

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

23/25

**PRESENT:** Justice Muhammad Hashim Khan Kakar  
Justice Muhammad Shafi Siddiqui  
Justice Ishtiaq Ibrahim

AD

**Criminal Petitions No. 1424, 1564 and 1631/2023**

(Against the order/judgment dated 25.10.2023  
passed by the High Court of Balochistan, Quetta  
in CrI. As. No. 607 and 74/2022)

Fazal Mohammad	(in CrI. P. 1424/2023)	
Ameer Muhammad	(in CrI. P. 1564/2023)	
Shahi Khan	(in CrI. P. 1631/2023)	Petitioner(s)

Versus

Ameer Muhammad	(in CrI. P. 1424/2023)	
The State and another	(in CrI. Ps. 1564 & 1631/2023)	Respondent(s)

For the Petitioner(s): Mr. Khalil Ahmed Panezai, ASC  
(through video link, Quetta)  
(in CrI. Ps. 1424 & 1631/2023)

Mr. Shad Muhammad Khan, ASC  
(in CrI. P. 1564/2023)

For the Respondent(s): Mr. Shad Muhammad Khan, ASC  
(in CrI. P. 1424/2023)

For the State: Ms. Rubina Butt, State Counsel  
(in CrI. Ps. 1564 & 1631/2023)

Date of Hearing: 12.03.2025

**JUDGMENT**

**Muhammad Hashim Khan Kakar, J.** Ameer Muhammad, petitioner in Criminal Petition No. 1564/2023, and many others were booked in FIR No. 122/2019, registered at Police Station Kharoot Abad, District Quetta on 26.09.2019 in respect of offences under sections 302, 324, 427, 147, 148 and 149 P.P.C. for causing the murder of one Muhammad Farooq and causing injuries to Sardar Ali and Abdul Jabbar in an incident which took place at about 10:30 a.m. on 26.09.2019 in village Kharoot Abad within the jurisdiction of the abovementioned police station in the backdrop of a civil dispute. A cross version of the same incident was



advanced by the accused party of the said FIR through the statement made by the petitioner, Ameer Muhammad, before the police on the same day and according to the cross version it was the opponent party which had aggressed against the petitioner's party and in the process two persons belonging to the petitioner's party had been injured. The petitioner, Ameer Muhammad, was convicted and sentenced to suffer 15 years imprisonment whereas in the cross case one Shahi Khan was convicted and sentenced to 5 years imprisonment.

2. We have noticed that many of the acquitted accused persons from both the sides had been attributed active and effective roles but the stories in that regard had been disbelieved by the courts below. Both the parties had tried to hide the truth and to minimize their own roles. After disbelieving the stories advanced by both the rival parties the High Court had observed that both the parties have put their versions but none of the parties came with whole truth and both of them had molded the episode of occurrence according to their convenience and real cause of the occurrence remained suppressed by the respective parties. We have also found that the truth in this case was mixed heavily with something which was untrue and both the parties to this case had not approached the court with clean hands. In these circumstances we have found it to be impossible to discern the truth from such a heap of falsehood and, thus, we are left with no other option but to acquit the petitioner, Ameer Muhammad by extending him the benefit of doubt. Consequently, Criminal Petition No. 1564/2023 is converted into an appeal and allowed by setting aside the impugned judgment.

3. As regards Criminal Petition No. 1631/2023, the petitioner, Shahi Khan son of Payo Khan, was an accused person in the cross-version case and after a regular trial, he was convicted by the Trial Court for an offence under section 324 P.P.C and was sentenced to suffer 5-years imprisonment and to pay fine. On appeal his sentence for the offence under section 324 PPC was upheld by the High Court. Since we have already allowed Criminal Petition No. 1564/2023 while holding that both the parties have suppressed material facts regarding the incident in question and have not approached the court with clean hands, as such,

this petition is also converted into an appeal and allowed. He is acquitted of the charge levelled against him while extending him the benefit of doubt.

4. As a sequel to the above discussion we do not find any merit in Criminal Petition No. 1424/2023, therefore, it is dismissed and leave to appeal is refused.

Islamabad  
12.03.2025  
(Farrukh)

8/4

Judge

Judge

Judge