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FORTNIGHTLY CASE LAW BULLETIN

(16-07-2025 to 31-07-2025)

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

		Pakistan Civil Services Pension Rules, 1963; disbursement of Pension after death among legal heirs; entitlement of pension by unmarried or a divorced daughter; executive circulars and provisions of a statute; Constitution protection for rights of women against discrimination; daughter's marital status to claim family pension.		
9.	Supreme Court of Pakistan	Effect of delay in reporting the matter; principle governing the applicability of the "rule of consistency" in bail matters; consideration of confessional statement of a co-accused while deciding the bail petition of another accused: exceptions for granting post-arrest bail in cases falling within the prohibitory clause Section 497(1), Cr.P.C; circumstances when a case fall within the domain of the prohibitory clause of Section 497, Cr.P.C.	Criminal Law	10
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LATEST LEGISLATION/AMENDMENTS

SELECTED ARTICLES

1. **Supreme Court of Pakistan**
Zahid Khan, etc. v. The State through Prosecutor General, Punjab and another
Criminal Petition No. 645-L of 2025
Mr. Justice Yahya Afridi, CJ, Mr. Justice Shakeel Ahmad, Mr. Justice Ishtiaq Ibrahim
https://www.supremecourt.gov.pk/downloads_judgements/crl.p._645_l_2025.pdf

Facts: The petitioner has filed this application against the order of the High Court, whereby his application for pre-arrest bail was dismissed.

Issues: i) Can accused be arrested, once pre-arrest bail is declined by a competent court?
ii) Whether the mere filing of a petition before the Supreme Court can be treated as an implied stay or bar to arrest, despite the dismissal of pre-arrest bail?

Analysis: i) Prompt and faithful enforcement of judicial orders is fundamental to the criminal justice system. Once pre-arrest bail is declined by a competent court of law and the accused stands exposed to arrest in accordance with law.
ii) It is, therefore, necessary to clarify that any practice whereby police authorities treat the mere filing of a petition before the Supreme Court as an implied stay or bar to arrest, despite the dismissal of pre-arrest bail, indicates a misunderstanding of the purpose of pre-arrest bail. This relief exists as an exceptional measure to protect individuals against arbitrary or mala fide arrest, where circumstances clearly warrant such protection. Once a competent court has declined pre-arrest bail, it has necessarily determined that no such exceptional circumstances exist and arrest is lawful and necessary to ensure an effective investigation. Allowing the mere act of filing another petition to operate as a de facto stay would render that judicial determination meaningless, defeat the objective of ensuring prompt and fair investigation, and risk abuse of process by enabling accused persons to indefinitely evade arrest without any legal basis. Therefore, judicial orders must remain binding and enforceable unless and until a competent court expressly orders otherwise. It must be remembered that interim protection is not automatic; it must be specifically sought and expressly granted. Absent such an order, a refusal of bail remains fully operative and must be implemented promptly and in good faith by investigating authorities.

Conclusion: i) Yes, accused can be arrested in accordance with law.
ii) No, interim protection is not automatic; it must be specifically sought and expressly granted.

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2. **Supreme Court of Pakistan**
Saleh Muhammad and another v. Mst. Mehnaz Begum and others
Civil Petition No.354-P of 2025
Mr. Justice Yahya Afridi, CJ, Mr. Justice Miangul Hassan Aurangzeb
https://www.supremecourt.gov.pk/downloads_judgements/c.p._354_p_2025.pdf

Facts: Petitioner abandoned the respondent shortly after marriage, refused maintenance, and contracted a second marriage. In response to her suit for dower, dowry, and maintenance, he alleged she was medically unfit and not a "female" under the law. All courts rejected this claim and allowed the respondent's claim for dower, dowry articles, and maintenance. The petitioner has sought leave to appeal against the High Court's judgment affirming the decisions of the lower courts

Issues: i) What is the settled principle regarding interference by the Supreme Court with concurrent findings of the courts below?
ii)Whether infertility is a valid ground to deny a woman her dower or maintenance under the law?**?**

Analysis: i) It is settled law that this Court will not disturb concurrent findings of the courts below, save on grounds of legal error apparent on the face of the record.
ii)It must be acknowledged without equivocation that infertility, even if present, is no ground to deny a woman her dower or maintenance.

Conclusion: i) Supreme Court does not interfere with concurrent findings unless there is a legal error on the face of the record.
ii)Infertility, even if proven, does not disqualify a woman from claiming dower or maintenance.

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3. **Supreme Court of Pakistan**
Chief Land Commissioner, Punjab/Senior Member Board of Revenue Punjab, Lahore, etc. v. Administrator Auqaf Department, Bahawalpur, etc.
Additional District Judge, Toba Tek Singh etc.
Civil Petitions No. 2915-L, 2916-L & 2917-L of 2015
Mr. Justice Yahya Afridi (Chief Justice), Mr. Justice Shakeel Ahmad, Mr. Justice Ishtiaq Ibrahim
https://www.supremecourt.gov.pk/downloads_judgements/c.p._2915_l_2015.pdf

Facts: The petitions arose out of remand orders passed by the High Court over a decade ago, directing revenue authorities to re-decide the matter in accordance with law. Despite clear directions, the Deputy Land Commissioner, failed to act, resulting in unreasonable and unexplained delay.

Issues: Whether mere pendency of an appeal, revision or constitutional petition by itself operates as a stay of execution proceedings or implementation of some order?

Analysis: For clarity, it bears emphasis that the mere pendency of any appeal, revision, or constitutional petition does not, of itself, stay the execution or implementation of the order impugned. This principle is expressly embodied in Order XX Rule 1 of the Supreme Court Rules, 1980, which provides... In reference to the above-stated rule, this Court has already recently clarified in the case of Rashid Baig vs. Muhammad Mansha (2024 SCMR 1385) that mere pendency of a petition before this Court does not, by itself, operate as a stay of proceedings, which may only be

lawfully restrained by an express injunctive order of the Court. Thus, administrative inaction premised on the mere pendency of further proceedings, without any lawful restraint, is both unjustified and impermissible. It is particularly regrettable that despite the clear pronouncement of this Court in Rashid Baig's case (supra) expressing disapproval of such misuse of procedural pendency, the same practice continues unabated. This reflects not merely individual lapses, but a persistent pattern of administrative disregard for binding remand orders, which in itself constitutes systemic failure requiring urgent redress.

Conclusion: Mere pendency of any appeal, revision, or constitutional petition does not, of itself, stay the execution or implementation of the order impugned.

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4. **Supreme Court of Pakistan**
Ghulam Qadir Thebo v. Islamic Republic of Pakistan through Secretary, Establishment Division, Government of Pakistan and others
Civil Petition No.550-K of 2022
Mr. Justice Muhammad Ali Mazhar, Mr. Justice Syed Hasan Azhar Rizvi, Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/c.p._550_k_2022.pdf

Facts: The petitioner, a senior civil servant, was thrice superseded for promotion to BS-22 despite having seniority over those who were promoted. He contended that the High-Powered Selection Board acted arbitrarily and without assigning any reasons, and his official representations remained unaddressed. Alleging a breach of his fundamental rights, he challenged the non-consideration before the High Court, which dismissed his petition without properly examining the facts and legal issues involved, prompting to file thus Civil Petition.

Issues: i) What is the distinction between eligibility and fitness for promotion in service matters?
ii)Whether a civil servant has a right to be considered for promotion, but not a vested right to be promoted?
iii)Whether denial of promotion due to administrative delay gives rise to legitimate expectation of proforma promotion with benefits?

Analysis: i) The question of eligibility correlates to the terms and conditions of service, whereas fitness for promotion is a subjective evaluation based on an objective criterion.
ii)Though consideration for promotion is a right, the promotion itself cannot be claimed as of right.
iii)If he lost his promotion on account of any administrative oversight or delay in the meeting of DPC or Selection Board, despite having fitness, eligibility, and seniority, then in all fairness, he has a legitimate expectation for proforma promotion with consequential benefits.

Conclusion: i) Eligibility relates to service terms, while fitness for promotion involves subjective evaluation on objective grounds.
ii) Consideration for promotion is a right, but promotion itself is not claimable as of right.
iii) A civil servant denied promotion due to administrative delay despite eligibility and fitness has a legitimate expectation of proforma promotion with consequential benefits.

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5. **Supreme Court of Pakistan**
Irfan Ali Pitafi etc v. Secretary (Colleges) Education Department Sindh and others
C.P.L.A Nos.915-K, 916-K, 917-K, 944-K, 946-K, 948-K to 1004-K, 1019-K to 1025-K, 1028-K to 1037-K, 1065-K to 1071-K, 1088-K to 1089-K of 2024 and C.P.L.A No.2-K of 2025
Mr. Justice Muhammad Ali Mazhar, Mr. Justice Syed Hasan Azhar Rizvi, Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/c.p._915_k_2024.pdf

Facts: The petitioners, appointed through a formal recruitment process to non-teaching posts in the College Education Department, joined service after being issued offer letters, but were never paid salaries. Legal proceedings ensued, during which a departmental committee found no fault with the petitioners and attributed responsibility to a former official. Despite this, they were issued show cause notices and removed from service without proper hearing. Their appeals before departmental authorities and the Sindh Service Tribunal were ultimately dismissed.

Issues: i) What is the scope of jurisdiction exercised by the Service Tribunal in matters concerning civil servants?
ii)What is the underlying purpose of appellate jurisdiction in the judicial system?
iii)What is the rationale behind the establishment of the Service Tribunal under Article 212 of the Constitution of Pakistan?
iv)In what ways the Service Tribunal deals with an order under appeal, and what is its status while exercising such powers?
v)What is the purpose of exercising judicial discretion in the context of delivering justice?

Analysis: i) The learned Service Tribunal exercises exclusive jurisdiction in the matters relating to the terms and conditions of service of civil servants and for the matters connected therewith or ancillary thereto.
ii)The fundamental philosophy of the appellate jurisdiction is to ensure checks and balances by means of re- evaluation and re-examination of the orders passed by the lower fora or authority.
iii)The wisdom of setting up a Service Tribunal under Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973, is to deal with and decide matters relating to the terms and conditions of service of Civil Servants.

iv)The Service Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against and for the purpose of deciding any appeal it is deemed to be a Civil Court.
v)The astuteness of discretion in judicial power is meant to serve and advance the cause of justice in a judicious manner in aid of justice.

Conclusion: i) The Service Tribunal has exclusive jurisdiction over matters concerning the terms and conditions of civil servants' service and related issues.
ii)Appellate jurisdiction exists to maintain checks and balances through re-evaluation of decisions made by lower authorities.
iii)The Service Tribunal under Article 212 of the Constitution is established to adjudicate matters related to civil servants' terms and conditions of service.
iv)The Service Tribunal, deemed a Civil Court in appeal, may affirm, reverse, vary, or modify the challenged order.
v) Judicial discretion is exercised wisely to promote and advance justice in a fair and judicious manner.

