estonia, Canada, China, Denmark, and Australia have undertaken comprehensive reforms combining technology, structural innovation, and procedural discipline to reduce backlog and enhance judicial efficiency. Through tools such as e-filing, real-time dashboards, automated scheduling, and transparent digital oversight, these jurisdictions have moved from being passive custodians of dockets to active managers of justice delivery. These international experiences underscore a basic truth: delays in

justice are not inevitable; they are a product of institutional design, and can be remedied with vision, planning, and resolve.

Conclusion: i) It is beyond cavil that delay in adjudicating cases by the courts at any tier of the justice system corrodes public confidence in the judiciary. Delay in adjudication carries severe macroeconomic and societal consequences: it deters investment, renders contracts illusory, and weakens the institutional legitimacy of the judiciary.

ii) Intelligent case management framework must, at a minimum, ensure: the early fixation of cases on a non-discriminatory basis; the elimination of "queue-jumping" and preferential scheduling; the prioritization of matters involving constitutional, economic, or national importance without compromising the timely resolution of individual claims; the implementation of age-tracking protocols to automatically identify dormant cases; and the judicious use of Artificial Intelligence ("AI") tools to assist in scheduling and triage while preserving the sanctity of judicial discretion.

iii) Through tools such as e-filing, real-time dashboards, automated scheduling, and transparent digital oversight, international judicial systems have moved from being passive custodians of dockets to active managers of justice delivery.

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2. **Supreme Court of Pakistan**
Mst. Nasira Ansari and others v. Late Tahira Begum through legal heirs & others
Civil Appeal No. 41-K of 2021.
Mr. Justice Muhammad Ali Mazhar, Mr. Justice Syed Hasan Azhar Rizvi & Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/c.a._41_k_2021.pdf

Facts: The appellants filed a Civil Suit seeking declaration of benami properties and claimed their share of inheritance in the estate of their deceased father. The appellants claimed that both the properties were owned by their father and their mother (respondent No.1) was ostensible owner but she had unlawfully gifted the property to her son (respondent No.2). The suit of the plaintiff was dismissed by the Division bench of the High Court. Hence, appeal was filed before Supreme Court.

Issues: i) What does mean by *benami* transaction?
ii) Upon which party the burden to prove a benami transaction lies?
iii) What factors are considered to resolve the character of benami transaction?
iv) Which elements must exist to establish the benami status of the transaction?
v) Whether the source of purchase money is solely sufficient to prove the benami?
vi) How the mode and manner of benami transaction can be established?
vii) Whether the testimony of the real owner (who sponsored the transaction) is necessary to prove the plea of benami transaction?
viii) Whether the children of sponsored/ real owner can challenge the title or ownership of benamidar?

Analysis: i) The attributes of "benami transaction", in reality means a transaction in the name of another person to describe and express a transaction of a property who holds the said property being an ostensible owner for its beneficial owner. A benami transaction has been described shortly as one in which the real owner of the property allows it to appear in the name of an ostensible owner under a sort of secret trust.

ii**)** The burden of proving whether a particular person is a benamdar is upon the person alleging the same. (---) The onerous sense of duty lies on the party who raises the plea of benami transaction to prove by adducing unimpeachable evidence. The Court is not required to decide such pleas on the basis of mere suspicion.

iii) The acid test for resolving the character of transactions is obviously the source of funds but it is not always conclusive and significant to the real ownership though it may prima facie show that the person who provided money did not intend to relinquish or give up the beneficial interest in the property but some other factors also need to be considered i.e. possession of title documents, after purchase the conduct of the parties concerned in dealing with the property; who administers and oversees the property; who relishes the usufruct and who is recognized as title holder in general as well as government departments. All these important physical characteristics depend on the facts of each case separately which requires concrete evidence to prove.

iv) This Court held that two essential elements must exist to establish the benami status of the transaction. The first element is that there must be an agreement, express or implied, between the ostensible owner and the purchaser for the purchase of the property in the name of ostensible owner for the benefit of such person and second element required to be proved that the transaction was actually entered between the real purchaser and the seller to which ostensible owner was not party. (---). The foremost and primary component in such dispute or controversy is the agreement/understanding, express or implied between the ostensible owner and the real purchaser for the benefit of the person who made payment and it is also required to be proved that the transaction was actually entered into between the real purchaser and seller to which ostensible owner was not a party.

v) The source of purchase money is not conclusive in favour of the benami character of transaction though it is an important criterion but there are other circumstances showing that the purchaser intended the property to belong to the person in whose favour the conveyance was made, the essence of benami transaction being the intention of the purchaser and the court must give effect to such intention. In a benami transaction the actual possession of the property or receipt of rents of the property is most important.

vi) Moreover, the mode and manner of transaction is to be established by corroborating the intentions of the parties at the relevant time which could be congregated from the surrounding circumstances such as the

relationship/association of parties, the motive or aspiration implicit in the transactions including the subsequent comportment and the factum of possession of the property and custody of title documents.

vii) The best possible evidence could have been adduced by the deceased himself if he had any dispute with regard to the title of properties which he never raised in his lifetime.

viii) Even if the properties were purchased through the funds or resources of the deceased husband, then both husband and wife were privy to such arrangements/transactions in their own marital relationship and after passing of several years, the children could not question or challenge the title or ownership of properties in the name of their mother without any cogent proof or trustworthy evidence that she was actually an ostensible owner.

Conclusion: i) See above analysis No.i

ii) The burden of proving the benami transaction is upon the person who alleges.

iii) The source of funds, possession of title documents and conduct of parties are the main factors to resolve the character of benami transaction.

iv) See above analysis No.iv

v) Solely the source of purchase money is not sufficient to prove the benami.

vi) See above analysis No.vi

vii) The testimony of the real owner (who sponsored the transaction) is necessary to prove the plea of benami transaction.

viii) Children of sponsored/ real owner cannot challenge the title or ownership of benamidar.

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3. **Supreme Court of Pakistan**
Muhammad Ramzan v. The State
Jail Petition No.213 of 2024
Muhammad Sabir v. The State
Jail Petition No.214 of 2024
Mr. Justice Athar Minallah, Mr. Justice Naeem Akhtar Afghan, Mr. Justice Malik Shahzad Ahmad Khan
https://www.supremecourt.gov.pk/downloads_judgements/j.p._213_2024.pdf

Facts: The petitioners faced trial before the learned Additional District & Sessions Judge, who convicted petitioner Muhammad Ramzan under Section 302(b) PPC and awarded him the death sentence, along with payment of compensation under Section 544 Cr.P.C. to the legal heirs of the deceased. He was also convicted and sentenced under Section 398 PPC. As for petitioner Muhammad Sabir, he was convicted and sentenced under Section 398 PPC as well. The petitioners challenged their convictions before the High Court, but their appeals were dismissed. Consequently, they have filed the instant petitions.

Issues: i) What is the evidentiary value of an identification parade if the role of the accused is not specified?

ii) Can CCTV footage, in which the faces of the culprits are not visible, be relied upon for the purpose of conviction?
iii) What can be inferred if no independent witnesses from the locality, workers of the cattle shed, or the owner of the cattle shed were associated to attest the recoveries?
iv) On what factor does the validity of a positive report by a firearm expert depend?
v) What will be the legal effect of a positive report by a firearm expert if the recovery is found to be doubtful?
vi) If primary evidence is disbelieved, can corroborative evidence alone suffice to establish guilt?
vii) Can an accused be convicted solely on the basis of expert evidence without substantial corroboration?

Analysis: i) It has repeatedly been held by this Court that identification parade of an accused person without reference to the role allegedly played by him during the occurrence is shorn of any evidentiary value.
ii) The CCTV footage of the shop with regard to the occurrence, procured during investigation and recorded in USB, duly played at the trial and relied upon by the trial court for conviction of the petitioners, was also played in this Court. The same is of no avail to the prosecution and it cannot be made a basis for conviction of the petitioners as in the CCTV footage, the faces of the culprits are not visible and it is showing only the back of the culprit who had a scuffle with the deceased.
iii) It weakens the prosecution case and leads to possibility of foisting the recovery of weapons by the investigating officer to lend corroboration to the prosecution version.
iv) Though positive report of a firearm expert is a valid piece of corroborative evidence but its weight is heavily dependent on the reliability of the weapon recovery.
v) If the recovery of weapon is found to be doubtful, fabricated or otherwise unreliable, the report of firearm expert, even if positive, can be disregarded by the Court as it fails to connect the weapon genuinely to the accused or the crime in a credible manner. 21. If the court suspects fabrication, the expert report, no matter how positive, becomes irrelevant in proving the guilt of accused.
vi) If the primary evidence i.e. recovery of weapon is weak or disbelieved, the corroborative evidence i.e. the firearm expert report cannot stand alone to establish the guilt.
vii) It is generally unsafe to convict an accused while relying exclusively on expert evidence without substantial corroboration

Conclusion: i) Such identification parade is shorn of evidentiary value.
ii) It cannot be made a basis for conviction
iii) It weakens the prosecution case and leads to possibility of foisting the recovery of weapons.

iv) Its weight is dependent on the reliability of the weapon recovery.
v) Such report is liable to be disregarded.
vi) No.
vii) No.

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4. **Supreme Court of Pakistan**
Malik Muhammad Ramzan v. Commissioner Sargodha Division etc.
Civil Petition No. 2768-L of 2022
Ms. Justice Musarrat Hilali , Mr. Justice Aqeel Ahmed Abbasi , Mr. Justice Miangul Hassan Aurangzeb
https://www.supremecourt.gov.pk/downloads_judgements/c.p._2768_l_2022.pdf

Facts: This civil petition for leave to appeal under Article 212(3) of the Constitution impugns the judgment of the Punjab Service Tribunal, which upheld the petitioner's dismissal from service on charges of embezzlement without conducting a regular inquiry or issuance of show cause notice under PEEDA Act, 2006.

Issues: i) Whether an order of dismissal passed without following the procedure under Sections 9 and 10 of PEEDA Act, 2006 is sustainable in the eyes of law?
ii) Whether awarding major penalty of dismissal from service without conducting regular inquiry and providing opportunity of hearing violates principles of natural justice?
iii) What is the standard of care and procedural requirement upon the department while inquiring into charges involving embezzlement or misappropriation of public funds?
iv) Whether a judgment upholding dismissal from service without regular inquiry and opportunity of hearing is contrary to law and violative of the principles of natural justice?

