

Bail: Grant and Refusal Under Pakistani Law

A study of 33 judgments of the Supreme Court and the High Courts of Peshawar, Lahore, Sindh, Islamabad and Balochistan (2009–2026)

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Abstract

Bail is the most frequently litigated question in Pakistani criminal courts, yet the outcome of a bail petition often appears unpredictable. This paper reads 33 reported judgments in full — 23 of the Supreme Court and 10 of the five High Courts — to identify why courts grant bail and why they refuse it. It finds that the law is consistent at the level of principle: bail in non-prohibitory offences, and for women, juveniles and the sick, is the rule; in prohibitory offences the prosecution must show *reasonable grounds*, failing which the case is one of *further inquiry*; statutory delay is an independent right; and pre-arrest bail is an extraordinary remedy that needs *mala fide*. The outcomes turn on a small number of recurring facts: whether the accused has a specific and medically supported role, whether the investigation contradicts the FIR, whether a genuine cross-version exists, and whether he absconded. The paper also identifies six live tensions in the case law and closes with a practical guide for both sides of the bar.

Keywords: bail; Section 497 Cr.P.C.; Section 498 Cr.P.C.; prohibitory clause; further inquiry; reasonable grounds; pre-arrest bail; statutory delay; hardened criminal; women; cross-version; absconsion; Pakistan.

1. Introduction

Section 497 of the Code of Criminal Procedure, 1898 governs post-arrest bail in non-bailable offences, and Section 498 is the source of pre-arrest bail. The text of these provisions has changed little; what decides cases is the body of judicial principle built around them. Every day, practitioners in Peshawar and elsewhere argue the same questions: is this a case of further inquiry? Does the offence fall within the prohibitory clause? Is the accused a woman, a juvenile, or detained beyond the statutory period? Has he absconded?

This paper does not attempt a textbook account. It asks a narrower practical question: in recent reported judgments, **what actually made the court grant bail, and what made it refuse?** The answer is drawn entirely from the judgments themselves.

2. Sources and Method

All research was done on the Pakistan Law Site only. Searches were run for bail judgments of the Supreme Court and of each High Court (Peshawar, Lahore, Sindh, Islamabad and Balochistan). From the results, 33 judgments were selected so that grants and refusals, post-arrest and pre-arrest bail, and every High Court were represented.

Each judgment was read in full; the analysis below rests on the whole judgment. However, every passage placed in quotation marks in this paper is taken **only from the head notes** of the reported judgment, and is identified as such. Where a judgment itself quotes an older precedent (for example *Tariq Bashir*, PLD 1995 SC 34, or *Awal Gul*, PLD 1985 SC 402), that older precedent is described in our own words and attributed to the judgment that relies on it, because the older report itself was not read for this study.

Annexure A lists all 33 judgments in question-and-answer form, with the outcome and a head-note extract for each.

3. The Statutory Framework in Brief

The judgments studied work with the following structure of Section 497(1) and (2) Cr.P.C.:

- **Prohibitory clause.** An accused shall not be released if there appear reasonable grounds for believing he has committed an offence punishable with death, imprisonment for life or imprisonment for ten years.
- **First proviso.** A person under sixteen, a woman, or a sick or infirm person may be released even in such offences.
- **Third proviso (statutory delay).** Release is mandatory where the trial has not concluded after continuous detention exceeding one year (six months for a woman) in offences not punishable with death, or two years (one year for a woman) in offences punishable with death, unless the delay was occasioned by the accused.
- **Fourth proviso.** The third proviso does not apply to a previous convict for an offence punishable with death or life imprisonment, to a person who in the court's opinion is a hardened, desperate or dangerous criminal, or to a person accused of terrorism punishable with death or life imprisonment.
- **Section 497(2).** Where there are no reasonable grounds but there are sufficient grounds for further inquiry, the accused shall be released on bail.

4. The Governing Principles

4.1 Reasonable grounds and further inquiry

The Supreme Court has placed the burden squarely on the prosecution. In *Zaigham Ashraf v. The State*, 2016 SCMR 18, the accused was named in the FIR as a firer, but the investigation found he had been in Abbottabad prison at the time. Bail was granted, and the head note states:

"Words 'reasonable grounds' as contained in S. 497, Cr.P.C., required the prosecution to show to the court that it was in possession of sufficient material/evidence, constituting 'reasonable grounds' that accused had committed an offence falling within the prohibitory limb of S. 497, Cr.P.C." (2016 SCMR 18, head note)

"For getting the relief of bail accused only had to show that the evidence/material collected by the prosecution and/or the defence plea taken by him created reasonable doubt/suspicion in the prosecution case and he was entitled to avail the benefit of it." (2016 SCMR 18, head note)