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6. **Supreme Court of Pakistan**
M/s Trio Industries (Pvt) Limited v. Babu Sher & others
CPLA. No. 451-K of 2023
Mr. Justice Muhammad Ali Mazhar, Mr. Justice Syed Hasan Azhar Rizvi, Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/c.p._451_k_2023.pdf

Facts: The Petitioner, owner of an industrial establishment, assailed order of the High Court through which his Constitutional Petition against the order of the Labour Appellate Tribunal, regarding grant of compensation to workers in lieu of reinstatement in service, had been dismissed.

Issues: i) Whether addressing application for closure of an establishment to secretary Labour department instead of government fulfils the mandatory requirement under order 15 of the Sindh Terms of Employment (Standing Orders) Act 2015.
ii)Whether Labour Court or Labour Appellate Tribunal can order for payment of compensation to workers when industry has been closed illegally?
iii)Who is responsible for proper and faithful observance of standing orders?

Analysis: i) One more important aspect that cannot be lost sight of is that under Standing Order 15 of the 2015 Act, an application for closing down the establishment was to be moved to the Government of Sindh. We called upon the learned counsel for the petitioner to show us the application so moved for closing down the establishment. The learned counsel directed us to page 77 of the paper book which is an application dated 02.03.2017, addressed to the Secretary, Labour Department, and not to the Government of Sindh, which is the proper channel for that accords such permission under the provisions of Standing Order 15 of the 2015 Act.

ii) The learned High Court has also expressed distinctly that the petitioner company had not legally closed down the establishment, hence the learned Tribunal rightly directed the petitioner's company to deposit the amount due as payment to the workers within one month, in view of the length of their service, instead of reinstating them in service, which was not possible. In addition, the learned High Court also held that the award of compensation has not resulted in a miscarriage of justice in any manner so as to justifiably call for any interference under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, because in principle, the discretion rests with the Tribunal or the Court to grant compensation to a workman, in lieu of reinstatement, and the exercise of such discretion by the Court or the Tribunal is necessary to maintain peace and harmony in industrial relations between employer and employees. Consistent with Sections 34 (7), read with Section 47 (3) of the SIRA, the Labour Court as well as the Appellate Tribunal are both empowered and have jurisdiction to pass such orders as may be just and proper in the circumstances of the case. In our view, such comprehensive powers are vested in them to deal with different exigencies and decide cases on their own peculiar facts and circumstances, and if on the basis of hyper technicalities, an attempt is made to squeeze the broad and expanded powers and jurisdiction conferred to the Labour Court and its appellate forum, then it will be tantamount to making them incapable of dispensing cases of the labour class with justice and will also circumvent the soul and spirit of law.

iii) . In line with Section 3 of the 2015 Act, the conditions of the employment of workers and other incidental matters in every industrial or commercial establishment are to be subject to the other provisions of this Act and to be regulated in accordance with the Standing Orders, while under Standing Order 23 of the same Act, the employer of the industrial and commercial establishment is personally responsible for the proper and faithful observance of the Standing Orders. In unison, the violation of Standing Orders has been made punishable under Section 7 of the 2015 Act...

Conclusion: i) Addressing application for closure of an establishment to secretary Labour department instead of government does not fulfil mandatory requirement under order 15 of the Sindh Terms of Employment (Standing Orders) Act 2015.

ii) Yes. Labour Court or Labour Appellate Tribunal can order for payment of compensation to workers when industry has been closed illegally.

iii) The employer of the industrial and commercial establishment is personally responsible for the proper and faithful observance of the Standing Orders.

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7. **Supreme Court of Pakistan**
Syed Zakir Hussain v. The State and another
Cr.P.L.A. Nos.48-K of 2025
Mr. Justice Muhammad Ali Mazhar, Mr. Justice Syed Hasan Azhar Rizvi, Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/crl.p._48_k_2025.pdf

Facts: The State challenged the remand orders passed by the petitioner, being the Presiding Officer, Anti-Terrorism Court and designated as the Administrative Judge, by filing Criminal Revision Applications before the High Court. The High Court, through a consolidated impugned order, set aside the petitioner's remand orders, recorded adverse observations implying judicial misconduct, and directed placement of the matter before the Chief Justice and the Home Department. The petitioner assailed the High Court's order before the Supreme Court seeking expunction of adverse remarks.

Issues: (i) Whether a High Court can lawfully pass adverse remarks or strictures against a judicial officer without affording them an opportunity of hearing, and whether such remarks are liable to be expunged if passed without procedural fairness and due process?
(ii) What is the proper procedure for addressing allegations or concerns regarding judicial officers' conduct?

Analysis: (i) The principle of natural justice, due process, and fair play, and particularly the right to fair trial envisaged as fundamental rights in the Constitution applies across the board, including to judicial officers of subordinate judiciary. They too, being dispensers of justice, should be granted the right to a fair trial, rather than being condemned unheard (…) Judicial strictures must be passed with the greatest wariness and circumspection because such condemnation and denunciations have never-ending or interminable impact on the credit of judicial officer (…) Rather, it always haunts him and causes severe hardship and disparagement to his name and reputation in judicial service.
(ii) The High Court is not to assume the role of a critic of the personal attributes and abilities of a judge. In cases where a judge of the High Court espouses the view that a judge of the District Judiciary has exhibited grave incompetence or has misconducted himself, the appropriate process is to inform the competent authority on the administrative side through a confidential note addressed to the Chief Justice (…) An improper motive should not be attributed even to a serious error committed by a judicial officer without confronting him and seeking his comments in order to maintain judicial comity and discipline (…) If the comments/report is not found satisfactory, then the matter may be referred confidentially to the Chief Justice for consideration on the administrative side.

Conclusion: (i) No adverse remarks can be passed without hearing the judicial officer; such remarks, made without due process, are liable to be expunged.
(ii) See above analysis No. ii.

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8. **Supreme Court of Pakistan**
Province of Sindh through Secretary Government of Sindh, Karachi and others v. Mst. Sorath Fatima and another
Civil Petition NO.616-K OF 2025
Mr. Justice Muhammad Ali Mazhar, Mrs. Justice Ayesha A. Malik
https://www.supremecourt.gov.pk/downloads_judgements/c.p._616_k_2025.pdf

Facts: The father of the respondent, a government employee, passed away, after which his widow was granted a family pension. Upon the widow's death, the respondent, being then unmarried, received the family pension. The pension was stopped upon her marriage. Later marriage of the daughter was dissolved, she applied for resumption of the pension as a divorced daughter. The request was denied on the basis of a Circular dated 05.12.2022, which conditioned pension eligibility on the daughter's marital status at the time of the pensioner's death. The High Court granted relief, leading the petitioners to file the present civil petition before the Supreme Court.

Issues: i) Pension as a Legal entitlement.
ii) Protection of Pension Rights Under Article 9 of the Constitution as an Extension of the Right to Life.
iii) Whether unwarranted delays in disbursement of pension constitute criminal negligence and breach of constitutional obligation?
iv) Statutory Entitlement of family of a deceased civil servant to receive pension or gratuity.
v) Definition of a family under West Pakistan Civil Services Pension Rules, 1963.
vi) Disbursement of Pension after Death among legal heirs.
vii) Entitlement of Pension by unmarried or a divorced daughter
viii) Whether executive circulars can override or limit the provisions of a statute or statutory rules?
ix) Constitution protection for rights of women against discrimination
x) Whether the change of a daughter's marital status could lawfully bar her right to claim family pension?

Analysis: i) Pension is the right of a government servant who has served the government for a substantive period of time. It is not a charity, bounty, or ex gratia payment, but a legal entitlement that is granted in recognition of past service. It provides financial support in old age and reflects the State's obligation to care for those who have served it. It cannot be reduced or denied arbitrarily, and must be administered strictly in accordance with law.
ii) This Court has also held that the right of accrued pension is protected under Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973 (Constitution) as part of the right to life. It is important to reiterate that the right to life does not merely include existence of the right to pension but includes the access to pension as the means necessary for living with dignity. Therefore, it is the duty of the State and its departments to act with diligence and integrity and to ensure the prompt and fair disbursement of pensionary benefits…In the Kanwal Rashid case(2021 SCMR 730) this Court affirmed that family pension rights are an extension of the right to life under Article 9 of the Constitution and that any denial of such rights must have a legal basis, not a departmental policy or a circular.
iii) Delays in the disbursement of pensionary benefits to retired employees, widows, or children are not only unlawful but amount to criminal negligence and dereliction

of duty (PLD 2007 SC 35)… Unwarranted delays cause hardship and violate the trust placed in public institutions as retired government servants and their families are left waiting for that which is lawfully due to them on account of bureaucratic negligence. Timely payment of pension is not simply an administrative measure but a constitutional obligation.(2024 SCMR 1689)

iv) Section 20 of the Sindh Civil Servants Act, 1973 (Act of 1973) provides that on retirement from service, a civil servant shall be entitled to receive such pension or gratuity as may be prescribed. Subsection (2) thereof provides that in the event of the death of a civil servant, whether before or after retirement, the family shall be entitled to receive such pension, or gratuity, or both, as may be prescribed.

v) Rule 4.10 of the West Pakistan Civil Services Pension Rules, 1963 provides for family pension but does not define family, which is defined in Rule 4.7(1) which states that family, for the purposes of payment of gratuity, includes the wife (or wives) for a male government servant, husband of a female government servant, children of the government servant, the widow (or widows) and children of a deceased son of a government servant and a divorced daughter and sister.

vi) As per Rule 4.10(2)(A), family pension is given to the widow or widower of the deceased government servant and where there is no widow or widower, as the case may be, pension is divided equally amongst the surviving sons who should not be older than 21 years of age and unmarried daughters. In case family pension is not granted under Rule 4.10(2)(A), then it may be granted under Rule 4.10(2)(B) to the father or mother of the deceased government servant, as the case may be, and in the event that neither the father or mother are available, to the divorced daughter.

vii) Rule 4.10(3) provides that family pension shall not be payable to an unmarried female member of the deceased pensioner's family in the event of her marriage. The Rules make it clear that family pension is granted to an unmarried daughter or a divorced daughter. Although both these terms are not defined in the Rules, there is no apparent distinction between them, however, the meaning attributed to the terms unmarried and divorced by the Petitioners is that an unmarried daughter is one who has never been married and a divorced daughter is one who was married and subsequently divorced.

viii) It is settled law that executive clarifications in the form of circulars and administrative directives cannot override, amend or curtail the scope of the statute itself or the rules framed thereunder… While administrative orders or executive instructions may fill in procedural details, they cannot nullify, override or contradict the Rules framed under the parent statute (2015 SCMR 630). Consequently, the Finance Department could not impose conditions on who qualifies for family pension, and it cannot restrict or exclude persons from a right given under the law by imposing conditions which are not envisioned under the statute or rules.

ix) Article 13 thereof guarantees women equal rights in family benefits, while Article 2(f) obliges States to repeal existing laws and regulations that constitute discrimination. Article 5(a) requires the elimination of prejudices based on

stereotyped gender roles, and Article 16(1)(c) recognises equal rights and responsibilities within marriage and at its dissolution.
x) Surviving daughter's claim should be assessed on actual need and individual financial circumstances, not marital status. This is the only way to ensure substantive equality so that we can finally look beyond formal categories like married or unmarried and instead consider the real-life impact of such classifications on women's financial security… The timing of the pensioner's death cannot lawfully be used to extinguish a surviving daughter's right to claim pension.

