

IN THE COURT OF SAAD SALMAN KHAN,
ADDL. SESSIONS JUDGE Lahore.

The State through Muhammad Ayub SI (PW-1).

(Represented by learned ADPP on behalf of the State)

Versus.

Nadeem Masih s/o Yousaf Masih, Caste Christen, r/o Chak No.4-9L Tehsil &
District Okara..

-----**(Accused)**-----

(Represented by Javed Masih Chaudhary Advocate, learned
counsel for the accused).

Case/FIR No.742/25, dated 21.08.2025,
U/S 295-C PPC, P.S. Model Town, Lahore.

Sessions Case No. 02/2026.
Sessions Trial No. 02/2026.
CMS: 25788926.
Date of decision: 22.06.2026.

22.06.2026.
Present.

Accused Nadeem Masih in custody.
Mr. Javed Masih Chaudhary Advocate, learned counsel for the accused.
Mr. Muhammad Ilyas, learned ADPP on behalf of State.

Adl. Distt. & Session Judge
22/06/26

J UDGMENT:

Accused Nadeem Masih has been sent to face trial in
Case/FIR No.742/25, dated 21.08.2025, U/S 295-C PPC, P.S. Model
Town, Lahore.

2. Brief facts as per fard-e-bayan Exh.PA are that on dated
21.08.2025, Muhammad Ayub/SI along with Waleed Aziz/TASI,

Waqar/Constable, Jameel/constable, Shahid/constable and one other police official were on patrolling duty near Nawaz Sharif Park, Model Town, Lahore, where Waqas and Asim Mukhtar, who are employees at the said Park met him and informed that the accused person Nadeem Masih had defiled the sacred name of "Holy Prophet Muhammad" (Peace Be Upon Him) by using indecent language. After getting that information, complainant alongwith other police officials went inside the Park, where many people gathered there. When the police party reached inside the Park, accused was found abusing "Holy Prophet Muhammad" (Peace Be Upon Him). Complainant/Muhammad Ayub/SI took the accused person into custody. He drafted complaint i.e. Exh.PA and sent the same to the Police Station for registration of FIR. Complainant/Muhammad Ayub/SI alongwith police officials remained present at the place of occurrence. Investigating Officer arrived at Park after registration of FIR. I.O. joined Muhammad Ayub and other police officials into investigation. Muhammad Ayub/SI handed over custody of the accused to the Investigating Officer.

3. After completion of investigation, prosecution submitted report u/s 173 Cr.P.C against accused for trial. Copies u/s 265-C Cr.P.C. were supplied to accused and formal charge u/s 295-C PPC was framed against him on dated 09.03.2026. Accused pleaded not guilty to the charge, therefore, prosecution evidence was summoned.

4. Summary of the evidence adduced by the prosecution is as under:-

EVIDENCE OF PROSECUTION:-

Oral evidence	Documentary evidence
1. Muhammad Ayub, SI/complainant appeared as PW-1.	1. Complaint as Ex.PA.
2. Waqas Mazhar s/o Mazhar Hussain appeared as PW-2.	2. FIR as Ex.PB.
3. Asif Mukhtar s/o Mukhtar Ahmad appeared as PW-3.	3. Site Plan as Ex.PC.
4. Waqar Younas No.5382/C appeared as PW-4.	4. Site plan as Ex.PD.
5. Muhammad Tahir, SI appeared as PW-5.	5. Report of PFSA as Ex.PE.
6. Ayaz Hussain, SP/I.O. appeared as PW.6.	

5. **PW-1 Muhammad Ayub, SI** (complainant) turned up in court as PW-1. He while appearing in the witness box reiterated averments of his complaint Exh.PA.