Alam Zeb v. The State, PLD 2014 SC 760 defines the standard:

"Reasonable grounds had to be grounds which were legally tenable, admissible in evidence and appealing to a reasonable judicial mind as opposed to being whimsical, arbitrary or presumptuous." (PLD 2014 SC 760, head note)

The High Courts apply the same test from both directions. The Peshawar High Court in *Nouman Ali v. The State*, 2025 YLR 687 granted bail where the complainant had given three different versions; the Sindh High Court in *Piyas Ali v. The State*, 2026 YLR 1894 confirmed pre-arrest bail where the FIR was ten months late; and the Balochistan High Court in *Murtaza v. The State*, 2024 YLR 2084 held that the merits may be "touched" at bail stage. Conversely, in *Bilal Sikandar v. The State*, 2025 YLR 152 the Lahore High Court refused bail, reminding that further inquiry must arise from the record:

"Case of further inquiry presupposes tentative assessment of material brought on record starting from time of lodging of FIR and material collected during the course of investigation till the conclusion of investigation, which in turn creates some doubt with respect to involvement of accused in commission of crime" (2025 YLR 152, head note)

4.2 Non-prohibitory offences: bail is the rule

In *Muhammad Tanveer v. The State*, PLD 2017 SC 733 (theft of a motorcycle, bail refused below because of other pending cases) the Supreme Court issued a direction to all courts:

"grant of bail in offences not falling within the prohibitory limb of S. 497, Cr.P.C. was a rule and refusal an exception, therefore all subordinate courts, special courts and tribunals should follow said principle in its letter and spirit." (PLD 2017 SC 733, head note)

The exceptions are those first set out in *Tariq Bashir* (PLD 1995 SC 34) and restated in *Zafar Iqbal v. Muhammad Anwar*, 2009 SCMR 1488: likelihood of abscondence, of tampering with evidence, of repeating the offence, and a previous conviction. Custody is not punishment:

"Accused charged for criminal offence ordinarily could not be kept into custody for the purpose of punishment" (2009 SCMR 1488, head note)

Cheque cases under Section 489-F P.P.C. illustrate the point. In *Abdul Saboor v. The State*, 2022 SCMR 592 (a Peshawar case involving a Rs. 10 million cheque) bail was granted because:

"Prima facie S. 489-F of P.P.C. is not a provision which is intended by the Legislature to be used for recovery of an alleged amount" (2022 SCMR 592, head note)

Whether an offence is prohibitory depends on the **maximum** sentence. In *Jabran v. The State (FIA)*, 2025 SCMR 1099 (money laundering, one to ten years) the Court held:

"At bail stage, maximum period of sentence prescribed for an offence is to be considered for determining whether the offence falls under the prohibitory clause of section 497(1) of the Cr.P.C." (2025 SCMR 1099, head note)

This follows *Socha Gul v. The State*, 2015 SCMR 1077, where bail was refused to a person carrying 4 kg of charas and the Court held:

"Neither categorization of sentencing nor any guess work or speculative exercise could be undertaken by court at bail stage to enlarge an accused on bail in such crimes" (2015 SCMR 1077, head note)

Finally, where the offence is bailable, there is no discretion at all: "In a case involving a bailable offence bail was to be granted to an accused person as of right" (*Alam Zeb*, PLD 2014 SC 760, head note).

4.3 Women, juveniles and the first proviso

Tahira Batool v. The State, PLD 2022 SC 764 (a housemaid accused of dacoity) is the leading case:

"in cases of women, etc., as mentioned in the first proviso to Section 497(1), irrespective of the category of the offence, bail is to be granted as a rule and refused as an exception in the same manner as it is granted or refused in offences that do not fall within the prohibitory clause of section 497(1), Cr.P.C." (PLD 2022 SC 764, head note)

In *Mst. Ghazala v. The State*, 2023 SCMR 887, a woman accused of murdering her husband was granted bail from the Peshawar High Court's refusal. The State's only argument was that there was enough incriminating material. The Court held that this is not the test under the first proviso:

"For the purpose of deciding the prayer for grant of bail in exercise of the discretionary power of the court under section 497(1), Cr.P.C., the availability of a sufficient incriminating material to connect the accused with the commission of the offence alleged against him is not a relevant consideration." (2023 SCMR 887, head note)

The rule is not absolute. In *Mst. Saima Bibi v. The State*, 2025 PCrLJ 969 the Islamabad High Court refused bail to a woman caught with 3,600 grams of charas who had her infant with her in jail, relying on *Mst. Fursan*, 2022 SCMR 1950 (narcotics dealing indicates likelihood of repetition):