Analysis: i) We are of the opinion (…) has not followed the procedure as provided under Sections 9 and 10 of PEEDA, Act 2006 for the purpose of conducting an inquiry, therefore, any order passed pursuant to such defective inquiry is not sustainable in the eyes of law and liable to be set-aside on this account.
ii) It is settled position of law that major penalty of dismissal from service cannot be awarded without conducting regular inquiry, or providing opportunity of being heard to a civil servant as it amounts to violation of principles of Natural Justice.
iii) It may be observed, that in cases involving public funds extra caution and due care is required to be observed to prove the charge of embezzlement or misappropriation whereas, proper inquiry needs to be conducted in a fair and transparent manner to ensure that the public funds, so misappropriated, could be retrieved and the civil servant involved in such offence, shall be punished accordingly.
iv) we are of the view that the impugned judgment passed by the Tribunal and the orders of the lower fora are contrary to law and violative of the principles of

Natural Justice as no regular inquiry has been conducted while imposing major penalty of dismissal from service, whereas, no opportunity of being heard has been provided to the petitioner.

Conclusion: i) An order of dismissal without compliance of Sections 9 and 10 of PEEDA Act, 2006 is not sustainable in law.
ii) Dismissal without regular inquiry and opportunity of hearing violates principles of natural justice.
iii) In cases involving public funds, the department must observe extra caution and conduct a fair and transparent inquiry.
iv) A judgment upholding dismissal from service without inquiry procedure and right of hearing in dismissal cases is contrary to law and violative of the principles of natural justice.

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5. **Supreme Court of Pakistan**
Ch. Fayyaz-ur-Rehman Khalid v. Amir Javed and others.
Civil Petition No. 1898-L of 2021
Mr. Justice Yahya Afridi, CJ, Mr. Justice Muhammad Shafi Siddiqui.
https://www.supremecourt.gov.pk/downloads_judgements/c.p._1898_l_2021.pdf

Facts: The petitioner's suit was dismissed in his absence while he was incarcerated and unaware of the proceedings. After his release, he moved applications for restoration and condonation of delay, explaining his absence due to imprisonment. The trial court accepted his explanation, restored the suit, and condoned the delay. The respondents challenged this decision through a revision petition.

Issues: i) Whether the revisional court is empowered to interfere with the trial court's findings in the absence of arbitrariness or perversity?
ii) When is an application for condonation of delay required to be filed?

Analysis: i) It is to be kept in mind that revisional court cannot be substituted as appellate court to replace its own findings when findings of Trial Court are neither arbitrary or perverse to enable the revisional court to exercise jurisdiction with the frame described above.
ii) Condonation application is filed when statutory period is lapsed.

Conclusion: i) A revisional court cannot act as an appellate court to substitute its own findings unless the trial court's findings are arbitrary or perverse
ii)See above analysis No. ii

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6. **Supreme Court of Pakistan**
Muhammad Daud, Amanullah v. The State and another
Crl.P.L.A.537/2025
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Aamer Farooq, Mr. Justice Justice Ali Baqar Najafi
https://www.supremecourt.gov.pk/downloads_judgements/crl.p._537_2025.pdf

Facts: The petitioners seek leave to appeal against the decision of High Court, whereby their applications for bail after arrest in case of the Control of Narcotics Act, 1997 were dismissed as they were apprehended along with co-accused and from their possession, Methamphetamine (Ice) weighing 1000-grams each was recovered totalling to 3.2 kilo grams.

Issue: i) Whether knowledge and common design establish constructive possession in narcotics cases?

ii) Whether presumption of commission of offence on being possession of illicit articles from accused, absolve the prosecution from proving its case beyond doubt?

iii) Whether conscious possession may be inferred from circumstantial evidence and surrounding factors in narcotics cases?

iv) Whether, at the bail stage, an accused can be attributed only the quantity recovered from his own possession or pointation?

Analysis: i) The possession can be physical and conscious, but there can also be constructive possession, if the person/accused had the knowledge that the other person also is carrying narcotic substance and they all have common design, sale and transportation of the narcotic substance.

ii) Section 29 of the Act creates a presumption and addresses it in a manner that there is a presumption from possession of illicit articles that the accused has committed an offence, if found in possession of any narcotic drug or psychotropics i.e. the substance, however needless to observe that this section does not absolve the prosecution from proving its case beyond doubt and the burden shifts to the accused only after the prosecution has established recovery beyond reasonable doubt.

iii) The determination of conscious possession is largely a factual matter, heavily relying on the specific circumstances of each case. The court has to analyze the evidence to ascertain accused's mental state regarding seized narcotics. The courts often infer conscious possession from circumstantial evidence rather than direct admission and all the surrounding factors are to be looked into which include or not restricted to; the manner of concealment, the quantity of drugs, the relationship of the accused to the place of recovery (owner, driver, passenger, etc.), the conduct of the accused, any financial transactions or communications linked to the drugs and/or prior history of the accused.

iv) The approach of this Court with respect to conscious knowledge of the possession somewhat sways but the dominance of the approach is that at bail stage, accused cannot be burdened with the total quantity recovered and is to be given the benefit of doubt for attributing him with only the quantity recovered from him or at his pointation.

Conclusion: i) Knowledge and common design establish constructive possession in narcotics cases.

ii) Presumption of commission of offence on being possession of illicit articles from accused U/S 29 of Act does not absolve the prosecution from proving its case beyond doubt.
iii) Conscious possession is inferred from circumstantial evidence and surrounding factors in narcotics cases.
iv) see above analysis No.iv.

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7. **Lahore High Court**
Suleman Shahbaz Sharif v. Additional Sessions Judge, etc.
Writ Petition No.43328 of 2025
Ms. Justice Aalia Neelum (The Chief Justice)
https://sys.lhc.gov.pk/appjudgments/2025LHC5178.pdf

Facts: The petitioner challenged the order of the Ex-Officio Justice of Peace directing registration of a criminal case on the respondent's application under sections 22-A and 22-B Cr.P.C. The respondent No 2 alleged that 17 laptops worth Rs. 11,66,000/- were supplied to the petitioner's company, against which two cheques were issued but those were dishonoured due to "stop payment" instructions. The petitioner denied liability, claiming the cheques were fraudulently issued by a company employee involved in creating false purchase orders and misusing company cheques, against whom multiple FIRs had already been lodged. The respondent's application for registration of the case did not mention when or by whom the laptops were received, who handed over the cheques, or the petitioner's address, and the petitioner was not made a party before the Ex-Officio Justice of Peace.

Issues: i) Whether Ex-Officio Justice of Peace could order case registration solely on the complainant's version and what safeguards should be observed in that regard?

Analysis: i) Section 22-A, 22-B Cr.P.C empowered the justice of the Peace to issue directions for the registration of the case, but this power was never supposed to be exercised mechanically. The Courts were never supposed to overlook other aspects of the case and to pass an order to register the case on the complainant's false application… The matter can be investigated keeping all the facts in view of the judgment of the Supreme Court of Pakistan titled, "Mst. SUGHRAN BIBI versus The STATE" reported P L D 2018 Supreme Court 595 that:- Para No. 27 (i) According to section 154, Cr.P.C., an FIR is only the first information to the local police about the commission of a cognizable offence. For instance, an information received from any source that a murder has been committed in such and such village is to be a valid and sufficient basis for registration of an FIR in that regard. (ii) If the information received by the local police about commission of a cognizable offence also contains a version as to how the relevant offence was committed, by whom it was committed and in which background it was committed then that version of the incident is only the version of the informant

and nothing more and such version is not to be unreservedly accepted by the investigating officer as the truth or the whole truth.

Conclusion: i) See above analysis No i.

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8. **Lahore High Court**
Azhar Fazal etc. v. ASJ etc.
Writ Petition No. 32312 of 2025
Mr. Justice Syed Shahbaz Ali Rizvi
https://sys.lhc.gov.pk/appjudgments/2025LHC5237.pdf

Facts: Petitioners challenged an order of the Ex-officio Justice of Peace directing the police to record the applicant's version, register an FIR, and proceed in accordance with law on an application under Sections 22-A & 22-B Cr.P.C as they humiliated, unlawfully confined, assaulted, and threatened the respondent on gunpoint.

Issues: i) Whether action under Section 21(b) of the Sugar Factories (Control) (Amendment) Act, 2021 can be initiated only by the competent authority under Sections 13-A and 19?
ii) Whether, in the absence of a formal report by the competent authority under Section 21(b) of the Act, the Ex-officio Justice of Peace can direct registration of an FIR?

Analysis: i) Complaint as required under Section 21(b) of the Sugar Factories (Control) (Amendment) Act, 2021 (the Act) is concerned, this Court is of the opinion that the Cane Commissioner or Additional Cane Commissioner or their nominee empowered under the above cited provision has to proceed in the light of Section 13-A and 19 of the Act.
ii) As per mandate of Section 21(b) of the Act, the offence under the Act is cognizable only upon a formal report by the Cane Commissioner, Addl. Cane Commissioner or their nominee otherwise, the act or offence remains non-cognizable in view of which the learned Ex-officio Justice of Peace does not carry authority or jurisdiction to issue direction for registration of FIR for contravening the provisions of the Act or any order or rule made thereunder that makes the contravention punishable under Section 21(a).

Conclusion: i) See analysis No i.
ii) The Ex-officio Justice of Peace cannot direct registration of an FIR in the absence of a formal report by the competent authority under Section 21(b) of the Act.

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9. **Lahore High Court**
Mst. Rubina Kauser v. Addl. Sessions Judge etc.
Crl. Revision No.38401 of 2024
Mr Justice Syed Shahbaz Ali Rizvi

https://sys.lhc.gov.pk/appjudgments/2025LHC5248.pdf

Facts: Through this Civil Revision, the petitioner (complainant) has challenged the order passed by the Additional Sessions Judge, by which the petitioner's private complaint was dismissed.

Issues: i) Can the facts of a connected case, known to the Court, be considered as part of the assessment of cursory evidence?
ii) What are the legal requirements for issuing process against the proposed accused persons?

Analysis: i) The facts of other connected cases, known by the court, are not to be considered to decide the subject case unless the same are brought on record in due course of law.
ii) The learned court below was expected to pass the order only in the light of facts narrated by the three witnesses and the evidence brought on record through the three documents produced by the petitioner/ complainant which in view of this Court reveals the availability of evidence/grounds sufficient to require the issuance of process against the proposed accused/respondents under Section 204 of the Code of Criminal Procedure, 1898.