Conclusion: i) See above analysis No i.
ii) Family pension rights are an extension of the right to life under Article 9 of the Constitution.
iii) Delays in the disbursement of pensionary benefits to retired employees are not only unlawful but amount to criminal negligence and dereliction of duty.
iv) In the event of the death of a civil servant, whether before or after retirement, the family shall be entitled to receive such pension, or gratuity.
v) See above analysis No v.
vi) See above analysis No vi.
vii) Family pension is granted to an unmarried or a divorced daughter.
viii) See above analysis No viii.
ix) See above analysis No ix.
x) Surviving daughter's claim should be assessed on actual need and individual financial circumstances, not marital status.

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9. **Supreme Court of Pakistan**
Ghazi Arab v. The State
Criminal Petition No. 1425 of 2024
Mr. Justice Muhammad Ali Mazhar, Mr. Justice Syed Hasan Azhar Rizvi, Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/crl.p._1425_2025.pdf

Facts: The petitioner sought leave to appeal against the order passed by the High Court, whereby the post-arrest bail had been declined in a criminal case registered against him and other accused persons on the allegation of commission of *Qatl-e-Amd* in furtherance of their common object.

Issues: i) Can the delay cast doubt on the occurrence of the incident and constitute a ground for grant of bail when sufficient material exists on record connecting the accused with the commission of the offence?
ii) What is the principle governing the applicability of the "rule of consistency" in bail matters?
iii) In which situation does a confessional statement of a co-accused form the part of consideration while deciding the bail petition of another accused in same case?
iv) What are the exceptions for granting post-arrest bail in cases falling within the prohibitory clause Section 497(1), Cr.P.C?

v) Under what circumstances does a case fall within the domain of the prohibitory clause of Section 497, Cr.P.C.?

Analysis: i) The Mere delay, in such circumstances, does not cast any doubt on the occurrence of the incident, nor can it be treated as a ground for grant of bail when sufficient material exists on record which prima facie connects the petitioner/accused with the commission of the offence.
ii) It is trite law that the rule of consistency is applicable only when one person's case is at par with the accused whose post-arrest bail has been granted.
iii) At the bail stage, a tentative assessment is permissible only if the confessional statement is corroborated by independent incriminating material available on record.
iv) It is a settled proposition of law that in cases falling within the prohibitory clause, the grant of post-arrest bail is restricted to the exceptions enumerated therein, namely: **(i)** under the first proviso to Section 497(1), Cr.P.C., where the accused is a woman, minor, or a sick or infirm person; **(ii)** under the third proviso to Section 497(1), Cr.P.C., where there is an unreasonable delay in the conclusion of the trial, not attributable to the accused; and **(iii)** under Section 497(2), Cr.P.C., where the case requires further inquiry into the guilt of the accused.
v) It is a settled proposition of law that where there appear reasonable grounds to believe that the accused has committed an offence punishable with death or imprisonment for life, the case falls within the prohibitory clause of Section 497, Cr.P.C.

Conclusion: i) See above analysis No.i.
ii) When the case of one accused is similar to that of a co-accused who has been released on bail.
iii) Only if the confessional statement is corroborated by independent incriminating material available on record.
iv) See above analysis No. iv
v) Where there appear reasonable grounds to believe that the accused has committed an offence punishable with death or imprisonment for life.

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10. **Supreme Court of Pakistan**
Commissioner Inland Revenue v. M/S Mustafa Enterprises and another
Civil Petition No.2336 of 2025
Mr. Justice Munib Akhtar, Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/c.p._2336_2025.pdf

Facts: Through an instant civil petition for leave to appeal, the petitioner department has assailed the order passed by the High Court, whereby the reference application filed under Section 47 of the Sales Tax Act, 1990, by the petitioner against the order passed by the Appellate Tribunal Inland Revenue (for the tax period July 2019 to June 2020) was dismissed.

Issues: i) What are the requirements for initiating the proceedings of illegal or inadmissible claim of input tax adjustment?

Analysis: i) It has been observed that while initiating the proceedings against the respondents, there was no material or evidence available on record to make out a case against the respondents of illegal or inadmissible claim of input tax adjustment, whereas, the entire proceedings and the Order-in-Original passed in the instant case was based on presumptions, whereas, no inquiry or verification was made by the department in respect of alleged fake/flying invoices.

Conclusion: i) There should be material or evidence available on record, while initiating the proceedings of illegal or inadmissible claim of input tax adjustment.

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11. **Supreme Court of Pakistan**
Fareedullah Khan & others v. Province of Balochistan through Secretary C&W Department Govt. of Balochistan & others.
Civil Petitions No. 182-Q/2017
Province of Balochistan through Secretary C&W Department Government of Balochistan & others v. Fareedullah Khan & others
Civil Petitions No. 191-Q/2017
Mr. Justice Yahya Afridi (The Chief Justice), Ms. Justice Musarrat Hilali, Mr. Justice Shakeel Ahmad.
https://www.supremecourt.gov.pk/downloads_judgements/c.p._182_q_2017.pdf

Facts: The legal heirs of a contractor sought recovery of the full security amount withheld after the contractor's blacklisting by the government department in 1991. A prior civil suit filed by the contractor resulted in a partial decree in 2006, affirming his status as an "A" class contractor but not granting release of the security amount. An execution application for release of the amount was dismissed by the executing court in 2009. On appeal, converted into a constitutional petition, the High Court conducted a factual inquiry and directed partial payment of the security amount. Both parties challenged the High Court's decision before the Supreme Court.

Issues: i) Whether the High Court, while exercising jurisdiction under Article 199 of the Constitution, can resolve disputed questions of fact by conducting a factual inquiry?

Analysis: i) It is by now settled that the High Court, while exercising jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, cannot entertain matters requiring factual inquiry, it is the prerogative and privilege of the trial Court to examine such controversies so as to be disposed of on merit after taking into consideration the evidence led by the parties…In this context, reference may be made to Waqar Ahmad's case (2024 SCMR 1877) , wherein it was held "The extraordinary jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 ("Constitution") is destined to dispense with an expeditious remedy in cases where the illegality or impropriety of an impugned action can be established without any exhaustive inquisition or recording of

evidence, but if some convoluted or disputed question of facts are involved, the adjudication of which can only be determined by the Courts of plenary jurisdiction after recording evidence of the parties, then incontrovertibly the High Court cannot embark on such factual controversy". Similarly, in Federal Government Employees Housing Authority's case (PLD 2025 SC 11), this Court ruled that, it is constitutionally impermissible for the Courts to expand and enlarge their jurisdictional domain, which is neither allowed by the Constitution nor by the law.

Conclusion: i) High Court, while exercising jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, cannot entertain matters requiring factual inquiry.

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12. **Supreme Court of Pakistan**
Muhammad Imran Baqir v. Mst. Zarnain Arzoo & others
C.P.L.A No. 5009 of 2024
Mr. Justice Yahya Afridi, Mr. Justice Shakeel Ahmad
https://www.supremecourt.gov.pk/downloads_judgements/c.p._5009_2024.pdf

Facts: Respondent instituted a suit seeking recovery of dower, maintenance allowance as well as for dowry articles against the petitioner. The trial Court decreed the suit. Aggrieved, the petitioner preferred an appeal before the Appellate Court, which modified the decree. Still dissatisfied, the petitioner approached the High Court by filing a Constitution Petition, which was dismissed. Hence, the present petition.

Issues: (i) What is the extent and continuity of a father's obligation to provide maintenance (nafaqa) to his child after the dissolution of marriage?
(ii) What factors should the court consider in determining the appropriate quantum of maintenance allowance for a minor child?
(iii) When does the duty to maintain the children devolve upon the mother or paternal grandfather?

Analysis: (i) Under the Islamic jurisprudence1, as well as the settled case law in Pakistan, the father bears a solemn and continuous obligation to provide maintenance for his offspring. This duty, grounded not merely in financial capacity but in the principle of nasab (lineage), persists until the son attains the age of puberty, and in the case of a daughter, until her marriage. Where a son, upon reaching majority, is found to be incapacitated or otherwise unable to earn due to physical or mental limitations, the father remains bound to maintain him.
(ii) The determination of the appropriate quantum of maintenance involves two principal considerations: (i) the nature and extent of the child's reasonable requirements and (ii) the father's financial means. Maintenance traditionally includes food, raiment, and lodging (…) Given evolving societal standards and the overarching principle of welfare of the minor, the term must be interpreted broadly to encompass all reasonable expenses necessary for the physical, mental, and emotional development of the child. This includes, inter alia, educational costs, healthcare, and other needs consistent with the natural growth and comfort of the

minor. The amount awarded should reflect the family's social status, ensuring that the child is not deprived of opportunities for development and well-being solely due to the dissolution of the marriage.
(iii) In circumstances where the father lacks the means to provide maintenance and is incapable of earning due to genuine limitations, the duty to maintain the children may devolve upon the mother if she is in a position of financial ease. If neither parent possesses sufficient means, the obligation may extend to the paternal grandfather, subject to his financial ability to provide support to the children.

Conclusion: (i) The father bears a solemn and continuous obligation to provide maintenance grounded in the principle of nasab (lineage).
(ii) See analysis ii above.
(iii) The duty to maintain children devolves upon mother and paternal grandfather subject to their financial ability.

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13. **Lahore High Court**
Usman Latif v. M/s Bashir Jamil & Brothers (Private) Limited, Sialkot through its CEO & others
C.O. No.78260 of 2024
Mr. Justice Muhammad Sajid Mehmood Sethi
https://sys.lhc.gov.pk/appjudgments/2025LHC5072.pdf

Facts: The petitioner challenged the election process of the Board of Directors of the company, alleging that it was marred by procedural irregularities and non-compliance with statutory requirements. The respondents defended the validity of the elections, while the petitioner sought to have the entire election process declared null and void and requested interim relief to protect shareholder rights pending final adjudication.

Issues: i) Whether the election of directors without passing a resolution by the existing Board to fix the number of directors, as mandated by law, renders the election process invalid?
ii) Whether statutory requirements must be followed in the precise manner prescribed by law and effect of non-compliance?
iii) How is the term ‘shall’ interpreted in a statutory provision regarding mandatory compliance?

Analysis: i) Section 159(1) mandates that the existing Board of Directors shall, through a duly convened meeting, fix the number of directors to be elected in the upcoming general meeting. (...) under Section 160 of the Act, 2017. This provision empowers the Court to declare election proceedings invalid where material irregularities or violations of law are established.
ii) Needless to say, when a statute requires that a thing should be done in a particular manner or form, it has to be done in such manner. otherwise it would not be in-compliance with the legislative intent.

iii) It is settled law that when the word 'shall' is used in a provision of law, it is to be construed in its ordinary grammatical meaning and normally the use of word 'shall' by the legislature brands a provision as mandatory, especially when an authority is required to do something in a particular manner.

