

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Shahid Waheed
Mr. Justice Naeem Akhter Afghan
Mr. Justice Ishtiaq Ibrahim

Crl.A.No.400/2025, 17/2026, Crl.M.A.No.1696/2026 IN
Crl.P.L.A.No.Nil/2026, Crl.P.L.A.No.1370/2026, 1501/2023

Mashal Azam
(in Crl.A 400/2025)
Slaman Akram Raja
(in Crl.A 17/2026)
Uzma Khan
(in CrlMA 1696/2026)
Imran Ahmad Khan Niazi
(in Crl.P.L.A.Nos.1370,1501 of 2023)

...Appellant(s) /
Petitioner(s)

Versus

Ghafoor Anjum, Superintendent Central
Jail, Adyala, tehsil and district Rawalpindi
and others *(in Crl.A 400/2025)*
Capt. (Retd) Muhammad Khurram Agha
and others *(in Crl.A 17/2026)*
District Election Commissioner, Islamabad
and another *(in Crl.M.A.No.1696/2026 and*
Crl.P.Nos.370/2026, 1501/2023)

...Respondent(s)

For the Appellants /
Petitioners

: Mr. Umair Ullah Khan Niazi, ASC
Mr. Salman Akram Raja, ASC
Mr. Uzair Karamat Bhandari, ASC
Sardar Balak Sher Khosa, ASC
Mr. Arshad Hussain Yousafzai, ASC
Syed Rifaqat Hussain Shah, AOR

For the Respondents

: Rana Asadullah Khan, Addl. A.G for
Pakistan
Mr. Naveed Hayat Malik, A.G,
Islamabad
Mr. Waseem Mumtaz Malik, Addl.
A.G., Punjab
Chand Bibi, State Counsel
Nemo *(Respondent No.1 in*
Crl.M.A.NO.1696/2026

Date of Hearing

: 18.08.2026

ORDER

Shahid Waheed, J.- All these matters are interconnected and,
therefore, we propose to deal with them together.

2. The first matter before us is Crl.P.L.A.No.1501 of 2023, arising out of the order dated 11th of December, 2023 passed by the Islamabad High Court in C.M.No.462 of 2023 in Criminal Appeal No.273 of 2023. Through the said application, the petitioner sought suspension of the sentence awarded to him by the learned trial Court vide judgment dated 5th of August, 2023. The application was declined by the Islamabad High Court vide order dated 11th of December, 2023, hence this petition. The learned counsel appearing for the petitioner is on general adjournment until 21st of August, 2026. Consequently, the proceedings in this matter cannot effectively be taken up. We, therefore, adjourn this case.

3. The next two cases, namely, Criminal Appeal No.400 of 2025 and Criminal Appeal No.17 of 2025, arise out of contempt proceedings initiated by the appellants under Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973, read with Sections 3 and 4 of the Contempt of Court Ordinance, 2023. The grievance raised in the contempt petitions was that the respondents had violated the undertaking furnished by them before the Islamabad High Court, as well as the directions contained in the order dated 6th of September, 2024 passed in Writ Petition No.2595 of 2024. The contempt petitions were disposed of by the Islamabad High Court vide order dated 24th of March, 2025. Learned counsel for the appellants, with reference to the penultimate paragraph of the impugned order, submits that the Islamabad High Court neither adverted to the violations specifically alleged in the contempt petitions nor recorded any finding in respect thereof. Paragraph 10 of the impugned order reads as under:

“As far as the contempt petitions are concerned, the parties present before the Court did not raise any objection as to adjudication of the same by this Bench. Since the writ petitions are being disposed-of with consent of the parties; we deem it appropriate to drop the contempt proceedings against the respondents.”