"only ground of petitioner's having suckling baby with her was insufficient for grant of bail" (2025 PCrLJ 969, head note)

For juveniles, *Sahib Ulah v. The State*, 2022 SCMR 1806 (from the Peshawar High Court, Mingora Bench) fixes the relevant date and the rule of interpretation:

"When determining juvenility of accused, date of arrest in a criminal case is immaterial; an accused has to be dealt with under the law as applicable on the date that the crime is committed." (2022 SCMR 1806, head note)

"If there are two possible interpretations of a provision of the law, the one favourable to the accused is applicable, and all the more so when the accused is governed by a special law." (2022 SCMR 1806, head note)

4.4 Statutory delay: an independent right

Shakeel Shah v. The State, 2022 SCMR 1 holds that time runs from arrest, and that the accused loses the right only by deliberate obstruction:

"Period of one year for the conclusion of the trial began from the date of the arrest/detention of the accused and it was of little importance as to when the charge was framed and the trial commenced." (2022 SCMR 1, head note)

"mere mathematical counting of all the dates of adjournments sought for on behalf of the accused was not sufficient to deprive the accused of his right to bail under the third proviso." (2022 SCMR 1, head note)

Noor Agha v. The State, 2025 SCMR 1679 (Sindh) granted bail in a murder case after more than two years' detention and set a strict standard for the "hardened, desperate or dangerous" exception:

"There must be sufficient material placed before Court by prosecution to enable it to form an opinion that if accused is released on bail under 3rd proviso to section 497(1), Cr.P.C. then there would be a substantial risk or it would be highly probable that he or she would cause serious harm

to the society and its members" (2025 SCMR 1679, head note)

The right recurs: *Syeda Ayesha Subhani v. The State*, PLD 2023 SC 648 held that delay in the year after a refusal is "a fresh ground". By contrast, the Balochistan High Court in *Zubair Ahmed v. The State*, 2024 PCrLJ 160 refused statutory bail to an accused of four murders committed in army uniform, finding most adjournments were due to Covid-19, defence requests and a transfer for witness safety:

"considering bail on statutory ground was not available to hardened, desperate or dangerous criminal" (2024 PCrLJ 160, head note)

5. Why Courts Granted Bail: Recurring Grounds

Across the 22 judgments in which bail was granted, confirmed or upheld, the following facts recur.

- **The investigation contradicts the FIR.** In *Zafar Iqbal v. The State*, 2022 SCMR 976 bail was granted even after six witnesses had been examined, because "During the course of investigation, the contents of the crime report were contradicted and an entirely different story surfaced on the record" (head note). Similar reasoning appears in *Zaigham Ashraf* (documentary alibi) and in *Muhammad Jahangir Afzal v. The State*, 2020 SCMR 935 (implication through supplementary statements, with the injured witness later substituting an unknown person).
- **A weak or incompetent investigation.** In *Javid Khan v. Arshid Khan*, PLD 2024 SC 73 (from Peshawar) the case rested on two last-seen statements by relatives; the Court called it "a classic example of an incompetently handled investigation" (head note).
- **Two or more versions.** *Gul Nawab v. The State*, 2022 SCMR 547 (Peshawar): "When there were two versions of the occurrence, it squarely invited the provisions of S. 497(2), Cr.P.C. calling for further probe into the occurrence" (head note). See also *Naeem Sajid*, 2025 SCMR 129 (2:1) and *Nouman Ali*, 2025 YLR 687 (three versions).
- **Forensic evidence does not support the role.** In *Binyameen v. The State*, 2026 SCMR 99 (Abbottabad) no empty matched the pistol recovered from the accused; the head note records that bail "could not be withheld as mere punishment".
- **Role not specific, or injury on a non-vital part.** *Gul Nawab* (general role of firing, no weapon or injury attributed) and *Murtaza*, 2024 YLR 2084 (one shot on the leg; intention to kill left to trial).
- **Unexplained delay in the FIR, interested witnesses.** *Piyas Ali*, 2026 YLR 1894: "The benefit of doubt ,at any stage, especially in bail proceedings, should go to the accused" (head note, as reported).
- **Status of the accused or time in custody.** Woman (*Tahira Batool, Ghazala*), juvenile (*Sahib Ulah*), statutory delay (*Shakeel Shah, Noor Agha, Ayesha Subhani*), non-prohibitory offence (*Tanveer, Abdul Saboor, Zafar Iqbal 2009, Jabran*).

6. Why Courts Refused Bail: Recurring Grounds

The refusals share a consistent profile: a named accused, a specific role, and independent corroboration.