Conclusion: i) Elections are invalid if directors aren't fixed in a duly convened meeting as required by law.
ii) Legal procedures must be followed exactly as prescribed.
iii) 'Shall' indicates a mandatory legal obligation.

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14. **Lahore High Court**
Aftab Mehmood v. The State and others
Crl. Misc. No. 81211/B/2024
Mr. Justice Tariq Saleem Sheikh
https://sys.lhc.gov.pk/appjudgments/2025LHC5084.pdf

Facts: The accused, a police constable, along with other officials, allegedly arrested a suspect for investigation in a criminal case. During custody, the suspect was subjected to torture, sustained serious injuries, and subsequently died. The officials took the body to a hospital and fled. Thereafter, criminal proceedings were initiated. The accused was arrested and, through the present petition, sought post-arrest bail.

Issues: i) Does Order XXVII-A CPC apply to constitutional petitions involving criminal matters?
ii) Can section 561-A Cr.P.C. be invoked as a substitute for Order XXVII-A CPC in criminal proceedings?
iii) What offences are covered under the Torture and Custodial Death (Prevention and Punishment) Act, 2022, and does it affect existing civil remedies?
iv) What special procedure does the 2022 Act prescribe for initiating proceedings and involving the FIA and Magistrate?
v) What is the role of the FIA under the 2022 Act in investigating offences, and how is its procedure regulated?
vi) How do sections 16 and 17 of the 2022 Act affect the applicability of the Code of Criminal Procedure to FIA proceedings?
vii) Does the 2022 Act require the FIA to conduct a preliminary inquiry before registering an FIR, or can it proceed directly to investigation?
viii) Does section 5(3) of the 2022 Act incorporate the procedures of the FIA Act for initiating an investigation or only for its conduct after commencement?
ix) How does the non obstante clause in section 16 of the 2022 Act affect the application of incorporated provisions from other statutes?
x) Should courts treat deliberate legislative omissions as intentional and give them effect in statutory interpretation?
xi) Does the 2022 Act dispense with the requirement of FIR registration for cognizable offences, or does it only shift investigative authority to the FIA?

xii) What procedural safeguards exist to protect individuals from false or unjust prosecution under the 2022 Act?
xiii) What are the functions and limits of the HR Commission's oversight role under the NCHR Act and the 2022 Act?
xiv) What is the historical origin and legal status of the Police Rules, 1934 in Pakistan's legal system?
xv) Do the Police Rules, 1934 continue to apply in Punjab following the devolution of policing under the Eighteenth Constitutional Amendment?
xvi) Do the Police Rules, 1934 apply to the FIA, and how are their principles reflected in FIA practices?
xvii) What do Rules 24.13 and 24.14 of the Police Rules, 1934 require Superintendents of Police to do in cases involving custodial death?
xviii) What are the responsibilities of the District Magistrate, DIG, IG, and Commissioner under Rule 24.15 of the Police Rules, 1934 upon receipt of a special report relating to custodial death?
xix) What steps are required under the Police Rules and the 2022 Act when a custodial death occurs?
xx) Can the general investigative provisions of Rules 25.4 to 25.7 of the Police Rules, 1934 be applied to custodial offences other than custodial death under the 2022 Act?
xxi) What powers does the FIA have under Rule 3 of the Investigation Rules in cases registered under the 2022 Act?
xxii) What are the responsibilities of the public prosecutor and the Magistrate in ensuring proper application of the 2022 Act?
xxiii) What is the legal procedure for transferring a case from the local police to the FIA under the 2022 Act, and how does it affect the status of the FIR and trial proceedings?
xxiv) Does an investigation by an unauthorised agency under the 2022 Act invalidate the trial proceedings?
xxv) What procedure should the FIA follow regarding section 173 Cr.P.C. reports when a case is transferred to it before or after submission by the local police?
xxvi) What is the difference between taking cognizance by a competent court and the process of investigation?

Analysis: i) It follows that Order XXVII-A CPC, a provision applicable only to civil proceedings, has no application in such cases.
ii) section 561-A Cr.P.C. cannot be invoked as a substitute for Order XXVII-A CPC. (…) it cannot be construed to enlarge the Court‟s jurisdiction so as to incorporate procedural rules from the Civil Procedure Code prescribed exclusively for civil suits.
iii) The Act primarily focuses on the following three offences: (a) torture (section 8), (b) custodial death (section 9), and (c) custodial rape (section 10). Section 11 provides punishment for filing false and malicious complaints. However, section

15 clarifies that the Act does not affect any civil remedies available under existing laws.

iv) A combined reading of clauses (c) and (d) of section 2(1) indicates that the Act establishes a special procedure for initiating proceedings. Any person or their representative with reliable information about the commission of an offence under this Act may file a complaint with the FIA. The said complaint may be oral or in writing. Additionally, section 5(2) stipulates that if, at any time, including during the grant of physical remand under the Code, the Magistrate has reasonable grounds to believe that an offence under this Act has been committed or if a complaint of torture in custody is lodged, he shall order a medical examination. If the results of such examination reveal the infliction of torture, the Magistrate shall notify the FIA to investigate the offence.

v) Section 5(1) of the 2022 Act grants exclusive jurisdiction to the FIA for investigating complaints against public officials accused of offences under the Act, subject to the supervision of the HR Commission. Section 5(3) of the 2022 Act stipulates that the FIA, while investigating offences under the Act, shall have the same powers and follow the same procedure as prescribed in the FIA Act and the Rules made thereunder.

vi) Section 16 of the 2022 Act declares that this Act shall have effect notwithstanding anything contained in any other law for the time being in force. Section 17 stipulates that the provisions of the Code shall apply to proceedings under this Act. Therefore, the provisions of the Code remain applicable to the officials of FIA as long as they do not conflict with the 2022 Act, the FIA Act, and the Investigation Rules.

vii) The 2022 Act consistently uses the term “investigation” and does not refer to “inquiry”. In contrast, section 5 of the FIA Act and the Investigation Rules use two terms, “inquiry” and “investigation”, without providing specific definitions. While these terms are commonly considered interchangeable, they carry distinct meanings in the legal context. “An inquiry refers to a preliminary examination or fact-finding process conducted by a designated authority or agency to gather information regarding a particular matter … On the other hand, an investigation involves a detailed examination of a specific matter or allegation to gather evidence and determine its truth or validity.” 12 This distinction has led to divergent views on the true import of section 5(3) of the 2022 Act and has prompted a legal controversy: whether, upon receiving a complaint under the 2022 Act, the FIA must first conduct a preliminary inquiry or proceed directly to register an FIR without such inquiry.

viii) First, section 5(3) provides that the FIA “shall, while investigating the offences under this Act, have the same powers and follow the same procedures as prescribed in the Federal Investigation Agency Act, 1974 (Act VIII of 1975) and the rules made thereunder.” The use of the phrase “while investigating” indicates that the incorporation is limited to the conduct and mode of investigation once commenced, not to the threshold requirements or conditions for initiating the investigation.

ix) Second, when a statute, employing the doctrine of referential legislation, adopts another enactment, whether in whole or in part, the adopted provisions become an integral part of the incorporating statute as if written into it verbatim. However, where the incorporating statute also contains a non obstante clause, as section 16 of the 2022 Act does, the incorporated provisions must yield in the event of any substantive inconsistency. In such instances, the incorporated law remains operative only to the extent that it aligns with the parent statute‟s purpose, text, and structure. Thus, incorporation and override can co-exist within the same statute, but the overriding clause prevails where conflict arises.

x) It is well established that courts must give effect to legislative silence where it appears deliberate and not treat omissions as mere oversights in the absence of compelling contextual justification.

xi) Sections 8 to 10 of the 2022 Act expressly declare the offences of torture, custodial death, and custodial rape to be cognizable. Under the general scheme of the Code of Criminal Procedure, a cognizable offence requires immediate registration of an FIR. There is nothing in the 2022 Act that overrides or dispenses with this foundational requirement. The Act merely transfers the responsibility of investigation from the local police to the FIA.

xii) Firstly, the Investigating Officer is not required to arrest a person merely because he is named in the FIR. He must collect evidence to justify the arrest. Secondly, if it appears to the officer-in-charge of a police station that there is no sufficient ground for entering on an investigation, he must not investigate the case, invoking the proviso (b) to section 157(1) Cr.P.C. Thirdly, the officer-in-charge of the police station may proceed under section 169 Cr.P.C. if there is insufficient evidence against the accused. Fourthly, the Magistrate may discharge the accused where appropriate. Fifthly, the person filing a mala fide complaint under the 2022 Act can be prosecute dunder section 11 of the Act. Lastly, a victim of false prosecution may also seek civil redress under the law of malicious prosecution. These safeguards balance public accountability and institutional fairness without frustrating the purpose of the 2022 Act.

xiii) The HR Commission has been established under the National Commission of Human Rights Act 2012 (the “NCHR Act”), for the promotion and protection of human rights as provided for in the Constitution and the various international instruments to which Pakistan is a State party or shall become a State party.16 (...) A combined reading of these statutes suggests that the HR Commission is intended to perform an oversight function aimed at safeguarding the fundamental rights of both the accused and the victim and protecting complainants from harassment or obstruction. (…) However, the HR Commission is not an investigative or prosecutorial body and must not usurp the FIA‟s statutory mandate.

xiv) The Police Rules, 1934, were a comprehensive set of regulations framed during British rule under the authority of the Police Act, 1861. Though originating in the erstwhile Punjab province (and thus often called the Punjab Police Rules, 1934), they came to be widely applied across British India and governed various aspects of policing, including organizational structure, administrative control, and

investigative procedure. Following independence, both the Police Act and the 1934 Rules were inherited as part of Pakistan‟s legal system.

xv) The Police Rules, 1934 were expressly preserved under proviso (a) to Article 185(1) of the Police Order. However, with the devolution of policing to the provinces under the Eighteenth Constitutional Amendment (2010), each province enacted its own legal framework for police administration. (…) In Punjab, the 1934 Rules have largely remained in force.

xvi) The Police Rules, 1934, do not apply ex proprio vigore (of their own force) to the operations of the FIA. However, the spirit and content of many Rules find their way to the FIA practices through other means. These include internal administrative orders, the operation of section 5 of the FIA Act (which confers upon FIA officers the powers and responsibilities of police officers), and judicial expectations that the FIA adhere to the same professional standards as any police force.

xvii) Rules 24.13 and 24.14 of the Police Rules require the Superintendents of Police to send special reports to the District Magistrate,17 the Deputy Inspector General (DIG) of the Range, the DIG Criminal Investigation Department and any neighbouring Superintendent or police officer whom they consider should be informed of the occurrence of a serious case as mentioned in the table sub-joined to Rule 24.15. The offence of death whilst in police custody is mentioned as a serious offence/case at Serial No. 2 of the table sub-joined to Rule 24.15.