Conclusion: i) No. Facts known to the Court cannot be taken into consideration
. ii) Availability of evidence is the requirement for issuance of process.

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10. Lahore High Court
Syed Safeer Abbas Kazmi v. Chief Executive Officer, District Health Authority, Multan and 6 Others
Writ Petition No. 5009 of 2025
Mr. Justice Mirza Viqas Rauf
https://sys.lhc.gov.pk/appjudgments/2025LHC5256.pdf

Facts: Petitioners were engaged as work charge semi-skilled staff and continuously served for years in epidemic control duties. Their regularization was denied despite policy coverage, and their services were terminated citing prior unauthorized appointments, hence, instant writ petition.

Issues: i) Whether the notification dated 29th January, 2021 issued by the Government of Punjab constitutes a valid policy framework for regularization of work charged, contingent paid, and daily wage employees?
ii) Can a contract or work charged employee seek regularization if employed against a permanent post and covered by an enabling statute, rule, or policy?
iii) What conditions must be fulfilled for a workman to qualify as a permanent workman under the Policy and the Standing Orders Ordinance, 1968?
iv) Whether under Clause 4 of the Policy, employees who have completed nine months of service are entitled to be considered as permanent workmen?
v) Whether Article 25 of the Constitution prohibits discrimination between similarly placed individuals in matters of public employment?

Analysis: i) In the meanwhile, through notification dated 29th January, 2021, issued by Government of the Punjab, Services & General Administration Department (Regulations/O&M Wing) in pursuant to the approval of Provincial Cabinet through circulation among the Provincial Ministers under Rule 25(1)(b) of the Punjab Government Rules of Business, 2011 and in terms of Rule 27 and Rule 28(15) of the Rules, ibid, notified the policy for work charged/contingent paid and daily wage employees (hereinafter referred to as "Policy").

ii) There is no cavil that an employee is precluded to claim the regularization of his services as a matter of right but if somebody is employed even though as a contract or work charged employee against a post of permanent nature and he worked on such post for a considerable period in the said capacity and there is some statute, rule or policy bestowing the benefit of regularization upon such employee, he becomes entitle to seek regularization of his services by invoking the constitutional jurisdiction of the High Court.

iii) In terms of the Policy, a permanent workman is a workman, who has been engaged on work of permanent nature likely to last more than nine months and has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial or commercial establishment, including breaks due to sickness, accident, leave, lock-out, strike (not being an illegal lock-out or strike) or involuntary closure of the establishment and includes a badli who has been employed for a continues period of three months or for one hundred and eighty three days during any period of twelve consecutive months as is laid down in the Industrial & Commercial Employment (Standing Orders) Ordinance 1968.

iv) In terms of clause 4 of the Policy dealing with policy guidelines of work charged employees, daily wages and contingent paid staff, all those employees who have completed 9 months or more may be considered for status of permanent workmen in terms of the Industrial & Commercial Employment (Standing Orders) Ordinance, 1968 and they shall be entitled to all the rights and benefits of permanent workmen.

v) This being so the petitioner cannot be discriminated in view of mandate of Article 25 of the Constitution of the Islamic of Republic of Pakistan, 1973 which reads as (…) It is manifestly clear from the above that all citizens are equal before law and are entitled to equal protection of law and that there shall be no discrimination amongst persons who are at the same pedestal.

Conclusion: i) The notification dated 29th January, 2021 constitutes a valid and legally backed policy for regularizing contingent and daily wage employees.

ii) A contract or work charged employee may seek regularization if he worked long on a permanent post and is covered by a policy or law.

iii) A workman qualifies as permanent if engaged on lasting work for over nine months and has completed probation, as defined in the Policy and Standing Orders Ordinance, 1968.

iv) under Clause 4 of the Policy, employees with nine months' service qualify for

consideration as permanent workmen.
v) Article 25 prohibits discrimination between similarly placed individuals in public employment.

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11. **Lahore High Court**
Syeda Muskan Zahra v. District Police Officer and others.
W.P.No.8998 of 2025
Mr. Justice Mirza Viqas Rauf
https://sys.lhc.gov.pk/appjudgments/2025LHC5251.pdf

Facts: The petitioner, being legally competent *(sui juris)*, entered into marriage of her own volition, contrary to the wishes of her parents and respondents No.4 to 13. Following this, the said respondents allegedly began threatening the petitioner and, in furtherance of their intent, conspired with police officials (Respondents No.2 and 3), who, under their influence, have subjected the petitioner and her husband to harassment. The petitioner accordingly seeks a writ of mandamus directing Respondents No.2 and 3 to act strictly in accordance with the law and to refrain from causing any form of harassment or humiliation at the behest of Respondents No.4 to 13.

Issues: i) In which citation did a Larger Bench of the Lahore High Court discuss the scope and object of Sections 22, 22-A, 22-B, and 25 of the Cr.P.C.?
ii) What does the examination of The Police Order, 2002 reveal?
iii) Whether the availability of alternate remedy is a condition precedent for exercise of constitutional jurisdiction?
iv) What is bar on exercise of power of High Court in its writ jurisdiction?
v) What does the doctrine of exhaustion of remedies ensure?
vi) Can a party bypass the prescribed legal remedy in order to directly invoke the constitutional jurisdiction of the High Court?
vii) What must a party demonstrate to the Court regarding the availability of an alternate remedy before invoking the Constitutional jurisdiction?
viii) What the nature of Constitutional Jurisdiction and when can it be exercised?
ix) What observations has the Court made regarding the growing trend of bypassing available alternate remedies?

Analysis: i) Scope and object of Sections 22, 22-A, 22-B & 25 of Cr.P.C. came under discussion before a Larger Bench of this court in *KHIZER HAYAT Case* (supra), wherein after threadbare discussion, powers and functions of Justice of Peace were highlighted.
ii) The Police Order, 2002 was promulgated on 14th August, 2002 so as to reconstruct and regulate the police. Perusal whereof reveals that the police officers/officials have been made answerable with regard to performance of their official duties and in case of any negligence or omission, they not only have to face disciplinary proceedings but also to be confronted with conviction in the shape of imprisonment and fine as well.

iii) There is no cavil that constitutional jurisdiction of High Court cannot be abridged merely on the ground that some alternate remedy is available to the writ petitioner but at the same time a person desirous to invoke the constitutional jurisdiction of High Court has to satisfy the Court that he is not possessed with any alternate, efficacious and adequate remedy provided under the law.

iv) It is an oft repeated principle that the High Court shall not exercise its writ jurisdiction in the cases where the petitioner has access to an equally efficacious and adequate alternative remedy under the law (…) Needless to observe that the constitutional jurisdiction is not to be exercised merely on account of purported inconvenience to a party in approaching the relevant forum.

v) The doctrine of exhaustion of remedies not only ensures that statutory forums are respected but also prevents unnecessary burden on constitutional courts.

vi) Nobody can be allowed to bypass or circumvent the natural course of law by avoiding to avail remedy provided thereunder and to invoke constitutional jurisdiction of this Court.

vii) Even otherwise in presence of alternate remedy, the petitioner desirous of invoking the constitutional jurisdiction of High Court is obliged to demonstrate to the satisfaction of the Court that such remedy is only illusory and not adequate at all.

viii) It is an extra ordinary jurisdiction which is only to be exercised in rare and exceptional cases but not as per convenience of the parties.

ix) It is noticed that now a days, a trend has developed to bypass the alternate remedies and instead to approach the High Court in constitutional jurisdiction, which on the one hand absolve the relevant forum from performing its functions and duties and on the other, unnecessarily burdened the docket of the High Court and as such, deprives the litigants, who have their genuine causes to lay before the High Court. The constitutional jurisdiction should not be exercised at the whims of the parties as run of the mill case.

Conclusion: i) Khizer Hayat and others versus Inspector-General of Police (Punjab), Lahore and others (PLD 2005 Lahore 470).

ii) It reveals that police officers and officials are accountable both departmentally and criminally.

iii) See above analysis No. iii

iv) See above analysis No. iv

v) It ensures that statutory forums are respected and also prevents unnecessary burden on constitutional courts.

vi) No. Statutory remedy cannot bypassed

vii) It has to demonstrate to the satisfaction of the Court that such remedy is illusory and not adequate at all.

viii) Being an extra ordinary remedy, it is to be exercised in rare and exceptional cases.

ix) See above analysis No.ix

12. **Lahore High Court**
Mst. Yasmeen v. Dr. Fahad Ahmad, District Police Officer Hafizabad, and others
Writ Petition No. 12912/2023
Mr Justice Tariq Saleem Sheikh
https://sys.lhc.gov.pk/appjudgments/2024LHC6593.pdf

Facts: A criminal case was registered against three individuals for offences including rape and abduction. Initially, the investigation was assigned to a male officer whom the petitioner accused of bias. Upon her request, the investigation was transferred to a female officer by the competent authority. Petitioner subsequently asserted that the case, being governed by the Anti-Rape (Investigation and Trial) Act, 2021, must be handled by the entire Special Sexual Offences Investigation Unit (SSOIU), not by a single officer. When her request for a team-based investigation was refused, she challenged the legality of the transfer order through a constitutional petition.

Issues: i) Whether preamble can be used to interpret the meaning of a statutory provision?
ii) How have Pakistani courts treated the use of the preamble in interpreting legislative intent?
iii) What objective does the preamble of the Anti-Rape (Investigation and Trial) Act, 2021 reflect?
iv) How does the Anti-Rape (Investigation and Trial) Act, 2021 protect the rights of women and children?
v) What mechanism does section 9 Anti-Rape (Investigation and Trial) Act, 2021 introduce for investigating sexual offences?
vi) Whether SSOIUs safeguard the dignity and rights of survivors during investigations?
vii) Whether investigation units differ from joint investigation teams (JITs) in structure and function?
viii) What qualifications and gender preference are prescribed for members of SSOIUs under section 9(2) and whether the law make it mandatory to include a female officer in the unit?
ix) Whether members of a specialized investigation unit can conduct inquiries individually, or must they act as a unit?
x) What is the significance of involving a female police officer in investigations involving women or child victims?
xi) Whether the investigation be conducted collectively by the team or individually by its members in the case of a JIT?
xii) Whether the replacement of JITs with SSOIUs reflect an intent to depart from collective investigations?