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6. **PW-2 Waqas Mazhar s/o Mazhar Hussain** (eye witness) turned up in court as PW-2 and stated under Oath that he and one Asim Mukhtar are contractors of Parking Stand at Nawaz Sharif Park, Model Town, Lahore; that on 09.08.2025, he alongwith said Asim Mukhtar was present at Nawaz Sharif Park, Model Town, Lahore, where accused Nadeem Masih came and the other witness namely Asim Mukhtar asked the accused person that why he was not contracting marriage. Arguments exchanged between the two, which resulted into defiling the sacred name of "Holy Prophet Muhammad" (Peace Be Upon Him) by the accused. On 21.08.2025 the accused person came to them and repeated the same words which he uttered on 09.08.2025. He called the police party telephonically and informed regarding the act of accused.

7. **PW-3 Asif Mukhtar s/o Mukhtar Ahmad**, (eye witness) turned up in court as PW-2 and stated under Oath the same narration as that of PW-2.

8. **PW-4 Waqar Younas No.5382/C**, (member of raiding party) turned up in court as PW-2. He also transmitted the complaint to the police station for registration of case/FIR. He reiterated averments of PW-1/Muhammad Ayub S.I.

9. **PW-5 Muhammad Tahir SI**, received written complaint upon which he got lodged FIR Ex.PB through computer operator. He compared the content of the complaint with the FIR.

10. **PW-6 Ayaz Hussain SP** (investigating officer) turned up in court as PW-6. He received file of this case from S.I Muhammad Nadeem/incharge investigation. He perused the file and being S.P. investigation and investigated this case. He arrived at the place of occurrence on said date at about 12:15 a.m, alongwith Muhammad Nadeem SI/incharge investigation, Inspector Wasif Iqbal PSO, Babar Hussain ASI computer operator. Mr. Muhammad Ayub SI/complainant, Waleed Aziz T/ASI, Waqar constable, Amir constable, witnesses of this case and accused Nadeem Masih s/o Yousaf Masih were also present at the place of occurrence. He drafted site plan Exh.PC., joined complainant Muhammad Ayub SI into investigation, who endorsed the contents of FIR i.e Exh.PB. He recorded statement of Waqar constable, Waqas Mazhar/PW, Asim Mukhtar/PW, u/s 161 Cr.P.C., interrogated the accused and formally arrested the accused Nadeem Masih and alongwith police officials as well as the accused left for police station Model Town.

He produced the accused person in the court of learned Magistrate, Model Town, Lahore. He got medically examined the accused and sent the accused to judicial lock ups. After completion of evidence, he handed over the file of the case in hand to the SHO, who submitted report u/s 173 Cr.P.C, subsequently.

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11. During the course of cross-examination of PW.2, PW.4 and PW.5 learned counsel for the accused person tendered statements of above said PWs recorded u/s 161 Cr.P.C. tendered as Exh.DA, Exh.DB and Exh.DC.

12. Learned ADPP closed the prosecution evidence.

13. In his statement u/s 342 Cr.PC, accused negated story of prosecution and alleged that this case is false and frivolous and prayed for acquittal.

14. Accused neither opted to produce defence evidence nor to appear on oath u/s 340 (2) Cr.PC.

15. Learned ADPP contended that accused was caught red handed, prosecution produced natural and confidence inspiring evidence and proved its case against accused beyond any reasonable shadow of doubt, there is no material contradiction in prosecution evidence, therefore, accused may be convicted.

16. Learned defence counsel contended that accused was falsely involved by local police to show efficiency. He added that PWs gave inconsistent statements about time, place and manner and prosecution has been unable to prove its case against accused. He prayed for acquittal of accused. Learned counsel for the accused relied on 2023 SCMR 2109 [Supreme Court of Pakistan], 2018 SCMR 772 [Supreme Court of Pakistan], 2010 SCMR 97 [Supreme Court of Pakistan], 1997 MLD 1228 [Peshawar], 2012 SCMR 428 [Supreme Court of Pakistan], Criminal Petition for Leave to Appeal No.1359 of 2023 Supreme Court of Pakistan, 2026 YLR 266 [Lahore], 2025 P Cr.LJ 1412 [Lahore (Rawalpindi Bench)], PLD 2002 Supreme Court 1048, Criminal Petition No.883-L of 2022 Supreme Court of Pakistan, PLJ 2022 Cr.C 15 [Lahore High Court, Lahore], 2026 SCMR 729 [Supreme Court of Pakistan], PLD 2019 Supreme Court 64.

