

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT

Justice Muhammad Ali Mazhar
Justice Irfan Saadat Khan
Justice Malik Shahzad Ahmad Khan

CRL.P.L.A.No.562-L OF 2025

On appeal against the Judgment
dated 17.04.2025 passed by the
Lahore High Court, Lahore in
Crl.Misc.No.75066-B/2024

Kashif Tanveer

...Petitioner

Versus

The State through Prosecutor General
Punjab, Lahore and another

...Respondents

For the Petitioner : Mr. Aftab Ahmed Bajwa, ASC
with petitioner

For the State Tariq Siddique, Addl.P.G
Hidayat Ali, ASI

For the Complainant : Bilal Rashid, In Person

Date of Hearing : 09.07.2025

Order

Muhammad Ali Mazhar, J. – The petitioner was granted pre-arrest bail by this Court *vide* order dated 11.06.2025 in FIR No. 2357/2024, lodged at Police Station Batapur, District Lahore, under Section 462-I and 322 of the Pakistan Penal Code, 1860 (“PPC”).

2. According to the First Information Report (“FIR”), Kashif Tanveer, S.D.O. (complainant, later on treated as an accused), Sahafi Colony Sub-Division, LESCO, Lahore, submitted an application against Kashif Butt and Majid *alias* Majhoo (of Star Cable Network), that his Line Superintendent, Kabeer Tahir, reported that Kashif Butt and Majid *alias* Majhoo are using LT and HT Poles illegally by attaching their cables on it. The accused persons also consumed electricity for their boosters from the LT Poles without making any payment to the Lahore Electric Supply Company (LESCO) and caused a loss of millions to WAPDA/LESCO. On 05.06.2024, at about 09:30 P.M., the wires of the cable network broke and fell down, due to a storm, on a High Tension Line. As a result, high

voltage was transferred through cable wires in some houses in canal forts including House No.120, Block-B, where one child switched on the television in his house, and was electrocuted, dying on the spot.

3. At the very outset, the counsel for the petitioner argued that in the same FIR, the co-accused, Muhammad Kabeer Tahir, has been granted pre-arrest bail *vide* order dated 30.05.2025 in Cr.P.L.A 506-L/2025. He emphasized that the role of the present petitioner is not different than the role assigned to the accused Muhammad Kabeer Tahir, therefore, the petitioner is also entitled for bail in view of the rule of consistency. He further argued that two accused persons Ali Raza and Majid have also been granted post-arrest bail by the Area Magistrate. It was further avowed that there is no postmortem report of the deceased child on the record to show the cause of death. He further argued that another co-accused, Muhammad Ali Raza, Executive Engineer, LESCO, was declared innocent by the police.

4. The learned Additional Prosecutor General ("APG"), with the assistance of Hidayat Ali, ASI, argued that since the co-accused, having a similar role, has been granted bail by this Court, therefore, in line with the rule of parity, the present petitioner is also entitled to be enlarged on bail as the case requires further inquiry. On the other hand, the father of Master Abdul Hadi (deceased), opposed the bail on the ground that his son was electrocuted due to the negligence and reckless conduct of the petitioner, but he could not deny that the co-accused in the case had been granted bail by this Court on a similar role.

5. While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness, and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail, when the nature of the evidence produced in support of the indictment creates some doubt as to the veracity of the prosecution case. Where, on a tentative assessment, there is a reasonable ground to believe that the case of the prosecution requires further inquiry, then in such circumstances, the benefit of bail may not be withheld as a punishment to the accused. The Court must dwell on all interconnected rudiments, including the gravity of the offence and the degree of involvement of the applicant/accused for bail in the commission of offence. The doctrine of "further inquiry" refers to a notional and exploratory assessment that may create doubt regarding the involvement of the accused in the crime. Whereas, the rule of consistency or doctrine of parity in bail matters

encapsulates that where the incriminated and ascribed role to the accused is the same as that of the co-accused then the benefit extended to one accused should also be extended to the co-accused, on the principle that like cases should be treated alike, though after accurate evaluation and assessment of the co-offenders' role in the commission of the alleged offence. In fact, *vide* impugned order dated 17.04.2025, the High Court dismissed the Crl. Misc. No.75066-B/2024 (bail petition of the petitioner) also, for the reasons recorded in the Crl. Misc. No.75736-B/2024, but later on, the accused Muhammad Kabeer Tahir (petitioner before the High Court in Crl. Misc. No.75736-B/2024) was granted bail by this Court in Cr.P.L.A 506-L/2025. In our view, there are certain aspects vis-à-vis the offence mentioned in the FIR, as well as the allegation of negligent and reckless conduct including the element of *mens rea* to establish the guilt of the petitioner, that can only be resolved once the trial is conducted, completed, and the case is decided on merits. Besides being mindful to the rule of parity applicable in the present case, we are also of the view that in such peculiar circumstances, the case requires further inquiry.

6. As a result of the above discussion, this Criminal Petition is converted into an appeal and allowed. As a consequence thereof, the pre-arrest bail granted to the present petitioner *vide* order dated 11.06.2025 is confirmed on the same terms and conditions. The petitioner is directed to cooperate in the investigation and shall regularly attend the Trial Court proceedings, and if he misuses or abuses the concession of bail and does not cooperate in the investigation and the trial, the learned Trial Court may be at liberty to cancel the bail. The observations made in this bail order are tentative in nature and shall not prejudice the case of either party.

Judge

Judge

Judge

Islamabad
09.07.2025
Khalid
~~Not~~ approved for reporting