**OF AID AND INFORMATION TO THE MAGISTRATES, THE POLICE AND PERSONS MAKING ARRESTS**

1. **Public when to assist Magistrate and police.** Every person is bound to assist a Magistrate ''I, Justice of Peace] or police-officer reasonably demanding his aid:
2. in the taking or preventing the escape of any other person whom such Magistrate or police-officer is authorized to arrest;
3. in the prevention or suppression of a breach of the peace, or in the prevention of any injury attempted to be committed to any railway, canal, telegraph or public property,
4. **Aid to person, other than police-officer, executing warrant.** When a warrant is directed to a person other than a police-officer, any other person may aid in the execution of such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

**[44. Public to give information of certain offences.** (1) Every person aware of the commission of, or of the intention of any other person to commit, any offence punishable under any of the following sections of the Pakistan Penal Code, namely, 121, 121 A, 122, 123,123 124, 124A, 125, 126, 130, 143, 144, 145, 147,

148, 153A, 161, 162,163, 164.165. 168.170,231, 232, 255, 302, 303, 304, 304A, 364A, 382, 392, 393, 394,

395 396, 397, 398, 399. 402, 435,436 449, 450, 456, 457. 458, 459, 460 and 489A, shall, in the absence of

reasonable excuse, the burden of proving shall lie upon the person so aware, forthwith give information to the nearest Magistrate [, Justice of the Peace,] or police-officer of such commission or intention; and]

(2) For the purposes of this section the term, 'offence' includes any act committed at any place out of Pakistan which would constitute an offence if committed in Pakistan.

1. **Village-headmen, accountant, landholders and others bound to report certain matters.** (1) Every village-headman, accountant, village-accountant, village watchman, village police-officer, owner or occupier of land, and the agent of any such owner or occupier in charge of the management of that land and every officer employed in the collection of revenue or rent of land on the part of the Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate [or Justice of Peace] or the officer in charge of the nearest police-station whichever is the nearer, any information which he may possess respecting:
2. the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which is headman, accountant, watchman or police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;
3. the resort to any place within, or the passage through, such village of any person whom he knows, or reasonably suspects to be a thug, robber, escaped convict or proclaimed offender;
4. the commission of, or intention to commit, in or near such village any non-bailable offence or any offence punishable under sections 143, 144, 145, 147 or 148 of the Pakistan Penal Code;
5. the occurrence in or near such village or any sudden or unnatural death or of any death under suspicious circumstances; or the discovery in or near such village of any corpse or part of a corpse, in circumstances which lead to a reasonable suspicion that such a death has occurred or the disappearance from such village of any person in circumstances which lead to a reasonable suspicion that a non-bailable offence has been committed in respect of such person;
6. the commission of, or intention to commit, at any place out of Pakistan near such village any act which, if committed in Pakistan would be an offence punishable under any of the following sections of the Pakistan Penal Code, namely, 231, 232, 233, 234, 235,236,237,238,302, 304,382,392,393, 394, 395, 396, 397. 398, 399, 402, 435, 436, 449, 450, 457, 458, 459, 460, 489A, 489B, 489C and 489D;
7. any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the District Magistrate, by general or special order made with the previous sanction of the Provincial Government has directed him to communicate information.
8. In this section:
   1. 'village' includes village-lands; and
   2. the expression 'proclaimed offender' includes any person proclaimed as an offender by any Court or authority established or continued by the Central Government in any part of Pakistan, in respect of any act which if committed in Pakistan, would be punishable under any of the following sections of the Pakistan Penal Code, namely 302,304, 382, 392, 393,394.395,396, 397, 398, 399, 402,435,436, 449, 450, 457, 458, 459 and 460.
9. Appointment of village-headmen by District Magistrate or Sub-Divisional Magistrate in certain cases for purposes of this section. Subject to rules in this behalf to be made by the Provincial Government the District Magistrate or Sub-Divisional Magistrate may from time to time appoint one or more persons with his or their consent to perform the duties of a village-headman under this section whether a village- headman has or has not been appointed for that village under any other law.

# CHAPTER V - OF ARREST, ESCAPE AND RETAKING

**A Arrest generally**

1. **Arrest how made.** (1) In making an arrest the police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.
2. Resisting endeavor to arrest. If such person forcibly resists the endeavor to arrest him or attempts to evade the arrest, such police-officer or other person may use all means necessary to effect the arrest.
3. Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with [imprisonment for life.]
4. **Search of place entered by person sought to be arrested.** If any person acting under a warrant of arrest, or any police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of such place shall, on demand of such person acting as aforesaid or such police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.
5. **Procedure where' ingress not obtainable.** If ingress to such place cannot be obtained under section 47 it shall be lawful in any case for a person acting under a warrant and in any case in which a warrant may issue, but cannot be obtained without affording the person to be arrested an opportunity of escape, for a police-officer to enter such place and search therein, and in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after notification of his authority and purpose, and demand of admittance dully made, he cannot otherwise obtain admittance.