17. Arguments heard. Record perused.

18. Scanning of the evidence on record reveals that PW-2 and PW-3 are the contractors of parking stand at Model Town Park and the

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...go debate with PW-2 on the topic of his marriage with PW-2. PW-1, PW-3 and PW-4 are the witnesses who just reproduce the contention of the PW-2, so the evidence of this PW-2 is important in this case. As per narration of PW-2, this debate/discussion held in two meetings. First part of the occurrence/debate on this topic took place on 09.08.2025 and second part took place on the fateful day i.e. 21.08.2025 after the lapse of about 11/12 days. This lapse was sufficient to get the PW-2 prepare himself in respect of the alleged mind set of the accused and probability that he may utter such alleged remarks again. So he must have been prepared for such occurrence on dated 21.08.2025 beforehand. Likewise the complainant (PW-1) stated that when he came across the accused he was delivering his speech/derogatory remarks in respect of Holy Prophet (Peace Be Upon Him), but neither this PW-2 nor PW-3 nor PW-1, nor any of the PW nor any of the person allegedly gathered around the accused captured any such video clip regarding his remarks. Now a days every person have had camera in his mobile phone. As per admissions made by PWs, accused is admittedly blind by birth and thus if any video clip could have been prepared by any of the PWs, the accused could not have the knowledge of such making of the video clip and he could not discontinue uttering his alleged derogatory remarks. Such video clip could be a very good corroborative piece of evidence regarding the occurrence, which might have strengthen the case of the prosecution. None of the PW alleged that any of such video clip regarding the occurrence ever prepared. Absence of such video clip give rise to a reasonable doubt in favour of the accused. Such clip put have been a very good corroborative piece of evidence.

19. As per prosecution evidence, investigation was allegedly conducted by Ayaz Hussain SP investigation at then, who appeared in the court as PW-6. Perusal of the evidence and cross-examination of PW-6 shows that this Ayaz Hussain come at the place of occurrence after midnight but this was the PW-1 who come up the place of occurrence at 10:00 P.M. As per admissions made by PW-2, his statement u/s 161 Cr.P.C. was recorded by Muhammad Ayub SI/PW-1 (complainant) and that he also recorded the statement of PW-3. PW-2 altogether denied the suggestion that his statement was recorded on next date ie. 22.08.2025, when S.P. Investigation/PW-6 allegedly come

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at the place of occurrence. This PW-6, when subjected to cross-examination was found to be unaware of the whereabouts and directions of the place of occurrence. His ignorance regarding the un-scaled side plan give rise to presumption that he never come up at the place of occurrence and all the proceedings were conducted by the other police officials of lesser grade on his behalf and he own the same. this seems that after registration of FIR this has come to the knowledge of police and investigation agency that investigation of this case cannot be conducted by ordinary SI and ASI of police. So at that juncture, SP Investigation come forward and take over investigation into his hands and showed all the investigation to be conducted by his own. However after the assertion of PW-2 that his statement u/s 161 Cr.P.C. was recorded by Muhammad Ayub SI/PW-1 (complainant) and that he also recorded the statement of PW-3, the statement of PW-2 and PW-3 allegedly recorded by PW-6/S.P. Investigation has no value at all and all the superstructure of prosecution evidence raised on the statements of PW-2 and PW-3 has loosed its evidentiary value. Page | 6

20. Present case was registered on the written complaint Exh.PA duly signed by the complainant followed by FIR Exh.PB and the statements of witnesses recoded by I.O. u/s 161 Cr.P.C. regarding the occurrence. Neither in the complaint nor in the FIR nor in the statements of the PWs u/s 161 Cr.P.C. alleged derogatory remarks uttered by the accused were mentioned. This is for the first time mentioned in the statement of the PWs while appearing in the court and reproduced while recording their examination in chief under Oath as PW. As these alleged remarks are not mentioned in the complaint and the FIR, the same are introduced for the first time in the statements of PWs in the court, so these remarks shall be considered as improvement made by the PWs which has no evidentiary value at all. No plausible explanation given by the prosecution for this inordinate delay, which has also shaken the credibility of the prosecution witnesses. Humble reliance can be placed upon...

