

THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Bench:

Mr. Justice Athar Minallah

Mr. Justice Irfan Saadat Khan

Mr. Justice Malik Shahzad Ahmad Khan

JAIL PETITION NO.498 OF 2022

*(Against the judgment dated 06.09.2022 of the
Lahore High Court, Rawalpindi Bench,
Rawalpindi, passed in Crl. Appeal No.794 of 2019)*

Muhammad Iqbal

...Petitioner(s)

Versus

The State

...Respondent(s)

For the Petitioner(s): Sardar Muhammad Latif Khan Khosa, Sr. ASC

For the State: Ms. Memoona Ehsan ul Haq, Deputy Prosecutor
General, Punjab

Date of hearing: 09.09.2025

ORDER

Athar Minallah, J.- The petitioner has sought leave against the judgment of the High Court dated 06.09.2022. The petitioner was nominated in crime report No.132/1999, dated 29.06.1999, registered at P.S. Sadar, Tallagang, District Chakwal for commission of the alleged offences under sections 302, 324 of the PPC. The trial court upon conclusion of the trial had convicted the petitioner and he was sentenced as under:

Under section 302(b) PPC: Sentenced to imprisonment for life on two counts for committing Qatl-i-Amd of Ashiq Hussain and Muhammad Siddiq (deceased) with compensation of Rs.3,00,000/- each payable to the legal heirs of each deceased under section 544-A of the Cr.P.C. and in default whereof to further undergo simple imprisonment for six months on two counts.

Under section 324 PPC: Sentenced to imprisonment for 7-years R.I. with fine of Rs.50,000/- for committing murderous assault against complainant Rafaqat Hussain (since dead) and in default whereof to further

undergo simple imprisonment for 2-months.

Under section 337-A(ii) PPC: Sentenced to payment of Daman of Rs.50,000/- payable to the legal heirs of complainant/injured Rafaqat Hussain (since dead).

The High Court dismissed the appeal *vide* the impugned judgment and the conviction and sentence handed down by the trial court were upheld.

2. We have heard the learned counsel for the petitioner as well as the learned Deputy Prosecutor General for the State. The record has been perused with their able assistance.

3. The incident had taken place at 10 a.m. on 29.06.1999 and it had led to the unnatural deaths of Ashiq Hussain and Muhammad Sadiq. The complainant had also sustained injuries but before he could enter the witness-box, he was murdered. The other eye-witness i.e. Ghulam Hussain had also passed away and therefore, his testimony could not be recorded. Nonetheless, the ocular account was deposed by Muhammad Razzaq (PW-6). We have carefully perused his testimony and we are of the opinion that it is trustworthy and confidence-inspiring. The ocular account deposed by the aforementioned credible witness was supported by the medical evidence brought on record by Dr. Abdul Razaq (PW-3) and Dr. Tahir Zaman Niazi (PW-4). The petitioner had remained fugitive from law and was declared as an absconder. He was arrested on 19.09.2016 i.e. after 17 years from the date of the occurrence and this further corroborates the evidence brought on record by the prosecution. The petitioner had led to the recovery of the firearm weapon. The report of Forensic Science Laboratory (FSL) was not positive. Moreover, in the opinion of the trial court as well as the High Court the factum of motive could not be proved by the prosecution.

4. After going through the evidence, we are of the opinion that the prosecution had proved its case beyond reasonable doubt and therefore, the

concurrent findings of two competent courts regarding the guilt of the petitioner does not suffer from any legal infirmity so as to interfere with the conviction. As already noted above, recovery of the firearm weapon was inconsequential since the FSL's report was in the negative and the motive was also not proved by the prosecution beyond reasonable doubt. These two mitigating factors were rightly taken into consideration by the trial court while awarding the sentence of imprisonment for life. The learned counsel for the petitioner has not been able to persuade us that the findings recorded by the trial court and upheld by the High Court suffer from any misreading or non-reading of evidence. No question of law has arisen for our consideration. Leave is, therefore, refused and the petition is consequently dismissed. ^

Sd/-J

Sd/-J

Sd/-J

Islamabad, the9th September, 2025**'NOT APPROVED FOR REPORTING'***M. Azhar Malik/**