xviii) Rule 24.15 requires that, upon receipt of a special report pursuant to Rule 24.14, the District Magistrate and the DIG shall, at their discretion, forward copies of the special reports to the Commissioner and Inspector General (IG) for information. The IG shall send copies of the said reports to the Government and the head of departments in any cases which he considers are of sufficient importance. On the other hand, the Commissioner shall only send copies to the Government when he has any particular comment on the case.

xix) Thus, in custodial death cases, the Police Rules mandate immediate report of the incident to higher authorities. Considering the provisions of the 2022 Act, and subject to any SOPs which the Government may lay down, the HR Commission should also be immediately notified about the custodial death. Simultaneously, the officer-in-charge of the local police station concerned should move under Rule 25.3, and the FIA should then take over the case and proceed in the manner discussed above.

xx) Rules 24.13 to 24.15 of the Police Rules, 1934, apply specifically to custodial death. In other matters, the general investigative provisions contained in Rules 25.4 to 25.7 may still be invoked by analogy to fill procedural gaps because they are not inconsistent with the 2022 Act, the FIA Act, or the Investigation Rules.

xxi) Rule 3 of the Investigation Rules empowers the FIA to initiate action either on its own motion or upon receipt of a complaint or other information relating to the commission of a cognizable offence under the 2022 Act. However, where such a case is already registered with the local police, the FIA may invoke section 5(1) of the Act, read with Rule 3, and seek transfer of the record.

xxii) The Magistrate also plays a vital role under section 5(2). If, at any stage, including during remand proceedings, the FIR or the material on record discloses the commission of an offence under the 2022 Act, he is duty-bound to refer the case to the FIA for investigation. (...) Under the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2006 (the "Prosecution Act"), public prosecutors are entrusted with important supervisory responsibilities in criminal proceedings. Section 9(5) of the Act requires the prosecutor to scrutinize the report submitted under section 173 Cr.P.C. and to return it for further investigation or correction if found deficient. Section 9(7) obliges the prosecutor to submit to the court a written assessment regarding the sufficiency of evidence and the applicability of the alleged offences, which the court must duly consider. Section 12(a) further mandates that the officer-in-charge of a police station must notify the District Public Prosecutor when a criminal case is registered.

xxiii) Where a case falling within the purview of the 2022 Act is initially registered with the local police under the general law but is subsequently transferred to the FIA, the local police may cancel the FIR in accordance with Rule 25.7 of the Police Rules. Upon such transfer, the FIA shall register a fresh FIR under the relevant provisions of the 2022 Act. Although the Police Rules do not apply to the FIA of their own force, the FIA may do so on the analogy of Rule 25.7. Where the local police have already submitted a report under section 173 Cr.P.C., the next step depends on whether the trial court has taken cognizance. If cognizance has not been taken, the case may still be transferred to the FIA, preferably with the court‟s permission. In that event, the local police shall cancel the FIR and the FIA shall register a new one.

xxiv) An investigation by an agency lacking investigative competence constitutes a procedural irregularity. Section 156(2) Cr.P.C. stipulates that no proceedings of a police officer in any cognizable case shall be called into question on the ground that the case was one which such officer was not empowered to investigate. However, this protection is subject to the condition that the accused has not been prejudiced and there is no failure of justice. Rules 25.5 and 25.6 of the Police Rules, referenced above, also support the proposition that the proceedings conducted by the local police and the evidence they collect should be preserved. Therefore, where the local police investigate a case falling within the purview of the 2022 Act, the resulting procedural irregularity does not, by itself, vitiate the trial.

xxv) if a case is transferred to the FIA before submission of a report under section 173 Cr.P.C., the FIA is competent to assess the available material and prepare its own report. However, if the local police have already submitted a report under section 173 Cr.P.C. before the transfer, the FIA may, if circumstances so warrant, file a supplementary report regardless of whether the trial has commenced.

xxvi) Cognizance taken by a competent court is distinct from the process of investigation. Once cognizance has been taken, any prior irregularity, such as erroneous registration by an unauthorized agency, does not vitiate the trial.

Conclusion: i) Order XXVII-A CPC is inapplicable to criminal matters; it applies solely to civil proceedings.

ii) Section 561-A Cr.P.C. cannot substitute Order XXVII-A CPC and does not import civil procedural rules into criminal jurisdiction.

iii) The 2022 Act criminalises torture, custodial death, and rape, while preserving civil remedies.

iv) See analysis No.iv.

v) FIA has exclusive jurisdiction over offences under the Act and must investigate in accordance with the FIA Act and its Rules.

vi) The Cr.P.C. applies to FIA proceedings under the 2022 Act unless there is inconsistency with the Act or its incorporated rules.

vii) See analysis No.vii.

viii) Section 5(3) only incorporates procedural rules for the investigation phase, not for initiating it.

ix) Where a non obstante clause exists, incorporated provisions yield to the parent statute's intent and structure in case of inconsistency.

x) Courts must give legal effect to deliberate legislative omissions and not assume them to be accidental.

xi) Cognizable offences under the 2022 Act require FIR registration; the Act merely shifts investigative authority to FIA.

xii) Multiple procedural safeguards under the 2022 Act and Cr.P.C. protect officials from arbitrary arrest or malicious prosecution.

xiii) The HR Commission serves a supervisory, not investigative, role under the 2022 Act to safeguard rights and ensure fairness.

xiv) The Police Rules, 1934 remain historically foundational and influential in Pakistan's policing framework.

xv) Despite provincial autonomy, the Police Rules, 1934 continue to apply in Punjab.

xvi) While not directly applicable, the Police Rules influence FIA operations through statutory powers and judicial expectations.

xvii) Rules 24.13 and 24.14 require police to report custodial deaths to higher authorities as serious incidents.

xviii) Rule 24.15 outlines the duties of senior officials to distribute and act on special reports involving custodial deaths.

xix) Upon custodial death, the police must report the matter, notify the HR Commission, and trigger FIA involvement.

xx) See analysis No.xx.

xxi) FIA may act on its own or upon complaint, and can assume jurisdiction from local police under specified procedures.

xxii) Prosecutors and Magistrates bear essential responsibilities in ensuring compliance with the 2022 Act at all procedural stages.

xxiii) When a case is transferred from local police to FIA, a new FIR is registered; earlier reports may be cancelled if cognizance has not occurred.

xxiv) Procedural irregularities due to unauthorised investigations do not vitiate trials unless prejudice or injustice is shown.
xxv) If transferred before submission of the police report, FIA prepares its own; if after, it may file a supplementary report.
xxvi) See analysis No.xxvi.

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15. **Lahore High Court**
Muhammad Qasim v. The State
Crl. Appeal No.12100-J/2022
Mr. Justice Farooq Haider
https://sys.lhc.gov.pk/appjudgments/2025LHC5055.pdf

Facts: The appellant was convicted for Qatl-e-Amd and sentenced to life imprisonment by the trial court. The conviction arose from an incident where multiple individuals allegedly assaulted the complainant's son, leading to gunfire that fatally injured the complainant's brother.

Issues: i) Whether the evidentiary value of the First Information Report is vitiated when the prosecution fails to establish with certainty the time and place of its recording?
ii) When does blackening on the margins of a firearm entry wound occur according to medical jurisprudence?
iii) Whether injuries on a witness guarantee the credibility of their testimony?
iv) Whether a witness making dishonest improvements can be considered credible?
v) Whether medical evidence alone can establish the identity of the assailant.

Analysis: i) It can be safely held that prosecution could not establish "time & place" of recording statement of the complainant for registration of case as well as bringing of injured persons to the hospital by the police or by the complainant party with exactness and this important as well as fundamental component has become doubtful and ultimately vitiated the legal efficacy and sanctity of the most vital document of the prosecution i.e. First Information Report, which is always considered as foundational element and cornerstone of the case of prosecution for the reason that it contains first hand detail of the occurrence presumably free from any adulteration/manipulation, addition or omission and if it is not so as in this case is and there is no explanation in this regard, then superstructure raised on the basis of this F.I.R. i.e. case of prosecution is bound to fall like house of cards…
ii) It goes without saying that as per medical jurisprudence, blackening on the margins of entry wound is absolutely not possible if the shot has been fired from 10-Karams or 60-feet and in this regard, Dr. Ahmad Raza (PW-7) categorically stated that according to medical jurisprudence, blackening is occurred when firearm injury is caused from approximately 5 to 6 feet;
iii) It is well settled that injured witness is not necessarily a truthful witness and he cannot be believed merely because he is having stamp of injuries on his body…
iv) By now it is well settled that witness who introduces dishonest improvement or omission for strengthening the case, cannot be relied…

v) Yet it is trite law that medical evidence is mere supportive/confirmatory type of evidence; it can tell about locale, nature, magnitude of injury, duration of the injury and kind of weapon used for causing injury but it cannot tell about identity of the assailant who caused the injury; therefore, same neither can provide any corroboration nor is of any help to the prosecution in peculiar facts and circumstances of the case.

Conclusion: i) Failure to prove the time and place of FIR recording vitiates its evidentiary value.
ii) Blackening occurs only when a firearm is discharged from a close range of approximately 5 to 6 feet.
iii) Injuries on a witness do not inherently guarantee credibility.
iv) A witness making dishonest improvements is not credible.
v) Medical evidence alone cannot establish the identity of the assailant.

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16. **Lahore High Court**
Sunny Hakim v. The State etc.
Crl. Misc. No. 33508-B/2025
Mr. Justice Muhammad Amjad Rafiq
https://sys.lhc.gov.pk/appjudgments/2025LHC5113.pdf

Facts: The petitioner has approached the Hon'ble High Court seeking their post-arrest bail in a case FIR registered against him for the offence under section 394/411 PPC.

Issues: i) Who is the administrative head of the criminal prosecution service under the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2006?
ii) Whether the Public Prosecutors appointed under the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2006 are Civil Servants or Public Servants; and what control government would have over them?
iii) How the applicability of the Punjab Civil Servants Act, 1974 affects the status of Prosecutors as Public Servants?
iv) How the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2006 ensures the independence of prosecutors and how they could be proceeded against?
v) Whether a prosecutor is empowered to summon or call for record from any law enforcement agency or government department?
vi) What does the term 'Public Interest' mean?
vii) How the public officials could determine the public interest in discharge of their duties?
viii) How a public prosecutor would evaluate the public interest while making opinion?
ix) Whether the principle of burden of proof beyond reasonable doubt could be considered at bail stage?