4. A perusal of the order dated 24th of October, 2025 passed by the Islamabad High Court in Criminal Original No.9 of 2025, particularly the paragraph referred to above, prima facie indicates that the contention advanced before us carries some force. The Islamabad High Court, in the impugned order, has not recorded any

reason which persuaded it to drop the contempt proceedings against the respondents. The failure to record reasons not only runs contrary to the requirement of a fair trial but also offends the principles of natural justice. The law promotes and requires a culture of justification; whereby judicial orders must disclose the reasons forming the basis of the decision. Prima facie, therefore, the impugned order does not appear to be in consonance with the settled principles of law. We, accordingly, issue notice to all the respondents. Before the next date of hearing, the respondents shall submit their written explanations and shall also appear in person before this Court on the next date of hearing.

5. The other matter before us is Crl.P.L.A.No.1370 of 2026. Through this petition, leave to appeal is sought against the order dated 12th of March, 2026 passed by the Islamabad High Court in C.M.No.4 of 2026, which had been moved by the petitioner in Criminal Appeal No. 273 of 2023. The petitioner made the following prayer:

“It is therefore most respectfully prayed that the petitioner be immediately shifted to Shifa International Hospital, Islamabad for proper treatment of his eyes from retina specialist and permit access of his personal physician Dr. Faisal Sultan and Dr. Asim Yousaf who may be associated with all the procedures of examination and treatment. It is also prayed that the petitioner’s family members be duly informed and grant reasonable access to them during his medical check-up and treatment. It is further prayed that attested copy of medical report/check-ups carried out regarding the petitioner may also be provided to his lawyer who be granted reasonable access to his client for updated instruction for his effective representation before this Honourable Court and so as to enable complete justice to the petitioner. Any other relief which may deem fit and appropriate may also be allowed.”

The Islamabad High Court, vide order dated 12th of March, 2026, dismissed C.M.No.4 of 2026, hence this petition.

6. At the outset of the hearing, the learned Additional Attorney General for Pakistan and the learned Advocate General, raised an objection that they had not been served with notice of the matter and, therefore, sought an adjournment. Having regard, however, to the nature and sensitivity of the matters raised in the petition, they joined the proceedings and made their respective submissions.

7. Learned counsel for the petitioner submitted that the respondents were not providing the petitioner with copies of his medical reports, the reports of medical examinations and tests conducted upon him, or details of the treatment being administered to him. In response, the learned Advocate General drew our attention to Crl.M.A.No.2015 of 2026 filed in Crl.A.No.17 of 2026, through which, according to him, the Superintendent, Central Jail, Rawalpindi, had furnished details concerning the petitioner's medical treatment and check-ups. He, therefore, contended that learned counsel for the petitioner could not legitimately maintain that no medical information had been furnished.

8. We are not persuaded by this submission. The document to which the learned Advocate General has referred is, in substance, merely a synopsis of the petitioner's ailments and treatment. We, therefore, asked whether there existed any legal impediment preventing the respondents from furnishing to the petitioner and his family members copies of his medical test reports, prescriptions, examination reports, and details of the treatment administered to him, together with the opinions of the doctors concerned. The learned Advocate General candidly conceded that there was no such provision of law restricting the Government from furnishing the aforesaid information.

9. Learned counsel for the petitioner next contended that the report submitted by the Superintendent, Central Jail, Rawalpindi, through Crl.M.A.No.2015 of 2026, indicates that the health condition of the petitioner has deteriorated and that, inter alia, he requires more frequent meetings with his family members and access to reading material. On the basis of the said report, he submitted that the petitioner's sisters, Dr. Uzma Khan, and his personal physician, Dr. Faisal Sultan, be permitted to meet him regularly and to participate in his medical examination and treatment. He further submitted that the petitioner's sons be permitted to speak with him by telephone.

10. Learned counsel further contended that, in the circumstances, the petitioner's health has assumed paramount importance and that this Court is required to safeguard his right to adequate medical care, which, according to him, is protected as a

fundamental right under Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973. He accordingly requested that the petitioner be shifted to a private hospital, namely, Shifa International Hospital, Islamabad, for proper examination and treatment of his eyes and other health-related ailments.