- **Specific fatal role, corroborated.** *Rashid Ramzan v. The State*, 2022 SCMR 2111: a prompt FIR, a daylight occurrence between known parties, a head-shot confirmed by the post-mortem, three injured witnesses and recovery of the weapon. The rule of consistency failed because "Co-accused

were ascribed simple injuries on the person of the injured whereas, the accused had been ascribed a specific role of making fire shot at the head of the deceased, which proved fatal" (head note). The Peshawar High Court reasoned identically in *Abdur Rehman v. The State*, 2026 MLD 1351, adding site plan, recoveries and the FSL report.

- **A cross-version that is not a real cross-version.** "Mere existence of a cross-version could not alone be considered a sufficient ground to grant bail to an accused" (*Rashid Ramzan*, head note). In *Ahmad Ali v. The State*, PLD 2024 SC 969 (Peshawar, 2:1) the majority held that "What the police daily diary recorded did not constitute a cross or different version of events" (head note).
- **Acquittal of a co-accused tried separately.** No benefit, because "evidence collected by the investigating agency against the present petitioner was yet to be analysed by the Trial Court" (*Abdur Rehman*, 2026 MLD 1351, head note).
- **Compromise or affidavits in non-compoundable cases.** In an honour killing (*Bilal Sikandar*, 2025 YLR 152) the parents' pardon did not help, given Sections 299(ee), 302(c) and 311 P.P.C. In a sodomy case the Sindh High Court held that no-objection affidavits had "no legal validity, as the offence in question was non-compoundable and no such procedure existed in law" (*Ghazi v. The State*, 2026 YLR 2230, head note).
- **Narcotics.** The CNSA offences are, in the words of *Socha Gul*, "by its nature heinous and considered to be the offences against society at large" (head note); see also *Saima Bibi*.
- **Unexplained absconsion** (Section 8 below) and **gravity amounting to a hardened criminal** (*Zubair Ahmed*).

7. Pre-Arrest Bail

Pre-arrest bail stands on a different footing. In *Rana Abdul Khaliq v. The State*, 2019 SCMR 1129 the Supreme Court cancelled pre-arrest bail that the Lahore High Court had confirmed in a cheque case merely because interim bail had not been misused:

"Pre-arrest bail was not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampered the course of investigation" (2019 SCMR 1129, head note)

"Grant of pre-arrest bail essentially required considerations of mala fide, ulterior motive or abuse of process of law." (2019 SCMR 1129, head note)

Mala fide, however, may be inferred. In *Khalil Ahmed Soomro v. The State*, PLD 2017 SC 730 injuries had been exaggerated to bring the case under heavier sections:

"At pre-arrest bail stage, it was difficult for the accused to prove the element of mala fide through positive/solid evidence/materials, therefore, the same was to be deduced and inferred from the facts and circumstances of the case" (PLD 2017 SC 730, head note)

"When the accused persons were entitled to post arrest bail, their prayer for pre-arrest bail, if declined, would be a matter of technicality alone" (PLD 2017 SC 730, head note)

The Lahore High Court in *Muhammad Fayyaz v. The State*, 2025 YLR 505 refused pre-arrest bail where the injured's medical examination within two hours supported the ocular account, a plea of alibi was still pending with the police, and "Person of accused was required for the purpose of further investigation and lead for recovery" (head note). Recall of pre-arrest bail does not bar post-arrest bail later: *Murtaza*,

2024 YLR 2084 granted post-arrest bail after the High Court itself had recalled pre-arrest bail only so that the investigation could be completed.

8. Absconsion

Absconsion weighs heavily but is not conclusive. In *Gul Nawab*, 2022 SCMR 547, nine years of absconsion did not prevent bail: "Mere absconsion is not a proof of guilt, hence, cannot be made sole ground to discard the relief sought for" (head note). In *Abdur Rehman*, 2026 MLD 1351 and *Bilal Sikandar*, 2025 YLR 152, unexplained absconsion was one of several reasons for refusal. The Islamabad High Court in *Raheem Ullah Khan v. The State*, 2023 YLR 1246 dismissed an appeal filed by an absconder under the doctrine of fugitive disentitlement, but stated the bail position as follows:

"In relation to bail, the question of absconsion is a relevant consideration in grant of bail, but refusal of bail to an absconder is not an absolute rule, once he surrenders to the law" (2023 YLR 1246, head note)

The same judgment warns counsel that accepting a power of attorney from a fugitive, without first requiring surrender, is a breach of professional duty.

9. Conflicts and Gaps in the Case Law

(i) Is mala fide always required for pre-arrest bail? *Khalil Ahmed Soomro* suggests that where post-arrest bail is certain, refusing pre-arrest bail is "a matter of technicality alone". *Rana Abdul Khaliq* treats that reading as a misapplication and insists on mala fide. The better view, reconciling both, is that the inevitability of post-arrest bail is relevant but does not replace mala fide, which may be inferred from the facts.