Analysis: i) The preamble is a part of a statute, though not its operative part. Nevertheless, it provides a valuable guide to find out the legislative intent. Coke said: "The

preamble of the statute is a good means to find out the meaning of the statute, and as it were, a key to open the understanding thereof."1 According to another jurist, "it is a key to open the minds of the makers of the Act, and the mischiefs which they intend to redress.

ii) In Murree Brewery Co. Ltd. v. Pakistan through the Secretary to Government of Pakistan, Works Division, and others (PLD 1972 SC 279), the Supreme Court of Pakistan held that "the preamble is a legitimate aid in discovering the purpose of a statute." In Mst. Ummatullah through Attorney v. Province of Sindh and others (PLD 2010 Karachi 236), a Division Bench of the Sindh High Court held that "preamble is the gateway to any statute; it is bedrock to understand the scope, purpose and object to any statute." Similarly, in Kamil Khan Mumtaz and others v. Province of Punjab through Chief Secretary, Government of Punjab, and others (PLD 2016 Lahore 699), a Division Bench of this Court ruled:

"A preamble is, therefore, a window to the main statute. Although the preamble does not control the main enactment, it certainly gives an inkling of the intention of the legislature and the policy of the Act. The concept relating to the policy of the Act is of paramount importance, and all interpretation must be done in accordance with the policy and the intention of the legislature found therein."

iii) The preamble of the Anti-Rape Act expresses the nation's resolve to confront the pervasive issue of sexual violence and gender-based crimes. It highlights that the Act aims to develop efficacious procedures to streamline the entire judicial process from the time a crime is reported to its resolution in court. This includes adopting faster and more effective methods of processing cases, better management of evidence to preserve its integrity for trials, and swiftly bringing perpetrators to justice.

iv) The Anti-Rape Act is a remarkable legislative initiative aimed at upholding the constitutional rights of women and children, including their rights to life, dignity, and justice. Additionally, it seeks to fulfil Pakistan's obligations under international law, which require it to address the scourge of sexual violence.

v) Section 9 introduces a crucial mechanism for handling the intricacies of investigating sexual offences by establishing Special Sexual Offences Investigation Units (SSOIUs) in every district by provincial governments and in the Islamabad Capital Territory by the federal government. This provision embodies a contemporary law enforcement approach, recognizing the need for specialized expertise and dedicated resources to address such crimes effectively.

vi) The formation of SSOIUs reflects the Act's victim-centred approach, emphasizing survivors' rights, dignity, and well-being throughout the investigative process. By prioritizing the needs of survivors, SSOIUs create a supportive environment conducive to reporting incidents of sexual violence and seeking justice.

vii) The concept of "investigation units" is distinguishable from "joint investigation teams" (JITs). They serve unique purposes in the pursuit of justice. Investigation units typically operate within a single law enforcement agency and are specialized teams or divisions responsible for investigating various types of

crimes. These units, such as homicide or cybercrime units, focus on specific areas of criminal activity and possess expertise and resources tailored to their respective fields. In contrast, JITs are collaborative entities formed by multiple law enforcement agencies or governmental entities to investigate specific cases or types of crimes that transcend jurisdictional boundaries. Comprising representatives from various agencies and stakeholders, JITs pool together resources, expertise, and investigative powers to address cases requiring cooperation and coordination across different jurisdictions. While investigation units concentrate on internal investigations within a single agency, JITs facilitate cross-agency collaboration to tackle cases that demand a unified approach.

viii) Section 9(2) of the Act stipulates that the SSOIUs shall comprise police officers who have received training on investigation in relation to sexual offences, and preferably, one member of the unit shall be a female police officer…It is, however, important to note that the Anti-Rape Act encourages the involvement of lady police officers in handling the Scheduled Offences – though it does not impose a strict requirement. Section 9 of the Act states that the SSOIU should preferably have a female police officer as one of its members who has received training on investigation in relation to sexual offences. The use of the word "preferably" instead of "must" indicates flexibility in unit formation, recognizing factors such as staffing constraints and resource availability.

ix) Section 9(3) mandates that investigations for offences listed in Schedule-I shall be conducted exclusively by the SSOIU, while those in Schedule-II are to be carried out by the SSOIU under the supervision of a police officer not below the rank of BPS-17. Two interpretations of section 9 of the Anti-Rape Act are possible: first, that the SSOIU as a unit should handle the investigation of Scheduled Offences collectively, and second, that individual police officers who are members of the SSOIU in the relevant district may conduct the investigations independently.

x) The Anti-Rape (Investigation) Rules 2022 also cast certain duties on a female police officer when appointed. The purpose of these provisions is that where the victim is a woman or child, the association of a woman officer with the investigation makes them feel comparatively comfortable and, in some instances, even prevent re-traumatization.

xi) Section 9 of the Ordinance prescribed that the JIT shall comprise of the District Police Officer as the head, one Superintendent of Police (Investigation), one Deputy Superintendent of Police, and one Station House Officer. In the case of a JIT, it may be correct to presume that the investigation was to be entrusted to the JIT as a whole instead of its individual members.

xii) However, the fact that while enacting the Anti-Rape Act 2021, the legislature made a conscious departure from the concept of a JIT and resorted to the establishment of SSOIUs in each district also suggests that its intent was not to assign the investigation of the Scheduled Offences to the entire unit.

Conclusion: i) The preamble is a part of a statute, it provides a valuable guide to find out the legislative intent.
ii) See above analysis No ii.
iii) The preamble of the Anti-Rape Act expresses the nation's resolve to confront the pervasive issue of sexual violence and gender-based crimes.
iv) The Anti-Rape Act aimed at upholding the constitutional rights of women and children, including their rights to life, dignity, and justice.
See above analysis No iv.
v) Section 9 introduces a crucial mechanism for handling the intricacies of investigating sexual offences by establishing SSOIUs.
vi) The formation of SSOIUs reflects victim-centred approach, emphasizing survivors' rights, dignity, and well-being.
vii) See above analysis No vii.
viii) See above analysis No viii.
ix) See above analysis No ix.
x) Where the victim is a woman or child, the association of a woman officer with the investigation makes them feel comfortable.
xi) In the case of a JIT, the investigation was to be entrusted to the JIT as a whole.
xii) See above analysis No xii.

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13. **Lahore High Court**
Abdul Salam v. H.B.F.C., Limited
C.M No. 3562 of 2025-in-R.F.A. No.58 of 2025/BWP
Mr. Justice Muzamil Akhtar Shabir, Mr. Justice Malik Muhammad Awais Khalid
https://sys.lhc.gov.pk/appjudgments/2025LHC5289.pdf

Facts: The applicant, who is appellant in the titled Regular First Appeal („RFA'), seeks direction to the Office of this Court for issuance of certified copy of order passed by this Court in the titled RFA, whereby the operation of impugned judgment and decree had been suspended. The office of the High Court objected to issue certified copy on the ground that the requisite copy is of conditional order and condition is not complied with.

Issues: i) Which law authorizes the preparation and issuance of certified copies of public documents; what presumption is attached to such copies?
ii) When the office can refuse, under High Court Rules & Orders, to issue certified copy?
iii) Whether the non-submission of surety bond or non-payment of decreetal amount could be a ground for refusal to issue certified copy by the office?
iv) Whether the court could interfere in administrative actions on the basis of 'unreasonableness'?
v) How the principle of 'abundant caution' could be applied in issuing copies of conditional orders?

Analysis: i) Article 87 of the Qanun-e-Shahadat Order, 1984 („QSO') authorizes the officer

having custody of a public document to issue certified copy of the same and under Article 88 QSO such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies… Certified copies of order(s) passed by this Court are issued under the powers vested in the Office of this Court vide Rules and Orders of the Lahore High Court, Lahore Volume V, Chapter 5, Part A ("the Rules"), which relate to inspection of records and Copy Branch Rules relating to issuance of certified copies of orders passed by this Court, whereas the Part B of said Chapter relates to grant of copies and translation of records. The certified copies issued under said Rules unless rebutted through evidence, have presumption of law relating to authenticity attached to the same.

ii) In terms of Rule 23 of the Rules if the petitions are found to be either incompetent or defective, an "Objection Statement" showing details given in Appendix „G" attached to Copy Branch Rules concerning such petitions will be pasted on the notice board.

iii) Needless to mention that a Court could pass an order without any condition which becomes operative immediately or there could be different types of conditional orders passed by this Court, such as orders that become operative on the basis of some further development or performance of a condition precedent such as requiring submission of surety bonds or decretal amount to the satisfaction of the Deputy Registrar (Judicial) of this Court or the trial court or any other forum. Where the order was without any condition or same was made subject to submission of surety bonds or decretal amount subject to the satisfaction of the trial court or any other forum, unless the petition for provision of certified copy was found to be incompetent or defective, the office of this Court would not ordinarily refuse to issue certified copy of the said order to the petitioner for the reason that the such copy is to be produced before the trial court or any other forum for further action/process by the said court or forum.

iv) It is a settled proposition of law that every order passed by an authority has to be reasonable and the Court can interfere and set aside an order on the ground of unreasonableness if it is flawed. Reference may be made to case titled "Associated Provincial Picture Houses Ltd. versus Wednesbury Corporation" {(1948) 1 KB 223} wherein it is provided that the "test of unreasonableness" in administrative law, also known as the Wednesbury unreasonableness test, is a standard used to assess whether a public authority"s decision is so flawed that it can be struck down by a court during judicial review. It essentially asks if the decision is so unreasonable that no reasonable person or body could have made it. This test is a high bar, requiring a decision to be not just flawed but egregiously irrational. Furthermore, the Supreme Court of Pakistan in case titled Dr. Akhtar Hassan Khan and others versus Federation of Pakistan and others (2012 SCMR 455) has observed that grounds upon which an administrative action is subject to control by judicial review, include (i) illegality, which means the decision-maker must understand the law correctly that regulates his decision making power and must give effect to it, (ii) irrationality, namely, Wednesbury unreasonableness and

(iii) procedural impropriety.
v) In case the condition mentioned therein was not complied with and not prior to the same, hence in the meanwhile when the order is operative in its own terms, the Office cannot treat the same as inoperative and decline to issue its certified copy, however, as of abundant caution, the Office while issuing certified copy, if so deemed necessary to ensure that the issuance of certified copy may not be misinterpreted, can give a note/endorsement on the certified copy of the order that the condition mentioned therein has not yet been complied with.

