[AS PASSED BY THE NATIONAL ASSEMBLY]

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further to amend the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (V of 1898) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**-(1) This Act may be called the Code of Criminal Procedure (Amendment) Bill, 2026.

(2) It shall come into force at once.

2. **Amendment of schedule II, Act V of 1898.-** In the Code of Criminal Procedure, 1898 (Act V of 1898), in Schedule II, in column 1, in section 320, for the corresponding entry related thereto in column 5, for the expression "bailable" the expression "non-bailable", shall be substituted.

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STATEMENT OF OBJECTS AND REASONS

The current legal framework in Pakistan regarding fatal accidents, particularly under Section 320 of the Pakistan Penal Code (PPC), reveals significant deficiencies that require urgent reform. This section categorizes Qatl-i-Khata, resulting from rash or negligent driving, as a bailable offense. Such a classification not only undermines the gravity of the crime but also permits offenders to exploit legal loopholes, resulting in a lack of accountability for actions that can lead to tragic outcomes for victims and their families.

The inconsistency in the treatment of offenses further complicates the legal landscape. While Qatl-bis-sabab is classified as non-bailable, the bailable status of Qatl-i-Khata sends a contradictory message regarding the seriousness of reckless driving. In accordance with the principles outlined in Section 497 of the Code of Criminal Procedure (Cr.P.C.), it is imperative that Section 320 be designated as non-bailable. This alignment would reinforce the legal framework's deterrent effect against negligent conduct and foster a culture of responsibility among motorists, particularly those from privileged backgrounds.

Moreover, it is essential to uphold the rights of victims and their families within the judicial process. The legal system must ensure that victims have the opportunity to be heard during bail hearings and remand proceedings, as articulated in the principles of natural justice. By advocating for amendments to both the PPC and Cr.P.C., we can create a more coherent and just legal framework that not only protects vulnerable members of society but also holds offenders accountable, thereby enhancing public confidence in the rule of law.

Sd/-
SHARMILA SAHIBA FARUQUI HASHAAM,
Member, National Assembly