(ii) Cross-versions. *Gul Nawab* and the majority in *Naeem Sajid* treat two versions as inviting further inquiry; *Rashid Ramzan* and the majority in *Ahmad Ali* say a cross-version alone is not enough. The dissent of Yahya Afridi J in *Ahmad Ali* offers the clearest reconciliation: bail is the rule in genuine cross-cases, and the exception applies where the party seeking bail appears to be the aggressor or had an effective role in the fatal injury.

(iii) Who is a "hardened, desperate or dangerous" criminal? *Noor Agha* (2025) requires material showing a substantial risk of serious harm and holds that the opinion is not to be formed from the nature of the offence alone. *Zubair Ahmed* (2024), relying on *Allah Wasaya* (PLD 2022 SC 541), treated the gravity of the act itself as sufficient. *Noor Agha* is the later Supreme Court decision and should be cited first.

(iv) Women in prohibitory and narcotics cases. *Tahira Batool* and *Ghazala* make bail the rule and exclude the "sufficient material" argument; *Saima Bibi* refused bail largely on the strength of the recovery, through the repetition exception recognised in *Fursan*. The question whether the narcotics exception is now general, or must be shown on facts, remains open.

(v) Right or concession? *Zafar Iqbal* (2009) speaks of bail in non-prohibitory offences as a "concession", while *Tanveer* (2017) calls it the rule that all courts must follow. Bail in bailable offences (*Alam Zeb*) and on statutory delay (*Noor Agha*, *Ayesha Subhani*) is a right.

(vi) Commencement of trial. *Zafar Iqbal* (2022) granted bail after six witnesses had been examined, while noting that ordinarily commencement of trial is a reason to decline. There is no settled test for

when the trial has advanced too far for bail on merits.

10. Practical Guide

For the accused

- Identify the category first: bailable, non-prohibitory, first proviso (woman, under sixteen, sick or infirm), or statutory delay. In each, bail is a rule or a right, and the State's "sufficient material" argument is not the test (*Ghazala*).
- In a prohibitory offence, compare the FIR with the investigation: alibi, change of story, supplementary statements, IO's findings, negative FSL, non-vital injury, general role.
- Rely on a cross-version only if it is a real one: a separate account of the occurrence, with injuries or deaths on your side and an explanation of why your side acted.
- For statutory delay, file the complete order sheets (as in *Zubair Ahmed*) and show that delay was not a "visible concerted effort" by the accused (*Shakeel Shah*). Count from the date of arrest. Reapply after each further year.
- For pre-arrest bail, plead specific facts showing mala fide: enmity, exaggerated injuries, delay, wider net. Do not rely on the argument that post-arrest bail would follow anyway (*Rana Abdul Khaliq*).
- If the client has absconded, explain the absconsion and surrender first; consider protective bail (*Raheem Ullah Khan*).

For the complainant and the prosecution

- Show a specific role with medical support, a prompt FIR, daylight occurrence, known parties, injured witnesses, recovery and a matching FSL report (*Rashid Ramzan, Abdur Rehman*).
- Attack a weak cross-version: does it name the accused, claim private defence, or explain the motive? (*Rashid Ramzan, Ahmad Ali*).
- Distinguish the co-accused who got bail by role, and point out that an acquittal at a separate trial does not bind (*Abdur Rehman*).
- In non-prohibitory cases, bring material for a *Tariq Bashir* exception — abscondence, tampering, repetition or previous conviction — rather than apprehension.
- Against statutory delay, produce the order sheets showing adjournments at the instance of the defence, and material (not merely the gravity of the charge) showing the accused is dangerous (*Noor Agha*).
- Remember that affidavits of no objection and compromises have no effect in non-compoundable offences (*Ghazi, Bilal Sikandar*).

11. Conclusion

The 33 judgments show that bail law in Pakistan is more predictable than it appears. The principles are settled at the Supreme Court and faithfully applied by the High Courts. Outcomes are decided by the quality of the material: the prosecution wins where a specific role is independently corroborated; the accused wins where the investigation itself creates doubt, or where his status or time in custody brings

him within a rule or a right. The remaining uncertainty lies in six areas — pre-arrest mala fide, cross-versions, the hardened-criminal exception, women in narcotics cases, the right-concession distinction, and commencement of trial — where counsel should cite the most recent Supreme Court authority and argue the facts closely.

Annexure A: The 33 Judgments

All judgments were read in full on the Pakistan Law Site. Quotations are from the head notes. SC = Supreme Court; PHC, LHC, SHC, IHC, BHC = High Courts of Peshawar, Lahore, Sindh, Islamabad and Balochistan.