Conclusion: i) Articles 87 & 88 of the QSO deal the preparation and issuance of certified copies of public documents and its use thereof. The certified copies issued under High Court Rules & Orders unless rebutted through evidence, have presumption of law relating to authenticity attached to the same.
ii) If the petitions for certified copies are found to be either 'incompetent or defective', then it could be refused to issue a copy with 'Objection Statement'.
iii) The non-submission of surety bond or non-payment of decreetal amount could be a ground for refusal to issue certified copy by the office for the reason that such copy is to be produced before the trial court or any other forum for further action/process by the said court or forum.
iv) Every order passed by an authority has to be reasonable and the Court can interfere and set aside an order on the ground of unreasonableness if it is flawed.
v) As of abundant caution, the Office while issuing certified copy, if so deemed necessary to ensure that the issuance of certified copy may not be misinterpreted, can give a note/endorsement on the certified copy of the order that the condition mentioned therein has not yet been complied with.

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14. **Lahore High Court**
Qadeer Ali, etc. v. Province of Punjab, etc.
I.C.A No. 38859 of 2024
Mr Justice Asim Hafeez, Mr Justice Khalid Ishaq
https://sys.lhc.gov.pk/appjudgments/2025LHC5221.pdf

Facts: Appellants were appointed on contractual basis against designated post(s) in a project. They sought regularization of their services/employment through constitutional petition (s) decided through consolidated judgment ('impugned decision'), hence; the instant Intra-Court Appeal and two other connected appeals.

Issues: i) What a contractual employee cannot claim and what he can claim?
ii) What is the precedential value of the decisions refusing leave to appeal?
iii) Whether the status of a project employee *ipso facto* changes upon conversion of the project from development to non-development category?
iv) Does the Constitutional Court have the authority to direct the inclusion of a category of project employees for the purpose of extending the benefit of the Punjab Regularisation of Service Act, 2018 (Act, 2018), by changing the status of an employee?

v) Are the judgments of the Constitutional Courts, which denounced cherry-picking exercises, applicable where the plea of discrimination remains unsubstantiated?
vi) Can regularization be claimed as a matter of right?

Analysis: i) No vested right qua regularization of services could be claimed but an employee can claim a right to be considered for regularization, subject to law or policy, regulating regularization of project employees, where project was converted from development to non-development category.
ii) There is no cavil that decisions of the Apex Court, refusing leave to appeal are not construed as binding precedents in terms of Article 189 of the Constitution of Islamic Republic of Pakistan, 1973, nonetheless, claim is put to scrutiny in light of *doctrine(s) of „Ratio decidendi" and „Obiter dicta"*
iii) We do not scribe to the argument that status of project employee would *ipso facto* change, simplicitor, upon conversion of the Project from development to non-development category.
iv) Constitutional court has no authority to direct inclusion of category of project employee for the purposes of extending the benefit of Act, 2018 – by way of changing the status of an employee. This kind of intrusion is an act in excess of jurisdiction.
v) Judgments of the constitutional courts, whereby cherry-picking exercise was found administered and consequently deprecated / denounced, are not applicable where plea of discrimination remains unsubstantiated.
vi) Regularization cannot be claimed as a right but a privilege extended and subjected to certain conditionalities.

Conclusion: i) See above analysis No.i
ii) Decisions refusing leave to appeal are not binding precedents.
iii) No. Status of a project employee does not automatically change upon conversion of the nature of a project.
iv) No. A constitutional court is not vested with the authority to alter the employment status of a project employee by directing his inclusion in a different category.
v) Such judgments are not applicable.
vi) See above analysis No.vi

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15. **Lahore High Court**
Muhammad Sulaiman Khan v. Learned Guardian Judge-II, Lahore and 2 Others
Writ Petition No. 36274 of 2023
Mr. Justice Sultan Tanvir Ahmad
https://sys.lhc.gov.pk/appjudgments/2025LHC5183.pdf

Facts: The petitioner, a foreign national and father of two minor children, filed a custody suit under section 25 of the Guardian and Wards Act, 1890, seeking custody of

the minors who were also foreign nationals. The Guardian Court declined to exercise jurisdiction based on nationality which decision was upheld by the appellate court. The respondent-mother contested the custody claim by invoking the Hague Convention on the Civil Aspects of International Child Abduction, asserting wrongful removal of the children from their habitual residence abroad and seeking their return.

Issues:

i) When is the removal or retention of a child considered wrongful under Article 3 of the Hague Convention on the Civil Aspects of International Child Abduction?
ii) When is removal or retention of a child deemed wrongful under Article 3 of the Hague Convention?
iii) What factors determine whether a child's residence qualifies as "habitual residence" under the Hague Convention?
iv) Applicability of the Hague Convention based on Habitual Residence before Breach of Custody Rights
v) Effect of Article 6-A inserted into the Schedule of the Family Courts Act, 1964, regarding the jurisdiction of Guardian/Family Courts.
vi) What is the significance of Article 12 of the Hague Convention in determining the prompt return of a wrongfully removed or retained child?
vii) What defence is available under Article 13(a) of the Hague Convention to oppose the return of a wrongfully removed or retained child?
viii) Circumstances considered by Pakistani courts to permit the relocation of children abroad, keeping in view the UNCRC and the principle of the child's best interest.
ix) Which statute prevails for determining territorial jurisdiction in child custody matters Guardians and Wards Act, 1890 or the Family Courts Act, 1964?
x) Concept of nationality defined in Pakistani jurisprudence.

Analysis:

i) Chapter I of the Hague Convention is related to its scope. Article 3 provides when the 'removal or retention' is to be considered 'wrongful':- Article 3 '' The removal or the retention of a child is to be considered wrongful where a) it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention; and b) at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention.
The rights of custody mentioned in sub-paragraph a) above, may arise in particular by operation of law or by reason of a judicial or administrative decision, or by reason of an agreement having legal effect under the law of that State.''
ii) "Wrongful" admits removal and retention (i) in breach of right of custody either jointly or alone, under the law of the State where the child was habitually resident immediately before the removal or retention; and (ii) at the time of removal or retention the rights were exercised or would have been so exercised but could not due to removal or retention.

iii) "habitual residence" should be given a harmonized approach with the law of the State from where a child had residence immediately before complained removal… In "Mark v Mark" ([2005] UKHL 42) it has been decided that the question whether the residence is habitual is a factual one, which should be answered by applying the test laid down by Lord Scarman in "Shah"([1983] 2 AC309) and it is possible that legality of a person's residence in England might be relevant to factual question whether that residence is "Habitual"… For the purposes of the Hague Convention 'habitual residence' must not be just a temporary or intermittent place, however, there is no need for an intention to reside indefinitely. There must be some degree of integration into the social and family environment in the State. The presence should be voluntarily. Enforced presence or residing somewhere with opportunity to escape is not included. See "Udny v Udny" ([1869] LR 1Sc) and "Shah v Barnet London Borough Council and other appeals" ([1983] 1 ALL ER).

iv) Articles 4 and 5 of Hague Convention provide that the convention applies to any child having habitual residence in a contracting State immediately before any breach of custody or access right, until the child attains age of 16… The breach of custody referred in Article 4 relates to those rights which are defined in Article 5(a) i.e. "rights of custody", which are concerning the care of the person of the child, in particular, the right to determine the child's place of residence.

v) It is also vital to establish procedures to ensure prompt return of the removed child to the State of habitual residence. Article 6-A in schedule (Part-I) to Family Courts Act **(**FCA-1964), through SRO 980(I) / 2017 dated 25.09.2017 (the '**Notification**'), has been inserted. This confers jurisdiction upon the Guardian / Family Court to resolve these issues, in the Country.

vi) An examination of the Hague Convention also reveals that it warrants taking the measures of the nature that the question of wrongful removal and detention should be determined at earliest, so that upon being convinced the order of return can be passed without delay or harmful effect to any child… Article 12 of Hague Convention has critical implication… The above provisions necessitate that if less than a year has elapsed from the wrongful removal the order of return should be forthwith. After one year, position depends on the question- if the child has settled in its new environment?

vii) Further discussion on Article 13(a) of the convention will not be out of context. The requested State is not bound to order the return if the one opposing can establish that the person, institution or other body having the care of the person of the child was not actually exercising the custody rights at the time of removal or retention, or had consented to or had subsequently acquiesced in the removal of or the retention. "In re D (a child) [2006] UK HL 51, the issue before the Court was whether a child should be returned to Romania after three years and ten months of his removal…In the said case the proceedings were dropped and appeal was allowed, primarily on the ground that father was not having 'right of custody' for the purposes of Hague Convention when the child was removed from

Romania to England and accordingly removal was held as not wrongful, therefore, no obligation to return arose.

viii) The questions of upbringing or relocation abroad in best interest of children have already been considered and such permission have been granted in certain cases (PLD 2012 Sindh 166, PLD 2018 Sind 377, 2025 CLC 478) keeping in view the United Nations Convention on the Rights of the Child-1989 **(UNCRC).** The Honourable Supreme Court in Malik Mahmood Ahmad Khan and Dr. Muhammad Asif cases (CPLA. 2250-L / 2016 and CRP No. 458/2024) has issued guidelines considering the international obligation under UNCRC and best interest of Children.

ix) Next is the pleaded conflict between GWA-1890 and FCA-1964. This has been examined in several cases (2001 SCMR 2000, PLD 2023 Lahore 433, 2024 SCMR 634). Anne Zahra case is concerning where some proceedings took place in USA and later custody petition under FCA-1964 was filed in Pakistan. The question for determination that arose before the Supreme Court was as to which Court has the jurisdiction and if same is to be resolved under GWA-1890 or FCA-1964 and rule framed thereunder. In Paragraph No. 7 of this judgment the issue is resolved in following manners:- ‘‘…As has been observed, the West Pakistan Family Courts Act, 1964 has overriding effect in so far as the matter included in the Schedule, therefore, initially it is the Family Court which has to be approached in respect of matters relating to custody of minor being one of the listed item in the Schedule and in determining as to which of the Family Court shall have jurisdiction to entertain such a petition shall have to be decided under the provisions of the said Act and the rules framed thereunder and once a Family Court is approached accordingly by a party considering that a particular Family Court was vested with the territorial jurisdiction to entertain the petition, for the purposes of the trial of the same, the procedure as prescribed under the said Act is not to be followed but the general procedure for the trial of suit under the Civil Procedure Code has to be followed which has no nexus or relevancy with the question of determination of the Trial Jurisdiction of the Court…’’

x) Nationality represents a person’s status, by virtue of which she or he owes allegiance to a Country. The concept of Nationality is elaborated in “Umar Ahmad Ghuman”case (PLD 2002 Lahore 521) as under:- “10. Nationality in common parlance means membership of a particular nation. In international Law it refers to the attributes of a person natural or artificial person belonging to a State with certain rights and obligations which the law may prescribe…” Similar question came up for hearing in “Muhammad Zaman” case (2012 CLC 24) , when it was observed that for such matters the question of citizenship or nationality is not relevant while determining the issue of jurisdiction for the Courts.

