

**THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Bench:**

Mr. Justice Athar Minallah  
Mr. Justice Irfan Saadat Khan  
Mr. Justice Malik Shahzad Ahmad Khan

45/25

**Jail Petition No.327 of 2023**

(Against judgment dated 13.07.2023 of the Islamabad High Court, Islamabad passed in Crl. Appeal No.339/2022, Jail Appeal No.337/2022, Crl. Appeal No.350/2022 and Murder Reference No.18 of 2022)

Faizan Hussain

...Appellant

***Versus***

The State, etc.

...Respondent

For the appellant:

Mr. Abid Mehmood, ASC a/w mother of the accused

For the State:

Mr. Ghulam Sarwar Nihung, Prosecutor General, Islamabad a/w Ali Ameer, Superintendent Jail and Mehmood ul Hassan, Asstt. Superintendant Jail.

For the complainant:

Mr. Muhammad Ramzan, ASC  
(From Lahore Branch Registry *via* video-link)  
Mr. Jan Muhammad, ASC  
(at Islamabad.)

Date of hearing:

30.06.2025

**ORDER**

**Athar Minallah, J.-** The jail petition filed by Faizan Hussain (appellant) was converted into an appeal and it was allowed *vide* our short order of even date and by extending the benefit of doubt in his favour, he was acquitted from the charge framed against him. The judgments of the trial court and the High Court respectively dated 14.09.2022 and 13.07.2023 were set aside and the appellant was directed to be released forthwith if not required to be incarcerated in any other case. We are recording our reasons for acquitting the appellant through our short order of even date.

2. The crime proceedings in this case were set in motion pursuant to complaint filed by Jan Muhammad (PW-11) and pursuant thereto crime



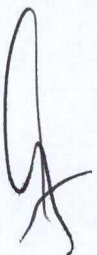
report No.333/2020, dated 15.07.2020 was registered at P.S. Industrial Area, Islamabad for commission of the alleged offences under sections 302 and 34 of the Pakistan Penal Code, 1860 ('PPC'). The crime report was registered against unknown accused. The appellant was arrested on 21.07.2020 and he had led to the recovery of firearm weapon from under a bridge. During the course of investigation one of the accused i.e. Shah Zeb was declared innocent since no incriminating material was found to implicate him in this case. However, another co-accused Tayyab Hafeez was also tried. The trial court upon conclusion of the trial acquitted the latter while the appellant was convicted under section 302(b) PPC and he was sentenced to death as *tazir* for committing Qatl-e-Amd of Abdullah Jan deceased. He was also directed to pay compensation of Rs.5,00,000/- to the legal heirs of the deceased under section 544-A of the Cr. P.C. In case of non-payment of compensation, the amount shall be realized as arrears of land revenue and in case of default, he shall undergo simple imprisonment for six months. The appeal preferred by the appellant was dismissed and the sentence of death was confirmed since the murder reference was answered in the affirmative.

3. We have heard the learned counsel for the appellant, learned counsel for the complainant who has appeared *via* video-link from Lahore Registry as well as the learned Prosecutor General for the State. The record has also been perused with their able assistance.

4. The crime-scene was the business premises owned by the complainant Jan Muhammad (PW-11). The occurrence had taken place late at night at 11.30 p.m. on 14.07.2020. The complainant Jan Muhammad (PW-11) had filed a complaint against unknown persons. According to the prosecution story a close relative of the complainant Muhammad Ejaz (PW-10) visited his village and had returned on


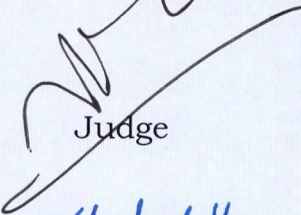
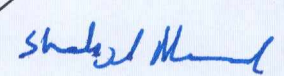


20.07.2020. There was CCTV camera installed at the premises where the occurrence had taken place. The witness Muhammad Ejaz (PW-10) was shown the CCTV footage on 20.07.2020 and he had identified the person in the footage as the appellant. However, it is surprising that this CCTV footage which was in possession of the complainant Jan Muhammad (PW-11) was not given to the investigators nor the police officials were informed regarding its existence. According to the evidence brought on record, Muhammad Ejaz (PW-10) was a close relative of the complainant Jan Muhammad (PW-11) and had a place of business in the same vicinity where the place of occurrence was situated. Admittedly, no identification parade was conducted. Muhammad Ejaz (PW-10) in his examination-in-chief had deposed that the persons identified by him used to visit the business premises of the complainant Jan Muhammad (PW-11). The appellant was a resident of another place and there is no explanation why he was interested in buying the specific commodity from the shop of Jan Muhammad (PW-11) where the occurrence had taken place. The recovery of firearm weapon allegedly led by the appellant was from an open place under a bridge. The recovery, therefore, also had lost its evidentiary value. The complainant nor the prosecution had set up a motive for causing the unnatural death of the deceased Abdullah Jan. The identification of the appellant by Muhammad Ejaz (PW-10) through the CCTV footage was definitely not free from doubt. The conduct of the complainant Jan Muhammad (PW-11) was also not natural because the footage was not given to the investigating officer nor the latter seems to have been informed. As an abundant caution the CCTV footage was also displayed in the Court. In one of the clips the appellant was not visible while the other was not clear enough to identify the persons. However, the clips did not show any person firing at the deceased. The identification of the appellant in this case was most crucial and the manner in which it was done has





raised crucial questions regarding the evidentiary value. The testimonies of the witnesses have not been found to be reliable, trustworthy nor confidence-inspiring. The prosecution has failed to prove its case beyond a reasonable doubt. The testimonies of the two witnesses i.e. Abu Bakar (PW-12) and Jan Muhammad (PW-11) were not consistent with the evidence which was brought on record by the prosecution. In the facts and circumstances of the case, the extension of benefit of doubt in favour of the petitioner cannot be withheld.

  
Judge  
Judge  
Judge

**Islamabad, the**

16<sup>th</sup> of June, 2025.

M. Azhar Malik/\*

12/10/25