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21. In such like sensitive cases this is made obligatory that gazetted officer investigate such like cases which clearly shows that such like cases requires maturity of understanding and intellectual caliber of the I.O. But no such maturity could be seen in the investigation of the I.O. This was obligatory upon the I.O. that he must be capable of understanding the nature of the remarks. If he feels himself deficient in so doing then he must consult any recognized Islamic Scholar and must take their statement as PWs regarding their expert opinion that whether these remarks are derogatory or not. But neither such capacity was found with the I.O./PW-6 nor the complainant or the I.O. consult any Islamic scholar and got his expert opinion before or after the registration of FIR which clearly shows that this case was registered and the investigation was conducted without any intellectual input. Humble reliance can be placed upon

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22. Alleged derogatory remarks are reproduce by the PW-2 which are as under:-

"The accused said that your Prophet had contracted many marriages. Your Prophet was found of sex".

For the sake of arguments, even if we consider that such remarks was actually uttered by the accused, then question arises that which part of such sentence is derogatory or it had actually defiled (Nabhu u Billah) the respect and honor of Prophet (PBUH). Prophet Muhammad (PBUH) is not only rehmat-ul-Muslemeen but he is also rehmat-ul-Aalameen. Life and specially the Matrimonial life of Prophet Muhammad (PBUH) is a source of knowledge and guidance for the whole Humanity. Umhat-ul-Momineen are the mothers of the whole Muslim Ummah. Matrimonial life of Prophet Muhammad (PBUH) is the intellectual topic of debate and hundreds and thousands of books and columns are published by renowned Islamic Scholars. Accused is Non-Muslim. If he had asked this question then it had a very logical and convincing answer but the same was only possible if he had asked this question from a scholar and not a layman of below average Islamic knowledge and prudence. Same was the case when it come into the hands of investigating agency. They also proved themselves the persons

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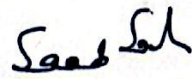
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by below average Islamic knowledge and prudence. To answer this question with complete knowledge of Islam and background of Arab culture and to deal with prudence was necessary for the preaching of Islam especially when we are dealing with a non-Muslim, which lacks in this case. In this way, I am of the considered view that this question, if asked by the accused, doesn't defiled the honor of Prophet Muhammad (PBUH), but actually the same was asked from a wrong person at wrong time and at wrong place. Page | 8

23. In light of detailed discussion above in my humble opinion first of all these derogatory remarks are not proved to be said by accused and even if the same are supposed to be uttered by the accused, the same are not derogatory but a topic for discussion within the intellectual circle of Islam and illiterate PWs and police officials dealt with it with utmost irresponsibility.


24. In the light of detailed discussion above, prosecution miserably failed to prove their case beyond any shadow of doubt. Prosecution was bound to eliminate each and every doubt in the case and to prepare chain of evidence till neck of accused. But in the present case, complainant miserably failed in so doing. So, the accused namely *Nadeem Maseeh* is hereby acquitted from the charge and from this case. Accused is in judicial custody. He be sent back to District Jail Lahore alongwith his release robkar, from where he be released forthwith, if he is not required in any other case. No recovery effected so no order as to case property. Copy of the judgment be given to learned District Public Prosecutor u/s 373 Cr.P.C. File be consigned to record room after its due completion.

Announced.
22.06.2026.


Saad Salman Khan,
Addl. Sessions Judge,
Lahore.

Certified that this judgment consists of eight (08) pages. Each page has been dictated, read, corrected and signed by me.

Dated:
22.06.2026.


Addl. Sessions Judge,
Lahore.