Conclusion: i) See above analysis No i.

ii) See above analysis No ii.

iii) See above analysis No iii.

iv) Articles 4 and 5 of Hague Convention provide that the convention applies to

any child having habitual residence in a contracting State immediately before any breach of custody or access right.

v) Article 6-A inserted into the Schedule of the Family Courts Act, confers jurisdiction upon the Guardian / Family Court to resolve these issues, in the Country.

vi) Article 12 of Hague Convention necessitate that if less than a year has elapsed from the wrongful removal the order of return should be forthwith.

vii) See above analysis No vii.

viii) See above analysis No viii.

ix) As has been observed, the West Pakistan Family Courts Act, 1964 has overriding effect in so far as the matter included in the Schedule.

x) See above analysis No x.

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16. **Lahore High Court**
Naeem Ullah v. Chaudhary Zulifqar Ahmad, etc.
Writ Petition. No.44946 of 2025
Justice Raheel Kamran
https://sys.lhc.gov.pk/appjudgments/2025LHC5243.pdf

Facts: Through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner has assailed vires of order passed by the Special Judge Rent, whereby petition under Sections 12 and 20 of the Punjab Rented Premises Act, 2009 ('Act') for deposit of rent and injunction against eviction of the petitioner from rented premises was dismissed as well as judgment passed by the Additional District Judge, whereby appeal preferred there-against by the petitioner was also dismissed.

Issues i) What is scope and application of provisions of section 24 of the Punjab Rented Premises Act, 2009**?**

Analysis: i**)** The provisions of Section 24 of the Act are notexpressly or by necessary implication confined in their scope and application to eviction proceedings but include other pending proceedings under the Act wherein payment of rent and other dues are required to be made. Had it been intention of the legislature to confine scope and application of the aforementioned provisions to eviction proceedings, heading of Section 24 of the Act would have been worded differently, such as "payment of rent and other dues pending eviction proceedings". Legislature is presumed to be never short of words and omission of the word "eviction" in the heading of Section 24 of the Act is conscious and in line with provisions of the aforementioned section. No doubt Section 24(1) of the Act relates to eviction proceedings, however, that is not necessarily the case vis-à-vis other provisions of Section 24 ibid. Subsection (2) of Section 24 of the Act confers authority upon the Rent Tribunal to tentatively determine the dispute and pass the order for deposit of rent where there is a dispute of the rent due or rate of rent. There is nothing in the language of said provision that confines such

disputes to eviction proceedings only and not extendable to other proceedings includes those under Section 20 of the Act. The requirement qua deposit of rent in terms of subsection (1), as mandated under subsection (2) of Section 24 of the Act, only suggests that the tentatively determined rent is to be deposited in the bank account of landlord or in the Rent Tribunal till final order within the time specified in the order passed under Section 24 of the Act. Likewise, subsection (3) of Section 24 of the Act empowers the Rent Tribunal to direct the tenant to pay utility bills. The above provisions of subsection (2) & (3) of Section 24 of the Act are enforceable independently in all pending proceedings visualized under the Act and not just proceedings initiated on eviction petition. Finally, subsection (4) of Section 24 of the Act stipulates consequences for failure of the tenant to comply with the direction or order of the Rent Tribunal whereby it has been mandated to pass final order forthwith in such eventuality.

Conclusion: i) See above analysis No.i

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17. **Lahore High Court**
Collector, Collectorate of Customs, Model Customs Collectorate, Allama Iqbal International Airport, Lahore v. Muhammad Saleem Badhsh and another
Customs Reference No. 22234 of 2024
Mr. Justice Asim Hafeez, Mr. Justice Khalid Ishaq
https://sys.lhc.gov.pk/appjudgments/2025LHC5283.pdf

Facts: This Customs Reference Application filed under Section 196 of the Customs Act, 1969 (the "Customs Act"), being dissatisfied, the respondents impugned the order by filing appeal under Section 194-A of the Customs Act before the Tribunal. The appeal was decided vide impugned judgment.

Issues i) What is pre-condition for exercise of jurisdiction and authority under section 142 of the Customs Act?
ii) Whether declaration by the Passenger(s), as envisaged under Section 139 of the Customs Act, 1969 is a sine qua non for invocation of Section 142 of the Customs Act, 1969?
iii) What is object of Section 142 of the customs Act?

Analysis: i) the exercise of jurisdiction and authority in terms of Section142 of the Customs Act is dependent upon a mandatory pre-condition of a true declaration by the passengers/respondents, if so made, in terms of Section 139 of the Customs Act. This provision requires the owner of a baggage to declare the contents of the baggage to the proper Officer of the Customs Department; it is only when a truthful declaration is made under Section 139 of the Customs Act that one can claim a right to be considered for invoking benefits under Section 142 of the Customs Act, the Baggage Rules, 2006 and the letter dated 14.05.2018. Needless to observe that even in a case of truthful declaration in terms of Section 139 of the Customs Act, the option to re-export the goods abroad cannot be claimed as a

matter of right. The plain reading of Section 139 makes it abundantly clear that in the matter of declarations, there is no onus cast upon the Department to accost individual passengers for taking declarations, particularly after introduction of the channel system, which system is to the effect that a passenger passing through green channel leads to an ineluctable declaration on the part of the passenger concerned that he has no dutiable goods accompanying him to be declared.

ii) Since the declaration, as envisaged under Section 139 is a sine qua non for invocation of Section 142, as Section 139 creates an obligation upon every passenger to make declaration of the contents of his baggage and to answer questions with respect to baggage and articles carried by him. The failure to do so or the failure to produce baggage or any such article(s) for examination is liable to penalties and confiscation as provided by item (70) of Section 156(1).

iii)The object of Section 142 of the Customs Act, which is a relatively new provision and was introduced by the legislature to give a facility to the passenger(s) for temporarily leaving the baggage with the Customs Department for the purpose of being returned to him on his leaving Pakistan. Another object of Section 142 may be to exclude any articles from the purview of Sections 156 and 168, if a declaration is made under Section 139 of the Customs Act. It is inconceivable that there would be any refund or right to re-export will be forthcoming, if indeed, there is a misdeclaration or no declaration at all on the part of a passenger, with a view to evade payment of duty.

Conclusion: i) See above analysis No.i

ii) The declaration, as envisaged under Section 139 is a sine qua non for invocation of Section 142 of the Customs Act.

iii) See above analysis No.iii

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18. **Lahore High Court**
Mst. Tasneem Kausar v. Govt. of the Punjab, etc.
W.P. No.5012 of 2021
Mr. Justice Malik Muhammad Awais Khalid
https://sys.lhc.gov.pk/appjudgments/2025LHC5211.pdf

Facts: The petitioner was proceeded against under the Punjab Employees (Efficiency, Discipline and Accountability) Act, 2006 and terminated from service. The termination was challenged in Writ Petition, resulting in reinstatement by the High Court. However, instead of reinstating, the department suspended the petitioner indefinitely and initiated a fresh inquiry. Despite the petitioner's denial of allegations, a major penalty of dismissal and recovery of emoluments was imposed, in violation of the reinstatement order. The petitioner challenged this in Writ Petition, which was disposed of with directions to treat it as an appeal. The appeal was subsequently dismissed by Respondent No.2. Now, By way of this petition, the petitioner has challenged the orders of dismissal of her appeal by Respondent No.2 and the order of dismissal from service passed by Respondent No.3.

Issues: i) What is inevitable for the purpose of a regular inquiry, and what must be done before awarding a penalty to an employee?
ii) Who has the authority to declare a certificate bogus?
iii) What principles were expounded by the Hon'ble Supreme Court of Pakistan in the case of *The Vice-President (Admin.), National Bank of Pakistan and others vs. Basharat Ali and others* (1996 SCMR 201)?
iv) What implicit elements may be inferred from the express principles enunciated in the case of *The Vice-President (Admin.), National Bank of Pakistan*, as referred to above?
v) What is the requirement of the principles of natural justice with respect to the regular inquiry of an employee?
vi) What are the underlying aspirations of conducting a departmental inquiry?
vii) What elements constitute a regular inquiry?
viii) What obligation is cast upon administrative functionaries in relation to the discharge of their responsibilities and duties?

Analysis: i) For the purpose of regular inquiry while in order to ascertain the truth all cannons of justice were inevitable and allegations must substantially be proved against the petitioner before awarding any penalty.
ii) It is the prerogative of the concerned institute to declare any certificate bogus subject to confrontation in a lawful manner.
iii) That paramount object of framing of the rules and enactment to provide a fair and reasonable opportunity to an accused employee to defend himself against the charge brought against him by his employer in order to ensure adherence of the principles of natural justice.
iv) This will implicitly include the right to have a copy of charge-sheets with all material particulars relating to allegations on the basis of which charges are founded, to have reasonable time to submit a reply to the charge-sheet, to participate in an inquiry proceeding, to examine the documentary evidence produced in support of the charges, to cross-examine the witness produced by the employer and to produce oral and/or documentary evidence in rebuttal to the evidence produced in support of the charges.
v) The principles of natural justice require that delinquent should be given fair opportunity to contest charges levelled against her before she was found guilty. A regular inquiry cannot be considered an inquiry unless fair opportunity is provided to a person to defend the charges.
vi) The underlying aspiration of conducting departmental inquiry is to determine whether a case of misconduct is made out and whether the accused is found guilty by the Inquiry Officer/ Committee is obligated to ascertain whether due process of law or the right to a fair trial, as envisaged under Article 10-A of the Constitution of the Islamic Republic of Pakistan 1973, was followed or not.
vii) A regular inquiry cannot be considered or labelled a regular inquiry unless fair opportunity is provided to defend the charges and confrontation of material and cross-examination of witnesses.

viii) The administrative functionaries are under obligation to discharge their responsibilities and duties in a reasonable manner with impartiality and full application of law in order to ensure that no one is denied to earn his livelihood because of the unfair action being departure from the mandatory provision of law, equity and justice.

