

**ORDER SHEET**  
**IN THE LAHORE HIGH COURT LAHORE**  
**JUDICIAL DEPARTMENT**

**Case No Crl. Misc. No.95103-B/2017**

Kamran Khan & another                      VS                      The State & another

S.No. of order/ proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of parties or counsel, where necessary
----------------------------	---------------------------	--

08.11.2017      Ch. Abdul Ghaffar, Advocate for petitioners.  
Mr. Muhammad Usman Iqbal, Deputy District Public Prosecutor with Umar Daraz, ASI.

Surprised by police contingent, in the wake of a tip-off, the petitioners were found with a huge cache of arms and ammunition in their vehicle at Faisalabad Road within the precincts of Police Station Rajoa Chiniot. The consignment comprised of the following:-

1. 16 pistols 30-bore with 24 magazines & 19000 bullets
2. Kalashnikov with two magazine
3. One Repeater with four magazines
4. One rifle with 300 bullets
5. One rifle 44-caliber with 14 magazines & 400 bullets
6. 4 Rifles 222-bore with 10 magazines & 2100 bullets
7. 3200 bullets of 9-mm

2. Heard. Record perused.

3. Argument that the weapons and ammunition were being transported under a valid license issued to one Rana Kalim Arshad is beside the mark, as the said licensee never came forward to lay forth any claim and so is reliance by the learned counsel on the cases titled as Saif Ullah V. The State (1994 P.Cr.L.J 2340), Sheroz and another V. The State (2006 YLR 3167), Muhammad Sharif V. The State & another ( 2014 P.Cr. L.J 97 ), Abid alias Abbi Arain V. The State (2016 P.Cr.L.J note 109), Abdul Latif Vs. The State (2016 P Cr.L.J note 122) to

argue that the petitioners may possibly be sentenced to imprisonment for five years as minimum sentence provided under the Statute and as such, their case was not covered by the prohibition provided under Section 497 of the Code of Criminal Procedure, 1898. Cases cited at the bar, based upon facts vastly distinguishable from the one in hand, are of not much assistance to the petitioners, as criminal cases are decided on the basis of their peculiar facts. Even otherwise, offences punishable with imprisonment for ten years or above would not fall out of the ambit of prohibition on the basis of lower sentence mandated as minimum ceiling, while certainly its benign impact can validly be considered favorably in an appropriate case having regard to the facts and circumstances thereof. Even otherwise, there is no legal compulsion to grant bail to an accused in offences punishable with imprisonment of less than 10 years as the Court can decline discretionary relief depending upon the nature of accusation and material in support thereof. Given the volume of the cache with potentially awful lethality of the consignment, pointed inexorably upon the petitioners, albeit reliance upon a valid license, purportedly, granted to the afore-named Rana Kalim Arshad is a position that cannot be attended within the restricted scope of tentative assessment in the absence of any tangible material. CrI. Misc. No.95103-B of 2017 fails. Petition is **dismissed**. Copy of this order be transmitted to District Police Officer Chiniot, he shall verify the veracity of plea taken by the petitioners before this Court with regard to their claims that the consignment was being transported under a valid license with a view to rule out any complicity by the licensee.

*(Qazi Muhammad Amin Ahmed)*  
*Judge*

**Approved of Reporting**