Analysis: i) The Punjab Criminal Prosecution Service is headed by the Prosecutor General

and its administration vest in him with no intervention whatsoever from any other corner except a liaison with Attorney General of Pakistan and the Advocate General of Punjab, only in cases which are pending in the Courts as a common cause.

ii) Government exercises superintendence over the criminal prosecution service but in prosecutorial decision making, criminal prosecution service is wholly independent for the reason that the prosecutors are not the civil servants rather being members of service, having an indemnity to their acts done in good faith, are cloaked as public servants (see Ss. 16 & 18 of the CPS Act), so that for any derelictions in their prosecutorial work they could be held responsible… The Supreme Court of Pakistan has already authoritatively held in a case reported as "PROVINCE OF SINDH through Chief Secretary, Sindh, Sindh Secretariat and another Versus PROSECUTOR-GENERAL SINDH, CRIMINAL PROSECUTION DEPARTMENT and others" (2012 SCMR 307) that prosecutors are not the civil servants rather public servants so as to take prosecutorial decisions independently free from government pressures for which a need for establishment of independent criminal prosecution service was felt.

iii) Section 20 of the CPS Act also gives an overriding effect to Sections 8, 9, 10, 11, 12, 13, 14, 15, 17, 18 and 19 of the CPS Act on all other laws; it therefore, gives air to a connotation that Punjab Civil Servants Act 1974 was not made applicable upon the members of service to give them a status of civil servants rather its applicability is for multifarious purposes like pay, pension, leave, and other fringe benefits which are applied in case of every person working with the affairs of the province. Thus, until the rules are framed under the CPS Act, the application of the Punjab Civil Servants Act and rules made thereunder would remain operative for the cited purposes. It is trite that if any person is directed to be governed by the Punjab Civil Servants Act 1974, it does not ipso facto make him civil servant if his service is also regulated under any special statute or rules…One of the instances in this respect could be of District Judiciary which is also governed under the Punjab Civil Servants Act 1974 for the purpose of pay, leave & pension etc., subject to the Punjab Judicial Service Rules 1994, but still they are not regarded as civil servants. Last but not the least Punjab Bar Council does not suspend the practicing license of an advocate who joins the criminal prosecution service or is appointed as law officer in office of Advocate General Punjab or Attorney General of Pakistan so as to permit them to appear before the High Courts or the Supreme Court on behalf of government as a legal counsel. This command of law is incorporated in Section 11 of the CPS Act…This aspect was also attended by the Supreme Court of Pakistan while granting permissions to the prosecutors to contest for the post of Additional Sessions Judge being eligible candidates.

iv) The Code of Conduct for Prosecutors issued in year 2016 by the Prosecutor General Punjab under Section 17 of the CPS Act also ensures independence of prosecutors... The above directions of Prosecutor General clearly demand that prosecutors shall work fearlessly by taking independent decisions or giving opinions for prosecution of criminal cases, better coordination in criminal justice system of the province and matters ancillary thereto; therefore, they cannot be

directed by any authority to take a pre-determined outcome. Thus, a prosecutor who does not apply his independent mind while taking prosecutorial decisions or giving opinions exposes himself to a legal action by the Prosecutor General under section 10 (2) of the CPS Act which again regards the prosecutors as public servants… The above subsection reinforces the independence of criminal prosecution service that until the Prosecutor General recommends, no authority in government can take action against the prosecutors.

v) Under Section 10 (3) (c) of the CPS Act, Prosecutor is authorized to call for record or any other document within a specified time from a law enforcement agency and if necessary, from any other Government department or agency as may be necessary for the purposes of prosecution. Thus, combined reading of above subsection and Rule 27.4 of Police Rules 1934 relating to police brief gives authority to prosecutors to call for brief fact sheet of the cases prior in time.

vi) The public interest has been described as referring to considerations affecting the good order and functioning of the community and government affairs for the wellbeing of citizens. It has also been described as the benefit of society, the public or the community as a whole. The public interest would consist of those government actions that most benefited the whole society.

vii) Thus, public officials must determine the public interest as it applies to them by referring to the purposes for which their organization was established and the functions they and their organization are required to perform. They should consider:

1. any enabling legislation setting out objectives, purposes or functions of the organization
2. relevant government policy
3. their organization's corporate plan or other relevant internal policy statements, and the duty statement for their position.

viii) Code of conduct for prosecutors issued by the Prosecutor General Punjab under Section 17 of the CPS Act, also gives space to public interest as per Para 5B which requires the prosecutors that in every case where there is sufficient evidence to justify a prosecution a prosecutor must go on to consider whether a prosecution is required in the public interest and while doing so shall keep in the mind the public interest factors... Code of conduct for prosecutors in the same line as per para 5.12 lays down the following factors of public interest which must be kept in mind by the prosecutors while applying public interest test;

a) How serious is the offence?
b) The extent of culpability of the offender?
c) The circumstances of the Victim?
d) The age and circumstances of the offender
e) The impact of the offence on the community
f) The remorse shown by the offender or actions taken by him to undo the wrong
g) Is prosecution a proportionate response?

ix) In a case, reported as "AKHTAR versus KHAWAS KHAN and another" (2024 SCMR 476), Supreme Court of Pakistan has held that the burden of proof on

prosecution i.e., "proof beyond reasonable doubt" also applies at all stages including the pre-trial stage, and even at the time of deciding whether the accused is entitled to bail or not.

Conclusion: i) The Punjab Criminal Prosecution Service is headed by the Prosecutor General and its administration vest in him with no intervention whatsoever from any other corner.

ii) The Public Prosecutors are Public Servants, they completely independent in their decision making and government exercises only the superintendence over criminal prosecution, as they are not the civil servants.

iii) If any person is directed to be governed by the Punjab Civil Servants Act 1974, it does not ipso facto make him civil servant if his service is also regulated under any special statute or rules. It was not made applicable upon the members of service to give them a status of civil servants rather its applicability is for multifarious purposes like pay, pension, leave, and other fringe benefits which are applied in case of every person working with the affairs of the province, until the rules are framed under the CPS Act. One of the other instances is District Judiciary, similarly, the Punjab Bar Council does not suspend the license of prosecutors or law officers to appear before the superior courts. The apex court also granted permission to the prosecutors to contest for the AD& SJ examination considering them a public servant.

iv) The section 10 (2) of the CPS Act reinforces the independence of criminal prosecution service that until the Prosecutor General recommends, no authority in government can take action against the prosecutors. They cannot be directed by any authority to take a pre-determined outcome. A prosecutor who does not apply his independent mind while taking prosecutorial decisions or giving opinions exposes himself to a legal action by the Prosecutor General under section 10 (2) of the CPS Act which again regards the prosecutors as public servants.

v) Section 10 (3) (c) of the CPS Act, empowers a prosecutor to call for record or any other document within a specified time from a law enforcement agency and if necessary, from any other Government department or agency prior in time to conduct of prosecution. The PGP issue direction to the concerned for provision of record via WhatsApp well before the court proceedings to save precious time of the Court.

vi) See above analysis No.vi.

vii) Foe determining the public interest a public official must consider any enabling legislation setting out objectives, purposes or functions of the organization, relevant government policy, and their organization's corporate plan or other relevant internal policy statements, and the duty statement for their position.

viii) The public interest consideration evaluation guidelines are listed in para no. 5.12 of the Code of conduct for prosecutors issued by the Prosecutor General Punjab in 2016 under Section 17 of the CPS Act.

ix) The principle of burden of proof beyond reasonable doubt applies at all stages including the pre-trial stage, and even at the time of deciding whether the accused

is entitled to bail or not.

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17. **Lahore High Court**
Mst. Rasheedan v. Abdul Sattar (deceased) represented through LRs, etc.
C.R.No.77-D of 2011
Mr. Justice Malik Javaid Iqbal Wains
https://sys.lhc.gov.pk/appjudgments/2025LHC5127.pdf

Facts: Allegedly, predecessor-in-interest of the respondents got the Tamleek Mutation attested, depriving the petitioner and other two daughters of the deceased of their lawful shares. The petitioner challenged the said Tamleek through a civil suit, which was decreed after completion of the regular procedure. An Appeal was preferred, which was accepted; hence, this revision petition.

Issues: i) Whether the earlier findings on a material issue can be negated by the same court at a subsequent stage without cogent reasons?
ii) What will be the result of a transaction effected in violation of the rights guaranteed by the Holy Quran?
iii) Whether the gift can be made through an oral transaction, and if such transaction is challenged, which elements are required to be established by the donee?
iv) What is the principle regarding assessment of evidence followed by the apex Court in respect of a gift transaction resulted in disinheritance of legal heirs?
v) What will be the starting point of limitation when fraud is alleged?
vi) When finding on a material issue has attained finality and has not been specifically challenged in revision, can the same reopened by raising arguments contrary to that finding?

Analysis: i) It is a settled principle that once a court has conclusively affirmed a factual finding on a material issue, particularly relating to the validity of the main transaction, it cannot, without lawful justification or cogent reasons, render a subsequent finding that directly negates its own earlier conclusion. Such an approach is contrary to settled judicial norms and violates the doctrine of consistency in judicial reasoning. Such findings of fact cannot be contradicted by subsequent inconsistent observations within the same judgment unless supported by sound legal grounds and clear reasoning.
ii) The Holy Quran unequivocally guarantees the rights of daughters in their father's estate. Any attempt to defeat this divine commandment through a dubious transaction is not legally sustainable.
iii) The law is settled that immovable property can be gifted orally, but the donee must establish three ingredients beyond doubt, (i) declaration of gift by the donor, (ii) acceptance by the donee and (iii) delivery of possession.
iv) The apex Court has consistently held that where a transaction of gift results in disinheritance of legal heirs, the burden to prove the gift with strict and satisfactory evidence lies heavily on the donee.
v) It is a settled principle that when fraud is alleged, limitation begins to run from the date of knowledge.

vi) It is a settled principle of law that when finding on a material issue has attained finality and has not been specifically challenged in revision, the same cannot be reopened indirectly by raising arguments that run contrary to that finding.

Conclusion: i) See above analysis No.i
ii) Such transaction is not legally sustainable.
iii) See above analysis No. iii.
iv) Onus to prove the gift lies heavily on the donee.
v) Date of knowledge.
vi) The same cannot be reopened by raising arguments contrary to that finding.

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18. **Lahore High Court**
Abdul Latif Ansari v. Irfan Ahmad, etc.
C.R No. 1789-D of 2016.
Mr. Justice Ch. Sultan Mahmood
https://sys.lhc.gov.pk/appjudgments/2025LHC5077.pdf

Facts: The petitioner claimed ownership of evacuee property based on a family settlement, asserting possession and payment of dues, while challenging a Permanent Transfer Deed (PTD) issued in favor of his brother. The suit was dismissed by both trial and appellate courts, leading to the instant revision petition.

Issues: i) Whether a civil court has jurisdiction to entertain a suit challenging the issuance of a Permanent Transfer Deed (PTD) under the Displaced Persons (Compensation and Rehabilitation) Act, 1958?
ii) Whether a suit filed beyond the limitation periods prescribed under Articles 14 and 120 of the Limitation Act, 1908, for challenging an official act or order, is maintainable?