Conclusion: i) See above analysis No.i
ii) The concerned institute.
iii) See above analysis No. iii
iv) (a) Right to have a copy of charge-sheets with all material particulars relating to allegations, (b) to have reasonable time to submit a reply to the charge-sheet, (c) to participate in an inquiry proceeding, (d) to examine the documentary evidence produced in support of the charges, (e) to cross-examine the witness produced by the employer, and (f) to produce oral and/or documentary evidence in rebuttal.
v) Delinquent should be given fair opportunity to contest charges.
vi) See above analysis No.vi
vii) (a) fair opportunity to defend the charges, (b) confrontation of material, and (c) cross-examination of witnesses.
viii) To discharge their responsibilities and duties in a reasonable manner with impartiality and full application of law.

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19. **Lahore High Court**
Nadeem Liaqat v. The State, etc.
Crl. Appeal No. 35879/2025.
Justice Abher Gul Khan
https://sys.lhc.gov.pk/appjudgments/2025LHC5200.pdf

Facts: The appellant was tried and convicted by the trial court under Section 3 of the Illegal Dispossession Act, 2005 for two years with fine. The appellant preferred an appeal before the High Court against his conviction and sentence.

Issues: i) What does imply the silence of complainant in non-summoning order of the court to the extent of some of the accused in a complaint case?
ii) What is importance of a report called by the court from the police?
iii) What was primary object of the Illegal Dispossession Act, 2005?
iv) How the delay in filing the complaint affect its genuineness?
v) What are the effects of non-exhibiting the private complaint in evidence?
vi) What would be the fate of a criminal case if prosecution fails to discharge the burden of proof?

Analysis: i) Thus, the silence of Muhammad Mehdi Khan (PW.1) in not challenging the non-summoning order amounts to implied acceptance of the trial court's decision and undermines the credibility of his earlier allegations against them. It gives rise to a reasonable inference that the complainant may have exaggerated or fabricated

portions of his narrative, particularly those involving the police officials. Such conduct adversely affects the overall reliability of the prosecution's case and raises concerns about the truthfulness of the complaint at the time it was filed.

ii**)** Importantly, the report makes it explicitly clear that there has been no unlawful dispossession or illegal occupation, rather, it states that Mst.Asmat Zahra continues to reside in one portion of the house, while the other portion has been rented out to tenants with her consent. These findings, as documented in the police report, directly contradict the version of events presented by the complainant and cast serious doubt on the allegations made in the complaint.

iii) The primary objective of the Act is to safeguard the rights of lawful owners and lawful occupiers of immovable property from illegal or forcible dispossession by land grabbers and unauthorized individuals.

iv) Furthermore, during the course of proceedings, learned counsel for the complainant failed to provide any plausible explanation for the inordinate delay in initiating the complaint. The unexplained silence and lack of urgency on the part of the complainant raises serious questions regarding the genuineness of the allegations.

v) Although the entire proceedings were initiated on the basis of a complaint filed under the provisions of the Act of 2005, notably, the said complaint was never exhibited during the course of the trial. If this Court excludes that un-exhibited complaint from consideration in accordance with settled principles of appraising the evidence, the entire foundation of the prosecution's case collapses. It is a well-established principle of law, requiring no elaborate clarification that any document not formally exhibited during trial cannot be treated as part of the evidentiary record or read in evidence.

vi) In these circumstances, the prosecution has not discharged the burden of proof beyond a reasonable doubt. Thus, the principle of benefit of doubt, which is a cornerstone of criminal jurisprudence, must be extended in favour of the appellant. Accordingly, the evidence presented cannot be deemed sufficient or credible to sustain conviction under the Act of 2005.

Conclusion: i) See above analysis No.i
ii) See above analysis No.ii
iii) See above analysis No.iii
iv) See above analysis No.iv
v) See above analysis No.v
vi) See above analysis No.vi

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20. **Lahore High Court**
Zain-ul-Abideen alias Zain. v. The State etc.
Criminal Appeal No.132000 of 2018
Justice Abher Gul Khan
https://sys.lhc.gov.pk/appjudgments/2025LHC5232.pdf

Facts: A complaint was filed by the Punjab Food Authority alleging commission of an offence under Sections 22-A and 24-A of the Punjab Food Authority Act, 2011 (as amended in 2015). The trial court convicted the appellant under Section 24-A, sentencing him to one month's simple imprisonment and a fine of Rs. 100,000/-. Execution of sentence was postponed subject to furnishing bail bonds under Section 382-A Cr.P.C. to allow appeal. Instead of filing the appeal before the High Court under Section 45-A of the Act, the appellant filed it before the Court of Sessions, which dismissed it for want of jurisdiction. Thereafter, the appellant filed the present appeal before the High Court, along with an application under Section 5 of the Limitation Act, 1908, seeking condonation of delay, without challenging the earlier dismissal order.

Issues: i) Forum for filing an appeal against a sentence or order passed under Section 24-A of the Punjab Food Authority Act, 2011 (as amended by the Act of 2015).
ii) Whether pursuing an earlier appeal before the wrong forum justifies filing a fresh appeal beyond the limitation period?
iii) Pre-requisite to condone the delay in a time barred appeal.

Analysis: i) Any person aggrieved by a sentence or order passed under Section 24-A must file an appeal before this Court within the prescribed limitation period of thirty days. To facilitate clarity and understanding, Section 45- A of the Act of 2011 is reproduced below:- "45A. Appeal against conviction.– (1) The Authority or the person sentenced by a Special Court may, within thirty days from the date of communication of the order, file an appeal against a final order of the Special Court to Lahore High Court. (2) Save as provided in this Act or rules, no Court shall take cognizance or revise a sentence or transfer any case from a Special Court or make order under section 426, 491 or 498 of the Code or have jurisdiction of any kind in respect of any proceedings of the Special Court."
ii) Simply relying on the plea that the delay resulted from pursuing a remedy before an incorrect forum does not meet the approach required under the law. A mere procedural mistake, unless accompanied by bona fide reasons and supported by diligent conduct, cannot be considered a reasonable justification for the condonation of delay. In support of the above view, reliance is placed on the case reported as Rehmatullah v. Muhammad Ikram and 7 others (1999 MLD 1622).
iii) While it is true that this Court, in the interest of justice, often exercises discretion to condone delay in appeals filed by convicted persons, such condonation is not automatic nor is it a matter of routine practice. It is certainly not to be treated as a rigid or mechanical rule that applies in every case, regardless of circumstances. The condonation of delay, particularly in appeals against conviction must be considered if sufficient cause is demonstrated by the accused-appellant. The onus lies on the convict to present cogent, convincing, and reasonable explanations for the delay.

Conclusion: i) Person sentenced under the Punjab Food Authority Act, 2011 by a Special Court may file an appeal against a final order to Lahore High Court.

ii) See above analysis No ii.
iii) The condonation of delay in appeals against conviction must be considered if sufficient cause is demonstrated.

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21. **Lahore High Court**
Ameer Afzal v. The State
Criminal Appeal No.64856 of 2019
Justice Abher Gul Khan
https://sys.lhc.gov.pk/appjudgments/2025LHC5265.pdf

Facts: The appellant was convicted under Section 302(b) PPC and sentenced to life imprisonment, with compensation to the legal heirs of the deceased. The case arose from a firing incident where the deceased and two others were allegedly shot by the appellant and co-accused. The appellant contested the prosecution's version, raising doubts about the FIR's promptness, the reliability of eyewitnesses, the role of injured witnesses, and the credibility of recovery and motive. The co-accused were acquitted on the same evidence. The appellant filed a Criminal Appeal.

Issues: i) Whether the prosecution's failure to produce or summon the person who carried the written complaint from the crime scene to the police station undermines the credibility of its case regarding the timing and procedure of FIR registration?
ii) Whether the deliberate withholding of entries in the FIR register and Station Diary, resulting in delay in FIR registration, renders the prosecution's version doubtful?
iii) Whether the failure of alleged eyewitnesses to identify the deceased in the inquest report undermines their claimed presence at the crime scene?
iv) What is the effect of the absence of injured eyewitnesses from the investigation and trial proceedings?
v) Whether medical evidence, being merely corroborative in nature, can by itself establish the identity of the perpetrator?
vi) Whether the prosecution's failure to prove the specific motive, weakens its case?

Analysis: i) Complaint/Fard Biyan (Exh.PV) was prepared at the scene of the incident. This document was then sent to the concerned Police Station for the formal registration of the FIR through ….. Given his role in this crucial chain of events, ….was a key witness whose testimony could have directly corroborated the promptness and authenticity of the FIR registration process. However, the prosecution neither listed ….. as a witness nor made any effort to summon him to testify in court. In such circumstances, the omission of such a vital witness casts doubt on the prosecution's narrative regarding the timely and proper registration of the FIR. It would be unreasonable and unjustified for the court to accept the prosecution's claim about the timing and procedure of FIR registration without questioning the deliberate withholding of an important witness who could have substantiated that

very claim. In this regard, the Supreme Court of Pakistan has already addressed a similar issue in the landmark judgment reported as Minhaj Khan v. The State (2019 SCMR 326) emphasizing that failure to produce the police constable who carried the written complaint to the police station undermines the prosecution's case.

ii) The record suggests that the FIR was registered after an unjustified delay and only once the routine documentation processes specifically, Register No. 1 & 2, commonly known as the FIR Register and Station Diary had been deliberately kept on hold. This deliberate delay and manipulation of standard police procedure not only casts serious doubt on the prosecution's version of events but also undermines the element of promptness and spontaneity that is typically associated with the lodging of a genuine FIR. The halting of these registers implies that the FIR may have been recorded retrospectively, possibly after deliberation or consultation, which compromises its credibility and raises the possibility of afterthought or fabrication. In criminal jurisprudence, such procedural irregularities strike at the root of the prosecution's case, especially where the timing and sequence of events are critical to the truth of the matter in issue.