1. **Zaigham Ashraf v. The State**, 2016 SCMR 18 — SC, decided 19.8.2015 — **Granted**

Q: Can an accused named as a firer get bail where the investigation shows he was in prison at the time?

A: Yes. The prosecution must show reasonable grounds; a defence plea such as alibi may be considered at bail stage.

Head note: "No hard and fast rule existed against considering plea of alibi at bail stage"

2. **Alam Zeb v. The State**, PLD 2014 SC 760 — SC, decided 11.7.2014 — **Granted**

Q: Is a person implicated only by a co-accused's statement to police entitled to bail?

A: Yes. Such material does not form reasonable grounds; bad company is not a legal disqualification.

Head note: "Keeping bad company may be socially reprehensible but that could hardly be treated as a legal disqualification"

3. **Muhammad Tanveer v. The State**, PLD 2017 SC 733 — SC, decided 22.8.2017 — **Granted**

Q: Can bail in a non-prohibitory offence be refused because of other pending cases?

A: No. Bail is the rule; courts may not import factors alien to the statute.

Head note: "Once the legislature had conferred discretion on the court to exercise jurisdiction in particular category of offences without placing any prohibition on such discretion then, the court shall not import to such provision of law, reasons or factors alien thereto and not specifically mentioned in the statute."

4. **Abdul Saboor v. The State**, 2022 SCMR 592 — SC (from PHC), decided 25.1.2022 — **Granted**

Q: Should bail be refused in a large 489-F cheque case?

A: No. The offence is non-prohibitory; 489-F is not a recovery provision.

Head note: "Grant of bail for such offences was the rule and refusal thereof an exception."

5. **Zafar Iqbal v. Muhammad Anwar**, 2009 SCMR 1488 — SC (from IHC), decided 1.7.2009 — **Granted**

Q: Can bail be recalled for failure to pay under an undertaking?

A: No. The Tariq Bashir exceptions govern; custody is not punishment.

Head note: "Courts in cases, where offence falls within non-prohibitory clause of S.497, Cr.P.C., consider favourably by granting bail as a rule but decline to do so in exceptional cases"

6. **Jabran v. The State (FIA)**, 2025 SCMR 1099 — SC (from IHC), decided 21.3.2025 — **Granted**

Q: Is the prohibitory clause decided by the minimum or maximum sentence?

A: The maximum. Bail granted on further inquiry in a documentary money-laundering case.

Head note: "At bail stage, maximum period of sentence prescribed for an offence is to be considered for determining whether the offence falls under the prohibitory clause of section 497(1) of the Cr.P.C."

7. Socha Gul v. The State, 2015 SCMR 1077 — SC (from PHC), decided 27.3.2015 — **Refused**

Q: Can bail be granted by guessing a lower sentence in a narcotics case?

A: No speculation on sentence is permissible at bail stage.

Head note: "Neither categorization of sentencing nor any guess work or speculative exercise could be undertaken by court at bail stage to enlarge an accused on bail in such crimes"

8. Noor Agha v. The State, 2025 SCMR 1679 — SC (from SHC), decided 15.4.2025 — **Granted (delay)**

Q: When can statutory-delay bail be refused as the accused is 'hardened'?

A: Only on material showing substantial risk of serious harm; it is a fresh, independent ground.

Head note: "if conditions specified under 3rd proviso to section 497(1), Cr.P.C. are met and the case does not attract one of the exceptions specifically mentioned in 4th proviso to section 497(1), Cr.P.C., then it entitles an accused to claim bail on the basis of statutory delay as a fresh and independent ground"

9. Zafar Iqbal v. The State, 2022 SCMR 976 — SC (from LHC), decided 18.11.2021 — **Granted**

Q: Can bail be granted after the trial has begun?

A: Yes, where the investigation contradicted the FIR.

Head note: "During the course of investigation, the contents of the crime report were contradicted and an entirely different story surfaced on the record"

10. Gul Nawab v. The State, 2022 SCMR 547 — SC (from PHC), decided 25.1.2022 — **Granted**

Q: Do cross-versions and a general role justify bail despite long absconsion?

A: Yes. Two versions call for further probe; absconsion alone is not a bar.

Head note: "Mere absconsion is not a proof of guilt, hence, cannot be made sole ground to discard the relief sought for."

11. Naeem Sajid v. The State, 2025 SCMR 129 — SC (2:1), decided 17.5.2024 — **Granted**

Q: Can some accused be singled out in a cross-version land dispute?

A: Majority: no, further inquiry. Dissent: consistency only where at par.

