

**2001 M L D 132**

**[Lahore]**

**Before Sheikh Abdur Razzaq, J**

**MUHAMMAD ARSHAD---Petitioner**

**versus**

**STATION HOUSE OFFICER, MAKHDOOM RASHID, MULTAN  
and another---Respondents**

Writ Petition No.7936 of 2000, decided on 25th July, 2000.

**Criminal Procedure Code (V of 1898)----**

----S. 54---Constitution of Pakistan (1973), Art.199---Constitutional petition---Detention without warrant ---F.I.R. under 5.334/336, P.P.C. was registered against another person who after investigation was found guilty, but detenu was apprehended under S.54, Cr.P.C. simply on the application filed against him at the time when investigation in the case against real accused was completed and case of the accused, who was adjudged responsible of offence, was sent up to the Court---Validity---Police, no doubt, was competent and had authority to take into custody any person under S.54, Cr.P.C. but some evidence must exist to connect such person with commission of the offence---Nothing was on record against the detenu up to completion of investigation against real accused and submission of challan against him---Detention of detenu merely on application in which evidence was created just to make out case against him filed long after submission of challan in Court against real accused, was deprecated---Since it showed mala fides of Investigating Officer, especially when detenu was not in any way connected with the commission of offence---Detention of detenu was declared to be illegal and he was set at liberty.

Mehmood Ashraf Khan for Petitioner.

Zafar Ullah Khakwani for the State.