iii) Inquest report (Exh.PB) clearly states that the dead body of deceased was identified not by the alleged eyewitnesses, but by given up PW and PW.5. This omission raises a serious and fundamental question that if PW.10 and PW.11 had truly been present at the scene of the crime, as they claim, it is only natural and expected that they would have identified the deceased at the time of the preparation of the inquest report. Their failure to do so casts a long shadow of doubt over their presence at the scene and consequently over the prosecution's entire narrative. This glaring inconsistency significantly weakens the prosecution's case and supports the inference that the eyewitnesses may have been introduced later or were not truthful in their account. In this regard, valuable guidance can be sought from the judgment of the Supreme Court of Pakistan in the case of Iftikhar Hussain alias Kharoo v. The State (2024 SCMR 1449).

iv) Two individuals …. also sustained injuries, and their MLCs were duly prepared by PW.2. However, it is an admitted fact that despite being injured eyewitnesses, neither of these individuals participated in the investigation nor appeared before the trial court to support the prosecution's version of events… From the foregoing, it can reasonably be inferred that if the aforementioned witnesses had appeared during the investigation, they likely would not have supported the prosecution's case.

v) It is a well-established principle of law that medical evidence serves primarily as corroborative evidence. It can confirm aspects such as the nature, number, and location of injuries, the type of weapon used, and the time elapsed between death and postmortem examination. However, medical evidence, by its nature, does not identify the perpetrator of the crime. Reference is made to the cases reported as Muhammad Tasaweer v. Hafiz Zulkarnain and 2 others (PLD 2009 Supreme Court 53) and Altaf Hussain v. Fakhar Hussain and another (2008 SCMR 1103).

vi) It is a well-settled principle that when the prosecution puts forth a specific motive and fails to substantiate it, the case of the prosecution is thereby weakened. Reliance is placed upon the case reported as Sarfraz and another v. The State (2023 SCMR 670).

Conclusion: i) Failure to produce the person who carried the complaint to the police station undermines the prosecution's case.
ii) See above analysis No ii.
iii) See above analysis No iii.
iv) See above analysis No iv.
v) Meical evidence, by its nature, does not identify the perpetrator of the crime.
vi) When prosecution fails to prove the motive, case of the prosecution is weakened.

LATEST LEGISLATION/AMENDMENTS

1. Vide Official Gazette of Punjab dated 28th July 2025, Corrigendum is issued related to the Gazette Notification No. 79 of 2025 published on 05.05.2025, in Punjab Gazette (Extraordinary) vide pages 4395-4396, at page 4396 at Sr No. 2, in clause (b), (a) item No ''viii'' to be read as ''ix'' and (b) item No. ''ix'' to be read as ''x''.
2. Vide Official Gazette of Punjab dated 28th July 2025, Corrigendum is issued related to the Gazette Notification No. 90 of 2025 published on 30.05.2025, in Punjab Gazette (Extraordinary) vide pages 4815-4816, at page 4816 at Sr No. 1, in clause (b), item No ''iii'' to be read as ''iv''.
3. Vide Notification No.(E&M)3-1/2024 (EVS) dated 30th July 2025 Amendment was made in Second Schedule, in Sr. No. (5) of Punjab Motor Vehicles Rules, 1969; where in clause (a), at the end the word ''and'' shall be omitted, in clause (b) at the end for ''full stop'' the expression ''and'' shall be substituted and thereafter a para No (c) shall be inserted.
4. Vide Official Gazette of Punjab dated 1st August 2025, Notification No. SOR-III(S&GAD)1-2/2023 dated 31ST July 2025 is published; Amendments and substitutions are made in the Schedule of Punjab Forest Department (Executive, Sericulture, Research and Extension, Technical and Ministerial Posts) Recruitment Rules 2019 under the heading '1. Forestry Executive' and '3. Forestry Ministerial'
5. Vide Official Gazette of Punjab dated 31st July 2025, Notification No. 580 /LAD/Legal-II dated 22.04.2025 issued by Provincial Police Officer is Published in which Amendment in Police Rules, 1934 are made.
6. Vide Official Gazette of Punjab dated 1st August 2025, Notification No. SOR-III(S&GAD)1-13/2025 Amendments are made in Rule 6, in sub-rule (2) and (3) of Punjab Civil Judges Departmental Examination Rules, 1991.
7. Vide Notification No. 77 dated 6th August 2025 of Lahore High Court Lahore, all the Constitutional Petitions pertaining to tax and Financial Matters were

ordered to be heard and decided by the Division Benches instead of single Benches.

SELECTED ARTICLES

1. MANUPATRA
https://articles.manupatra.com/article-details/THE-PANCHAYATS-CORROBORATION-TO-WITCH-HUNTS-JUSTICE-OR-QUIXOTIC-AFFAIR

The Panchayat's Corroboration to Witch-Hunts: Justice Or Quixotic Affair By Trisha Raj, Himanshu Yadav

On an eerie night of July 6, 2025 five members of a family were charred to death on the suspicion of witch-craft. The incident took place in a village of Purnia district, Bihar. The village Tetgama , where this gruesome insanity took place is not an alien to such practices. The practices have been intransigent among people since decades. The belief has led to incongruous situations as compared to the modern thinking and development. Prevalent in the states of Jharkhand, Chhatisgarh, Madhya Pradesh, Assam, Bihar and Odisha, these practices are well known ingredients in diminishing the major aspect of growth that government is desiring for. It was mentioned by the officials that the punishment to death was sanctioned by the village panchayat in the presence of hundreds of villagers, and the poor souls neither even got a chance to defend themselves nor to knock the door of any court. The local government is formed to deliver quick justice and aids to people without much relying on the other higher form of government. And do these local government has power of discernment, while sentencing someone to egregious death. And what power does the law offer to panchayats regarding penalties.

According to, "The Prevention and Prohibition of Witch-Branding and Witch-Hunting and Other Harmful Practices Bill, 2022," local governments such as gram panchayat are involved in addressing witch-hunting, but their role is focused on prevention, rehabilitation and forming other aid-facilities to the victim and their family. The act no-where gives authority to panchayats to punish individuals based on mere allegation. Allegations must be processed through the legal system, with investigations conducted by the police and trials held in courts.

2. MANUPATRA
https://articles.manupatra.com/article-details/Comprehending-the-Efficacy-of-Artificial-Intelligence-in-Drug-Development

Comprehending the Efficacy of Artificial Intelligence in Drug Development By Supriya

Artificial Intelligence is similar to using brain for manual tasks. It is a system within Computer Science that is on its way to surpass human intelligence in day-to-day activities. In simple terms, it has the ability to replicate human intelligence and solve complex problems . Most people might assume that AI and its application is a new*

development. But the reality is that it has been in existence for hundreds of years; only the degree of its application has increased. The Artificial Intelligence is similar to human intelligence as it also produces output based on Perceive, Analyse and Decision. As human intelligence has a capacity to produce output based on certain datasets fed into the brain, the artificial intelligence produces results based on the vast inputs fed in it by the user. However, unlike the restricted capacity of the brain to analyse, AI has an unlimited capacity to produce results based on different permutations and combination. Unlike Coding which is traditional software for producing desired outputs based on inputs, AI has the ability to learn from its inputs. This is a major difference and the most favourable merit of Artificial Intelligence that it has the capability to learn from variety of datasets. Furthermore, AI software will produce better results when vast datasets are fed to it; lower the amount of input, high chances of inaccurate results.

3. MANUPATRA

https://articles.manupatra.com/article-details/Unlocking-CSR-Potential-in-Indian-SMEs-Challenges-Laws-and-Global-Lessons

Unlocking CSR Potential in Indian SMEs: Challenges, Laws and Global Lessons By Akanksha Karankal

In India, corporate social responsibility, or CSR, has become a vital part of moral and sustainable business operations, particularly since it was made mandatory by Section 135 of the Companies Act of 2013. Small and medium-sized businesses (SMEs), which make up more than 90% of India's industrial units and are essential to employment and GDP contribution, are largely left out of this statutory obligation. Many SMEs participate voluntarily in CSR initiatives even though they are not required to by law, but they still face substantial operational, financial, and legal obstacles.This study examines the legal compliance environment around corporate social responsibility (CSR) in SMEs, emphasizing the lack of SME-specific CSR policies, resource limitations, regulatory burdens, and awareness gaps. The study also looks at international best practices and suggests institutional and legal changes to promote inclusive and scalable CSR involvement by SMEs using a doctrinal and policy analysis approach. The study comes to the conclusion that SMEs might continue to be on the periphery of India's larger CSR and sustainability objectives in the absence of a supportive legal framework.

4. LAWYERS CLUB INDIA

https://www.lawyersclubindia.com/articles/how-do-lawyers-calculate-what-a-car-accident-claim-is-worth--17913.asp

How Do Lawyers Calculate What a Car Accident Claim Is Worth? By Yaksh Sharma

Renton, Washington, located in King County, where over 1,600 traffic collisions occurred in 2023, including nine fatal crashes, faces a rising toll on its residents during daily commutes. That same year, the county recorded around 518 injury collisions and a notable increase in serious accidents over the past decade. In such a bustling transport

corridor, especially with intersecting highways I-5, I-405, and SR 167 converging near Renton, the likelihood of being involved in a traffic incident is unfortunately elevated. These numbers underscore why understanding the actual value of a car accident claim is critical for Renton drivers and passengers alike. In such situations, clients must reach out to a Phillips Law Firm car accident lawyer in Renton who brings local crash patterns, injury severity, medical costs, lost wages, pain and suffering, and comparative fault into precise focus. Given the frequency of rear-end, angle, and fixed-object collisions in the region, building a claim requires a detailed assessment of all contributing factors. In Renton's context, a trusted local firm like Phillips Law Firm can ensure claims reflect both regional traffic realities and statewide injury compensation standards. In this post, let us review what they consider when judging claims of this nature.

5. LAWYERS CLUB INDIA

https://www.lawyersclubindia.com/articles/cheque-bounce-after-adalat-settlement-civil-offence-or-criminal-liabilty-17907.asp

Cheque Bounce after adalat settlement: Civil Offence or Criminal Liabilty By Kishan Dutt Kalaskar

Lok Adalats are recognized as an effective form of alternative dispute resolution in India, aimed at enabling swift and friendly settlements. Frequently, parties agree to resolve their disputes by issuing post-dated cheques as part of the agreement. However, complications arise when such a cheque is returned unpaid. This discourse explores whether the dishonour leads to criminal liability under Section 138 of the Negotiable Instruments Act, 1881, or if the response is solely civil in nature.