Head note: "Rule of consistency is applicable only when one person's case is at par with the rest of the accused whose post-arrest bail has been granted."

12. Ahmad Ali v. The State, PLD 2024 SC 969 — SC (2:1, from PHC), decided 7.3.2023 — **Refused**

Q: Is a daily-diary entry a cross-version?

A: Majority: no. Dissent sets out principles for cross-cases.

Head note: "To constitute a cross-case, the mere assertion of a counter case is not enough."

13. Binyameen v. The State, 2026 SCMR 99 — SC (from PHC), decided 28.8.2025 — **Granted**

Q: Does a non-matching FSL report and trial delay justify bail?

A: Yes. Further inquiry; bail is not withheld as punishment.

Head note: "Allegations levelled in FIR by complainant against accused were to be proved at trial and bail could not be withheld as mere punishment"

14. Javid Khan v. Arshid Khan, PLD 2024 SC 73 — SC (from PHC), decided 15.11.2023 — **Granted**

Q: Can last-seen statements of relatives alone deny bail?

A: No. The investigation was incompetent; further inquiry.

Head note: "Present case was a classic example of an incompetently handled investigation"

15. Muhammad Jahangir Afzal v. The State, 2020 SCMR 935 — SC (from LHC), decided 28.4.2020 — **Granted**

Q: Can conflicting supplementary statements be reconciled at bail stage?

A: No. That exercise belongs to trial.

Head note: "Evidentiary value of supplementary statements (of complainant and witnesses) with the possibility of reconciling differences between the witnesses was an exercise that could be best undertaken after recording of evidence"

16. Tahira Batool v. The State, PLD 2022 SC 764 — SC (from IHC), decided 19.8.2022 — **Granted**

Q: How is bail decided for a woman in a prohibitory offence?

A: As a rule, as in non-prohibitory offences, subject to three exceptions.

Head note: "They are likelihood of the accused: (a) to abscond to escape trial; (b) to tamper with the prosecution evidence or influence the prosecution witnesses to obstruct the course of justice; or (c) to repeat the offence keeping in view his previous criminal record, nature of the offence or the desperate manner in which he has prima facie acted in the commission of offence."

17. Mst. Ghazala v. The State, 2023 SCMR 887 — SC (from PHC), decided 22.2.2023 — **Granted**

Q: Is sufficient incriminating material a ground to refuse a woman bail?

A: No, not under the first proviso.

Head note: "Grant of bail to the accused under section 497(2), Cr.P.C., is granted as of right if it appears to the court that there are no reasonable grounds for believing that the accused has committed the offence alleged against him rather there are sufficient grounds for further inquiry into his guilt."

18. Sahib Ulah v. The State, 2022 SCMR 1806 — SC (from PHC), decided 28.6.2021 — **Granted**

Q: Which date governs juvenility?

A: The date of the offence; interpretation favourable to the accused.

Head note: "When determining juvenility of accused, date of arrest in a criminal case is immaterial; an accused has to be dealt with under the law as applicable on the date that the crime is committed."

19. Shakeel Shah v. The State, 2022 SCMR 1 — SC (from IHC), decided 4.10.2021 — **Granted (delay)**

Q: From when does the statutory period run, and what delay disentitles?

A: From arrest; only a visible concerted effort by the accused.

Head note: "the act or omission on the part of the accused to delay the timely conclusion of the trial must be the result of a visible concerted effort orchestrated by the accused."

20. Syeda Ayesha Subhani v. The State, PLD 2023 SC 648 — SC (from LHC), decided 28.8.2023 — **Upheld**

Q: Can a second statutory-delay bail be filed after refusal?

A: Yes; delay in the following year is a fresh ground.

Head note: "The entitlement of an accused to post-arrest bail on the statutory ground of delay in the conclusion of the trial is time-based."

21. Rana Abdul Khaliq v. The State, 2019 SCMR 1129 — SC (from LHC), decided 13.5.2019 — **Cancelled**

Q: Can pre-arrest bail be confirmed because interim bail was not misused?

A: No. Mala fide, ulterior motive or abuse of process is essential.

Head note: "grant of pre-arrest bail was an extra ordinary remedy in criminal jurisdiction"

22. Khalil Ahmed Soomro v. The State, PLD 2017 SC 730 — SC (from SHC), decided 28.8.2017 — **Granted (pre-arrest)**

Q: How is mala fide proved for pre-arrest bail?

A: It may be inferred from facts, such as exaggerated injuries.