Breaking open zanana. Provided that if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public such person or police-officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

1. **Power to break open doors and windows for purposes of liberation.** Any police-officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.
2. **No unnecessary restraint.** The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.
3. **Search of arrested persons.** Whenever a person is arrested by a police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and

whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by a private person, the police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing-apparel, found upon him.

1. **Mode of searching woman.** Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman, with strict regard to decency.
2. **Power to seize offensive weapons.** The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Code to produce the person arrested,

# B. Arrest without warrant

1. **When police may arrest without warrant.** (1) Any police-officer may, without an order from a Magistrate and without a warrant, arrest:

**Firstly,** any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned;

**Secondly,** any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking;

**Thirdly,** any person who has been proclaimed as an offender either under this Code or by order of the Provincial Government;

**Fourthly,** any person in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing;

**Fifthly,** any person who obstructs a police-officer while in the execution of his duty or who has escaped, or attempts to escape from lawful custody;

**Sixthly,** any person reasonably suspected of being a deserter from the armed forces of Pakistan [\*\*\*\*];

**Seventhly,** any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of Pakistan which, if committed in Pakistan, would have been punishable as an offence and, for which he is, under any law relating to extradition or [\*\*\*\*] otherwise, liable to be apprehended or detained in custody in Pakistan.

**Eightly,** any released convict committing a breach of any rule made under section 565, sub-section (3);

**Ninethly,** any person for whose arrest a requisition has been received from another police officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears there from that the person might lawfully be arrested without a warrant by the officer who issued the requisition.

1. **Arrest of vagabonds, habitual robbers, etc.** (1) Any officer in charge of a police station may, in like manner, arrest or cause to be arrested:
2. any person found taking precautions to conceal his presence within the limits of such station, under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence; or
3. any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or
4. any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put person in fear of injury.
5. **Procedure when police-officer deputes subordinate to arrest without warrant** (1) When any officer incharge of a police station or any police-officer making an investigation under Chapter XIV requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence or other cause for which the arrest is to be made. The officer so require shall, before making the arrest, notify to the person to be arrested the substance of the order and, if so required by such person, shall show him the order.
6. **Refusal to give name and residence.** (1) When any person who in the presence of a police-officer has committed or has been accused of committing a non-cognizable offence refuses, on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.
7. When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate [having jurisdiction] if so required:

Provided that, if such person is not resident in Pakistan, the bond shall be secured by a surety or sureties resident in Pakistan.

1. Should the true name and residence of such person be not ascertained within twenty-four hours from the time of arrest or should he fail to execute the bond, or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to nearest Magistrate having Jurisdiction.
2. **Pursuit of offenders into other jurisdictions.** A police-officer may, for the purpose of arresting without warrant any person whom he is authorized to arrest under this Chapter, pursue such person into any place in Pakistan.

**Explanation.** In this section 'police officer includes a police officer acting under this Code as in Azad Jammu & Kashmir.]

1. **Arrest by private persons and procedure on such arrest.** (1) Any private person may arrest any person who in his view commits a non-bailable and cognizable offence, or any proclaimed offender, and without unnecessary delay, shall make over any person so arrested to a police-officer or, in the absence of a police-officer, take such person or causes him to be taken in custody to the nearest police-station.
2. If there is reason to believe that such person comes under the provisions of section 54, a police-officer shall re-arrest him.
3. If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 57. If there is no sufficient reason to believe that he has committed any offence, he shall be at once released.
4. **Person arrested to be taken before Magistrate or officer in charge of police-station.** A police- officer making an arrest without warrant shall, without, unnecessary delay and subject to the provisions

herein contained as to bail, take and send the person arrested before a Magistrate having jurisdiction in the case or before the officer in charge of a police-station.

1. **Person arrested not be detained more than twenty four hours.** No police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.
2. **Police to report apprehensions.** Officers in charge of police station shall report, to the District Magistrate, or, if he so directs, to the Sub-Divisional Magistrate, the cases of all person arrested without warrant, within the limits of their respective station, whether such persons have been admitted to bail or otherwise.
3. **Discharge of person apprehended.** No person who has been arrested by a police-officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.
4. **Offence committed in Magistrate's presence.** When any offence is committed in the presence of a Magistrate within the local limits of his jurisdiction he may himself arrest or order any person to arrest the offender, and may thereupon, subject to the provision herein contained as to bail commit the offender to custody.
5. **Arrest by or in presence of Magistrate.** Any Magistrate may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.
6. **Power, on escape, to pursue and retake.** If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place in Pakistan.
7. **Provisions of escape, to sections 47, 48 and 49 to apply to arrest under section 66.** The provisions of sections 47, 48 and 49 shall apply to arrest under section 66, although the person making any such arrest is not acting under a warrant and is not police-officer having authority to arrest.