Analysis: i) It has been the consistent view of the Superior Courts that Civil Courts would have no jurisdiction to determine the question of the validity of the transfer of land in view of the sections 22 and 25 of the Displaced Persons (Compensation & Rehabilitation) Act of 1958 which debar any court from questioning any order made by any Officer appointed under the said Act...the Civil Court cannot entertain a suit to challenge or interpret a PTD, as such actions fall within the exclusive domain of the Settlement Authorities...the petitioner has failed to challenge the PTD before the appropriate Settlement Authorities, which is the designated forum for addressing grievances related to the issuance of such documents…it was categorically held that question of inheritance of deceased right holder was required to be decided under the relevant paragraphs of the settlement scheme… jurisdiction of the civil court in such matter is barred.
ii) Following the same and juxtaposing the facts of this case to the principles noted in the said judgment it comes to fore that as per Article 14 of the First Schedule to the Limitation Act 1908, the period of limitation for instituting a suit to set aside any act or order of an officer of Government made by him in his official capacity,

not otherwise expressly provided for in the said Act, is one year from the date of the act or order; while under the residuary Article 120, the period of limitation is six years. Whichever of these two periods is applied, the suit of the petitioner having been instituted on 27.02.1979 to challenge the PTD dated 22.05.1965 was badly barred by the law of limitation.

Conclusion: i) A civil court does not have jurisdiction to entertain a suit challenging the issuance of a PTD under the Displaced Persons (Compensation and Rehabilitation) Act, 1958.
ii) A suit filed beyond the limitation periods prescribed under Articles 14 and 120 of the Limitation Act, 1908, is not maintainable.

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19. **Lahore High Court**
Abdul Rehman Faryad v. Government of Punjab etc.
Writ Petition No.40844 of 2025
Justice Abher Gul Khan
https://sys.lhc.gov.pk/appjudgments/2025LHC5162.pdf

Facts: The petitioner was implicated in a criminal case and subsequently acquitted by a competent court. Despite his acquittal, decline of request for the issuance of a Police Character Certificate including a reference to the case, prompted the petitioner to seek rectification through the instant constitutional petition.

Issues: i) What is the legal effect of an unchallenged acquittal in criminal proceedings with respect to the presumption of innocence?
ii) Is the digital preservation of FIR records permissible under law, and if so, how should such records be used post-acquittal?
iii) Can an acquitted individual be continuously associated with a previously registered FIR in official documents such as a Police Character Certificate?

Analysis: i) Therefore, the acquittal order has attained finality in the eye of law. In these circumstances, it would be legally unjustified to draw any adverse inference or attach any stigma to the petitioner merely based on the registration of an FIR or the fact that a trial was conducted, when such proceedings have conclusively ended in an unchallenged acquittal. Hence, the presumption of innocence which stands supported by the acquittal must be given full effect.
ii) Thus, the preservation of digital FIR record is permissible under the law, such record must be used strictly within the confines of legality, ensuring that no adverse inference is drawn against an individual who has been acquitted, unless such use is justified by a lawful purpose and supported by due process.
iii) In such eventuality, any continuous reference or inclusion of the relevant FIR in official documents such as a character certificate, despite a conclusive acquittal of an accused is unwarranted. Such a practice not only violates the individual's constitutionally protected right to human dignity under Article 14 of the Constitution of the Islamic Republic of Pakistan, 1973 but also imposes a lasting

and unjust stigma upon a citizen who has been exonerated through due judicial process.

Conclusion: i) An unchallenged acquittal extinguishes all legal consequences of the trial, and the presumption of innocence must prevail.
ii) Digital FIR records may be retained but cannot be used to the detriment of an acquitted person without lawful justification.
iii) See above analysis No.iii.

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20. **Lahore High Court**
Alam Sher v. The State
Criminal Appeal No.27076-J of 2022
Bashir Ahmad v. The State
Criminal Appeal No.27077-J of 2022
The State v. Alam Sher
Murder Reference No.58 of 2022
Ms Justice Aalia Neelum (The Chief Justice), Justice Abher Gul Khan
https://sys.lhc.gov.pk/appjudgments/2025LHC5135.pdf

Facts: The appellants, along with a co-accused, were charged in a targeted firearm assault that resulted in one fatality and one injury. The incident was reported belatedly through a written complaint. In their defence, the accused asserted false implication owing to prior litigation between the parties, citing procedural delays, inconsistencies in the evidence, and the absence of reliable independent witnesses. Following the trial, one of the co-accused was acquitted, while one appellant was awarded death penalty, the other appellant was sentenced to ten years imprisonment under Section 324 of the Pakistan Penal Code (PPC) and an additional ten years under Section 334 PPC, along with fines. Both convicts challenged their respective convictions and sentences through separate appeals. Concurrently, the trial court submitted a Murder Reference seeking confirmation or annulment of the death sentence.

Issues: i) Whether the delay in lodging the FIR and its alleged consultation-based drafting undermines the credibility of the prosecution's case, particularly in relation to the capital sentence?
ii) Whether an unexplained 15-hour delay in the post mortem suggests fabrication of the occurrence and manipulation of witnesses?
iii) Whether mere presence of injuries on a witness is sufficient to establish the truthfulness of their testimony without subjecting it to judicial scrutiny?
iv) Effect of delay in recording statement under section 161 of The Code Of Criminal Procedure.
v) Whether the conflict between the ocular account and medical evidence renders the testimony of the eye witnesses unreliable, thereby entitling the accused to the benefit of doubt?
vi) Whether the prosecution's failure to prove the motive it has alleged weakens its case and entitles the accused to the benefit of doubt?

Analysis: i) The police was informed regarding the incident after a significant delay, and an anti-time FIR was filed following the stoppage of Rozenamcha merely to present it as a swiftly registered FIR, drafted through consultation and discussion, while detailing the involvement of each accused according to the complainant's choice. In such scenario, this Court has a major responsibility to evaluate the prosecution's evidence for maintaining the appellants' conviction with careful consideration, particularly regarding the capital sentence charge.

ii) A delay of approximately 15-hours is noticed in holding the autopsy, for which the prosecution has offered no explanation whatsoever during the trial. Considering that the occurrence had not taken place in a distant location from District Headquarters the delay in the postmortem examination raises the possibility that the time was consumed in concocting the story of the crime and procuring the witnesses.

iii) Injuries statedly received by a witness during a homicidal incident do not warrant acceptance without scrutiny of what he/she deposes before the court. At the most such traumas can be taken as indication of his/her presence at the spot but still such evidence is to be examined on the benchmark of general and well settled principles laid down for the appraisal of evidence. There is no hard and fast rule that a witness who is in receipt of injury will depose nothing but truth. Even otherwise this is not a simple presence of a witness at the crime scene but his/her credibility which makes him/her a reliable witness. Reference in this regard is made to the case reported as Amin Ali v. The State (2011 SCMR 323).

iv) Delay of 126-days in recording 161 Cr.P.C statement of PW.17 gives rise to many doubts which ought to be resolved in favour of appellants. While holding so, we are guided by the observation of the Supreme Court of Pakistan expressed in the case reported as Muhammad Asif v. The State (2017 SCMR 486) wherein it was observed as under:- “There is a long line of authorities/precedents of this court and the High Courts that even one or two days unexplained delay in recording the statement of eye-witness would be fatal and testimony of such witnesses cannot be safely relied upon.”

v) The collection of medical evidence at investigation stage and its subsequent tendering during trial is primarily aimed at enabling the Court to get help for ascertaining the truth behind deposition of an eyewitness. If the ocular account gives rise to some inconsistency after being subjected to scrutiny through medical evidence, it warrants rejection of the tale of incident furnished by eyewitnesses. Reliance is placed upon the case reported as Abdul Jabbar and another v. The State (2019 SCMR 129) wherein the Supreme Court of Pakistan while dilating upon conflict between medical and ocular evidence observed as under:- “It is the settled principle of law that once a single loophole is observed in a case presented by the prosecution much less glaring conflict in the ocular account and medical evidence or for that matter where presence of eye-witnesses is not free from doubt, the benefit of such loophole/lacuna in the prosecution case automatically goes in favour of an accused.”

vi) It is well settled that once the motive is set up by the prosecution and the same is not proved, the prosecution shall suffer. Reliance in this context may be placed upon the case reported as Sarfraz and another v. The State (2023 SCMR 670).

Conclusion: i) See above analysis No.i.
ii) Delay in the postmortem examination raises the possibility that the time was consumed in concocting the story of the crime and procuring the witnesses.
iii) Injuries received by a witness do not warrant acceptance; such evidence is to be examined on the benchmark of general and well settled principle for the appraisal of evidence.
iv) Delay in recording 161 Cr.P.C statement gives rise to many doubts.
v) See above analysis No.v.
vi) See above analysis No.vi.

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21. **Lahore High Court**
Muhammad Maqsood v. The State & 3 others
Criminal Appeal No.231326 of 2018
Justice Abher Gul Khan
https://sys.lhc.gov.pk/appjudgments/2025LHC5168.pdf

Facts: The complainant's brother was attacked and injured by the accused with weapons. The trial court acquitted the accused due to lack of reliable evidence, which was challenged through this criminal appeal.

Issues: i) Whether the delay in registration of FIR affects the credibility of the prosecution's case?
ii) Whether the injured witness's testimony alone could sustain conviction in absence of corroborative evidence?
iii) Whether delay in recording the statement of an injured witness affects the credibility of the prosecution's case?
iii) Whether an appellate court can interfere with an acquittal without the presence of exceptional and compelling circumstances?

Analysis: i) Therefore, the unexplained and prolonged delay of eight days in reporting the matter cannot be casually overlooked. On the contrary, it casts serious doubt on the veracity of the prosecution's version and strongly suggests that the intervening period may have been utilized to concoct and fabricate a narrative to implicate the accused.
ii) In these circumstances, the mere presence of injuries on the person of the injured witness is not, by itself, sufficient to warrant the conviction of the accused.
iii) It is a well-settled principle of criminal jurisprudence that timely recording of statements of witnesses, particularly those of injured, is essential for ensuring the credibility of the prosecution's case.
iv) It is a well-settled principle of criminal jurisprudence that once an accused is acquitted of the charges, a presumption of innocence is further strengthened in his

favour. Such a verdict of acquittal cannot be lightly set aside, and interference by an appellate court is justified only in exceptional and compelling circumstances where the judgment under challenge is shown to be manifestly illegal, arbitrary, or perverse.

Conclusion: i) The delay in registration of FIR affects the credibility of the prosecution case.
ii) the injured witness's testimony alone cannot sustain conviction in the absence of corroborative evidence.
iii) Delay in recording the statement of an injured witness undermines the credibility of the prosecution's case.
iv) An appellate court cannot interfere with an acquittal without exceptional and compelling circumstances.