Head note: "At pre-arrest bail stage, it was difficult for the accused to prove the element of mala fide through positive/solid evidence/materials, therefore, the same was to be deduced and inferred from the facts and circumstances of the case"

23. Rashid Ramzan v. The State, 2022 SCMR 2111 — SC (from LHC), decided 30.9.2022 — **Refused**

Q: Does a cross-version or co-accused's bail help an accused with a fatal role?

A: No. Specific corroborated role; cases not at par.

Head note: "Mere existence of a cross-version could not alone be considered a sufficient ground to grant bail to an accused."

24. Nouman Ali v. The State, 2025 YLR 687 — PHC Abbottabad, decided 11.10.2024 — **Granted**

Q: Does a complainant's shifting version create further inquiry?

A: Yes. Three versions; benefit of doubt at bail stage.

Head note: "Whenever a reasonable doubt arises with regard to the participation of an accused person in the crime or about the truth/probability of the prosecution case and the evidence proposed to be produced in support of the charge, the accused should not be deprived of benefit of bail."

25. Abdur Rehman v. The State, 2026 MLD 1351 — PHC D.I. Khan, decided 2.7.2025 — **Refused**

Q: Does acquittal of a co-accused help an absconding accused with a direct role?

A: No. His evidence is yet to be tested; absconsion unexplained.

Head note: "Acquittal of co-accused did not benefit the accused/petitioner for the reason that evidence collected by the investigating agency against the present petitioner was yet to be analysed by the Trial Court"

26. Bilal Sikandar v. The State, 2025 YLR 152 — LHC Lahore, decided 21.8.2024 — **Refused**

Q: Does the heirs' pardon or an ocular-medical conflict justify bail in honour killing?

A: No. Reasonable grounds exist; compromise ineffective.

Head note: "Expression "reasonable grounds" refers to ground that may be legally tenable is, admissible in evidence and appeals to a reasonable judicial mind, as opposed to whimsical, arbitrary, or presumptive"

27. Muhammad Fayyaz v. The State, 2025 YLR 505 — LHC Lahore, decided 14.1.2025 — **Refused (pre-arrest)**

Q: Is a pending alibi plea enough for pre-arrest bail?

A: No. No mala fide; accused needed for recovery.

Head note: "Concession of pre-arrest bail was an extra ordinary relief, which was meant only for innocent persons, where intended arrest of accused was found to be actuated with malafide on the part of complainant or police"

28. Piyas Ali v. The State, 2026 YLR 1894 — SHC Sukkur, decided 22.8.2025 — **Confirmed (pre-arrest)**

Q: Does a ten-month delay in the FIR with interested witnesses justify bail?

A: Yes. Further inquiry; benefit of doubt to the accused.

Head note: "The benefit of doubt ,at any stage, especially in bail proceedings, should go to the accused"

29. Ghazi v. The State, 2026 YLR 2230 — SHC Karachi, decided 24.2.2025 — **Refused**

Q: Do victim's no-objection affidavits help in a sodomy case?

A: No. Non-compoundable; medical corroboration; risk of tampering.

Head note: "there remained a substantial risk of evidence tampering if the accused was released on bail"

30. Raheem Ullah Khan v. The State, 2023 YLR 1246 — IHC, decided 15.3.2022 — **Dismissed**

Q: Can an absconder be heard, and does absconsion bar bail?

A: Not heard until surrender; absconsion is relevant but not an absolute bar.

Head note: "Where an absconder is seeking protective bail to be able to surrender before the competent court and provides a reasonable explanation for his abscondence, the court may in its discretion grant transitory bail to uphold the person's right to access to justice."

31. Mst. Saima Bibi v. The State, 2025 PCrLJ 969 — IHC, decided 27.2.2025 — **Refused**

Q: Is a suckling baby a ground for bail in a 3.6 kg charas case?

A: Not by itself; Section 51 CNSA attracted.

Head note: "Prime responsibility of better upbringing and welfare of children rested upon the parents"

32. Zubair Ahmed v. The State, 2024 PCrLJ 160 — BHC Quetta, decided 4.4.2023 — **Refused (delay)**

Q: Is statutory-delay bail available for a quadruple murder?

A: No. Hardened criminal; delay not attributable to prosecution.

Head note: "Only on a few dates, the case was adjourned due to non-presence of prosecution witnesses, therefore, statutory ground was not attracted in the present case"

33. Murtaza v. The State, 2024 YLR 2084 — BHC Quetta, decided 22.9.2022 — **Granted**

Q: Can post-arrest bail follow recall of pre-arrest bail?

A: Yes. One shot at a non-vital part; intention for trial.

Head note: "Courts at bail stage should always resort to tentative assessment, otherwise trial would become exercise in futility"

Disclaimer: This paper is for research and information. It is not legal advice on any particular case. Readers should consult the full reports before relying on any judgment.