11. At this stage, the learned Additional Attorney General raised a serious objection to the maintainability of the petition and submitted that, being incompetent, the petition did not entitle the petitioner to any relief.

12. Having regard, however, to the synopsis of the petitioner's medical examination and health condition, which prima facie indicates a deterioration in his health, we are inclined, as an interim measure, to make appropriate arrangements for his medical examination and treatment. The question of maintainability of the petition, as well as the other objections that may be raised by the respondents, shall be examined on the next date of hearing. The respondents shall also be at liberty to file their concise statements.

13. We are mindful of the constitutional and legal obligation of the State, and consequently of the Court, to safeguard the life, health, dignity and security of persons in custody. A prisoner does not, by reason of his incarceration, cease to be entitled to humane treatment and necessary medical care. Accordingly, as an interim arrangement and without prejudice to the rights and contentions of the parties, we are inclined to issue the following directions, which shall be complied with by the respondents, including the Government, its officers and agencies, in letter and spirit until the next date of hearing:

- i. The concerned officer/Government shall, through a proper application, place before this Court the complete medical record of the petitioner, including all medical tests and reports, prescriptions, medical opinions, examination reports and details of the treatment administered to him from the date of his arrest until the present date.
- ii. The concerned officer/Government, through the learned Advocate General, shall also furnish details of all meetings held during the preceding three months between the prisoner, Imran Ahmed Khan Niazi, and his family members and lawyers.

- iii. The concerned officer/Government shall furnish complete details of all cases in which the prisoner is accused, arrested, facing trial, or has been convicted and sentenced.
- iv. The prisoner shall, within the next two days, be shifted to Shifa International Hospital, Islamabad.
- v. The concerned officer/Government, in consultation and coordination with the management of Shifa International Hospital, shall constitute a medical board comprising a physician, a general surgeon, a specialist in internal medicine, an eye specialist and a cardiologist for the medical examination and treatment of the prisoner.
- vi. Dr. Faisal Sultan and one of the prisoner's sisters, namely Dr. Uzma Khan, shall be permitted to remain associated with the prisoner's medical examination and treatment.
- vii. The necessary expenses relating to the treatment and facilities provided by Shifa International Hospital shall be borne by the prisoner or his family members.
- viii. Until the next date of hearing, none of the prisoner's family members, members of his political party, or lawyers associated with him shall disclose or share his health condition or medical reports with the media or the public at large.
- ix. The concerned Government and its relevant officers shall facilitate meetings between the prisoner and his family members once in a week.
- x. The concerned Government and its relevant officers shall also facilitate the prisoner in speaking telephonically with his sons twice a week.

14. In order to maintain law and order and to prevent any untoward incident, the following further directions are issued:

- a) The prisoner's political party and his family members shall ensure that no public gathering takes place within the premises of Shifa International Hospital.
- b) The prisoner, or any person related to or associated with him in any capacity, shall not use the medical reports or information concerning his health as an instrument for political gain.
- c) In the event of non-compliance with any of the directions contained herein, such non-compliance shall be viewed strictly and the facilities granted under this order may be withdrawn forthwith.
- d) In the event that the Government or any of its functionaries has any complaint regarding the misuse of the facilities granted under this order, the Government or the concerned officer shall be at liberty to move an appropriate application before this Court. Likewise, if the prisoner or his family members have any grievance concerning the implementation of this order, they shall also be at liberty to move an appropriate application before this Court.
- e) The Government shall make adequate security arrangements for the entire period during which the prisoner remains at Shifa International Hospital for treatment.

15. The complete medical reports of the examination and treatment of the prisoner at Shifa International Hospital shall be placed before this Court on the next date of hearing.

16. This matter shall be treated as part-heard. The Office is directed to fix it for hearing on 16th of September 2026.

JUDGE

JUDGE

JUDGE

Islamabad
18.08.2026
'NOT APPROVED FOR REPORTING'
Irfan Aslam/*