LATEST LEGISLATION/AMENDMENTS

1. Vide official Gazette of Pakistan dated 09-07-2025; The Virtual Assets Ordinance, 2025 is promulgated to establish a regulatory authority for the licensing, regulation and supervision of Virtual assets etc.
2. Vide Notification No. SOR-III(S&GAD)1-9/2023 dated 11-07-2025; the amendments are made at serial No.1, 4, 5 & 6 of The Punjab Agriculture Department (Research Wing) Service Rules, 1980.
3. Vide Notification No. SOR-III(S7GAD01-24/2007(P-II) dated 14-07-2025; amendments are made at serial No.6, 7, 13, 15, 22 & 36 of The Punjab Environment Protection and Climate Change Department Service Rules, 1997.
4. Vide official Gazette of Pakistan dated 14-07-2025; The Frontier Constabulary (Re-Organization) Ordinance, 2025 is promulgated to consolidate and re-enact the law relating to the Frontier Constabulary.
5. Vide Notification No. SOR-III(S&GAD)1-4/2019 dated 17-07-2025; amendment is made for the post of ‘Assistant Controller (BS-16) IN The S&GAD, Banquet Hall 90-SQA and VVIP Guest House Staff Service Rules, 2019.
6. Vide Notification No. FD(FR)II-9/2025 dated 18-07-2025; amendment is made in Rule, 7.16 of The Departmental Financial Rules.
7. Vide Notification No. PRA/Orders.06/2021/845 dated 18-07-2025; amendment is made in Rule 3 of The Punjab Sales Tax on Services (Adjustment of Tax) Rules 2012.
8. Vide Notification No. PRA/Orders.06/2021/846 dated 18-07-2025; amendment is made in Rule 5 of The Punjab Sales Tax on Services (Withholding) Rules, 2015.
9. Vide Notification No.FD(FR)II-6/2025 dated 21-06-2025; amendment is made in First Schedule of The Punjab Delegation of Financial Powers Rules, 2016.
10. Vide Notification No. 1695/2025 (ESD) dated 22-07-2025; amendment is made in Regulation 3 of The Punjab Community Safety Buildings Regulations 2022.

11. Vide Notification No.SOR-III(S&GAD)2-60/2024 dated 23-07-2025; amendment is made in Rule 3 of The Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.
12. Vide Notification No. SOR-II(S&GAD)2-134/10 dated 23-07-2025; amendment is made in para 2(6) of The PROMOTION POLICY-2010.
13. Vide Notification No. SOR.II(S&GAD)2-59/78 dated 23-07-2025; amendment is made in para 2(III)(b) of The PERFORMA PROMOTION POLICY.
14. Vide Notification No. SOR-III(S&GAD)1-2/2023 dated 28-07-2025; amendment is made at serial No.67 in the schedule of The Punjab Forest Department (Executive, Sericulture, Research and Extension, Technical and Ministerial Posts) Recruitment Rules 2019.

SELECTED ARTICLES

1. HARVARD LAW REVIEW

https://harvardlawreview.org/print/vol-137/the-making-of-presidential-administration/

The Making of Presidential Administration by Ashraf Ahmed, Lev Menand, Noah A. Rosenblum

Today, the idea that the President possesses at least some constitutional authority to direct administrative action is accepted by the courts, Congress, and the legal academy. But it was not always so. For most of American history — indeed until relatively recently — Presidents derived their authority over the administrative state largely from statute. Any role for the White House in agency rulemaking or adjudication had to be legally specified. Scholars mostly agree about when this change occurred. But the dominant shared narrative — exemplified by then-Professor Elena Kagan's seminal article Presidential Administration — is Whig history. It offers a depoliticized interpretation that presents White House primacy as the product of steady progress toward greater administrative rationality.

This Article offers a historical corrective. It explains how "administration under law" was lost and replaced with a new constitutional baseline, "presidential administration." It is both an account of constitutional change — how one understanding of constitutional text and structure gave way to a different one — as well as a history of the regulatory state and how, beginning in the 1980s, federal officials reworked the relationship between the President, Congress, and administrative agencies in order to expand the role of market actors in governing economic activity. The Article draws attention to the intense political conflict that accompanied the advent of presidential administration. What is today bipartisan was originally nothing of the sort. It also reveals how a new interpretation of Article II took hold without any fundamental doctrinal or statutory change or shift in formal law. It highlights the emergence of a neoliberal consensus around aspects of economic regulation that incentivized and buttressed presidential administration as an approach to administrative governance. And it reveals the relative novelty of originalist arguments about the "Unitary Executive."

2. **HARVARD LAW REVIEW**
https://harvardlawreview.org/print/vol-138/a-court-of-first-view/

A Court of First View by Stephen I. Vladeck

The U.S. Supreme Court regularly insists that it is "a court of review, not of first view." This sentiment is usually deployed as justification for the Court's refusal to consider arguments not raised by the parties in the lower courts; questions not answered by the lower courts; new issues that have arisen only as a result of what the Justices have held in the case at hand; or taking up a discretionary appeal in the first place. In recent years, though, the Court's behavior has increasingly departed from this mantra. Even as the total number of cases the Supreme Court is deciding after plenary review has declined (significantly) in recent terms, the number of cases in which the Court is reaching and resolving the merits in some kind of preliminary procedural posture has grown — in absolute terms and, thus, in even more significant proportional terms. This phenomenon is especially pronounced in three categories of cases: those in which the Court is reaching the merits on appeals from the grant or denial of a preliminary injunction; those in which it is granting "certiorari before judgment" (bypassing the federal courts of appeals to hear appeals directly from U.S. district courts); and those in which it is reaching the merits on applications for emergency relief. More than that, the Court is not just reaching the merits at very early stages of a growing percentage of cases resolved through opinions of the Court; it is doing so in many of its biggest and most legally and/or politically consequential decisions. This Article describes, documents, and critiques this phenomenon, sketching out some of the costs, to both the Supreme Court and the legal system more generally, of having the Justices engaging in what is supposed to be extraordinary review on an increasingly ordinary basis. And although the Court may not be wholly responsible for the causes of this uptick, both it and Congress can and should take steps to reduce the incidence of such cases and mitigate the costs of having so many preliminary-stage decisions on the docket. Some of those reforms can come from the Court's bully pulpit, its holdings, and its behavior; some can come from the legislature. The first step, though, is to acknowledge that this is a problem worth a solution — and that the Court is increasingly (if inconsistently) a "court of first view." So long as that remains true, it will have a series of downstream — and understudied — effects that go beyond simply undermining the Justices' regular insistence to the contrary.

3. **Lawyers Club India**
https://www.lawyersclubindia.com/articles/how-the-u-s-is-reshaping-crypto-regulation-17886.asp

How the U.S. Is Reshaping Crypto Regulation by Sankalp Tiwari

In mid-2025, the United States inaugurated a transformative regulatory framework for digital assets through the passage of three foundational laws—the CLARITY Act, GENIUS Act, and CBDC Anti Surveillance State Act. Collectively, this legislative package delivers

the much-needed clarity and purpose that had eluded U.S. cryptocurrency policy for years. Where previous enforcement relied on ad-hoc litigation and agency discretion, the CLARITY Act creates a clear jurisdictional divide: the Commodities Futures Trading Commission (CFTC) oversees non securities tokens, while the Securities and Exchange Commission (SEC) retains authority over tokens classified as securities. The GENIUS Act sets strict standards for stablecoin issuance—requiring full backing, ongoing audits, and regulatory licensing—while the CBDC Anti Surveillance State Act prohibits retail issuance of a digital dollar without explicit Congressional approval, affirming democratic oversight and protecting consumer privacy. These reforms signal no mere regulatory tinkering—rather, they represent a strategic recalibration of America's position in the global digital finance order. They reduce ambiguity, enhance market trust, and align with liberal democratic values in a time when authoritarian regimes promote state-controlled digital currencies. Yet the laws also confront unresolved issues including offshore issuer loopholes, enforcement coordination, DeFi oversight, and statutory gaps regarding token classification. Addressing these vulnerabilities through interagency alignment, international agreements, and institutional innovation will be essential to translating legislative ambition into strategic leadership.

4. MANUPATRA

https://articles.manupatra.com/article-details/THE-ROLE-OF-TECHNOLOGY-IN-MODERN-DISPUTE-RESOLUTION-VIRTUAL-COURTS-AND-ODR

The Role of Technology In Modern Dispute Resolution: Virtual Courts and Odr By Mohita Sharma

Dispute resolution refers to the structured process through which disagreements or conflicts between two or more parties are addressed and resolved. Such disputes could occur in diverse settings such as commercial transactions, employment, domestic affairs, consumer relations, or international relations. Traditionally, disputes were resolved through litigation at courts. Nonetheless, with the passage of time, other techniques have been introduced to provide quicker, cheaper, and less adversarial solutions. These are all referred to as Alternative Dispute Resolution (ADR) mechanisms. ADR involves a number of techniques that allow for the resolution of disputes without going through the usual court process. The main forms of ADR are Negotiation, Mediation, Arbitration, and Adjudication, with Litigation being the traditional judicial means of resolving disputes.

*Virtual Courts represent the digitization of traditional courtroom proceedings, where hearings, filings, and judicial interactions are conducted through video conferencing, e-filing portals, and digital evidence presentation systems. Courts across the world, including in India, have adopted virtual hearing models to ensure continuity of judicial functions amid constraints. This shift not only enhances convenience for litigants, lawyers, and judges but also reduces delays and administrative costs, making justice more accessible and inclusive. On the other hand, Online Dispute Resolution (ODR) merges technology with conventional ADR mechanisms like * Author is a 3rd-year law student at*

Vivekananda Institute of Professional Studies (VIPS), Delhi. negotiation, mediation, and arbitration. It involves using online platforms to initiate, process, and resolve disputes entirely through digital interfaces. Parties can submit claims, exchange documents, communicate with mediators or arbitrators, and even reach settlements or binding decisions without ever entering a physical courtroom. ODR is especially useful for consumer disputes, e-commerce grievances, cross-border transactions, and low-value claims that may not be feasible to litigate traditionally. Technology also contributes to transparency, record-keeping, and data analytics in dispute resolution. Automated case management tools, AI-based document review, e-discovery, and blockchain for digital evidence authentication are being increasingly explored to streamline complex legal processes. In essence, the integration of technology through Virtual Courts and ODR marks a transformative shift toward a more accessible, efficient, and resilient justice delivery system. As legal systems continue to embrace digital innovation, the future of dispute resolution is poised to become more participatory, scalable, and adaptive to the needs of a digitally connected society.

5. MANUPATRA

https://articles.manupatra.com/article-details/Emerging-Issues-In-Cyber-Law

Emerging Issues In Cyber Law by Rose Mariyat Jose & Joshan J

"The Cyber-world has now developed into a parallel form of personality, life, and living of our lives up to such an extent that the imagination of a day without a mobile phone and a phone without internet gives the feeling of being paralyzed, especially for young users. It means now the technology and human life are inseparable. Our day starts with receiving or sending 'good morning messages and ends with the status update. Cybercrimes are the 'progeny of cyberspace', which is an outcome of cybercriminals' mens rea and which owes its origin initially in the absence of cyber legislations.1 If we analyze the term cyber law, we can conclude that it is related to all the legal issues involving computers and the Internet, which is an intersection of various fields such as privacy issues, jurisdiction issues, intellectual property rights issues, and several other legal questions.2 Cyber-crimes are international, global, or cross-border (whether national or international) in nature. The principle of pirates- piracy jury gentium means thereby piracy is an offence against all the nation, the same principle is true in context of cybercrimes; with a limited and restricted extent such as the type of the offence, the jurisdiction involved (national or international), the number of victims (an individual/s, organization/s or one or more country), nationality of the cyber-criminal or the victim, the involvement of the networks and extradition laws etc. Cybercrime also caused law enforcement agencies to face new challenges due to the anonymous nature of the Internet, which further aggravates and complicates the issues."