

**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.356 of 2021**  
**and Criminal Petition No.1147-L of 2021**

(Against judgment dated 29.06.2021 of the Lahore High Court, Lahore passed in Crl. Appeal No.167 of 2017 and M. R. No.68 of 2017)

Javed Iqbal ...Petitioner in J.P. No.356/2021  
Muhammad Sarfraz ...Petitioner in Crl. Petition No.1147-L/2021

**Versus**

The State ...Respondent in J.P. No.356/2021  
Javed Iqbal, etc. ...Respondents in Crl. Petition No.1147-L/2021

For the petitioners: Mr. Aftab Alam Yasir, ASC  
Mr. Anis Muhammad Shahzad, AOR  
(in JP-356/2021)

Mr. Mazhar Iqbal Sidhu, ASC  
(in Crl.P.1147-L/2021)

For the State: Mr. Irfan Zia, Additional Prosecutor General,  
Punjab

Date of hearing: 15.04.2025

**ORDER**

**Athar Minallah, J.- Jail Petition No.356/2021:** The petitioner Javed Iqbal had sought leave against the judgment dated 29.06.2021 of the High Court. Likewise, the complainant in this case i.e. Muhammad Sarfraz had also sought leave against the same judgment through Criminal Petition No.1147-L of 2021 seeking enhancement of the sentence. The petitioner Javed Iqbal was nominated in crime report No.102/2015 dated 06.03.2015 registered at P.S. Bhawana, District Chiniot for the alleged offences under sections 302, 148 and 149 of the Pakistan Penal Code, 1860 ('PPC'). The other three co-accused namely, Muhammad Yar, Aman Ullah and Tariq Mehmood were acquitted while the petitioner was convicted under section 302(b) PPC and sentenced to death. He was also ordered to pay compensation of Rs.2,00,000/- (two hundred thousand) to the legal heirs of the deceased as required under section 544-A of the Code of Criminal Procedure, 1898 ('Cr.P.C.') and in case of non-payment of compensation, it shall be recoverable from the





said convict as arrears of land revenue and in case of default in payment he shall further undergo S.I. for six months. The High Court dismissed the appeal to the extent of the conviction and answered the murder reference in the negative. The appeal was therefore, partly allowed by modifying the sentence of death to that of life imprisonment.

2. We have heard the learned counsels for the petitioners as well as the learned Additional Prosecutor General for State. The record of the case has been perused with their able assistance.

3. It was a daylight occurrence and the only effective role was attributed to the petitioner Javed Iqbal. The ocular account was deposed by Muhammad Sarfraz (PW-08) and Mazhar Hussain (PW-09) respectively. The medical evidence was brought on record by Dr. Zafar Abbas (PW-06). The testimonies of the witnesses, who had deposed the ocular account, were consistent on all material facts and they have been found by us to be confidence-inspiring, trustworthy and reliable. The ocular account is supported by the medical evidence. The High Court did not believe the motive and the recovery and on account of these mitigating factors the sentence of death was modified to life imprisonment. The concurrent findings of two competent courts relating to the guilt of the petitioner are unexceptionable and do not require any interference. The prosecution had, indeed, proved the guilt of the petitioner beyond a reasonable doubt. The quantum of sentence modified by the High Court on account of the mitigating factors also does not require any interference. In our considered view, the impugned judgment of the High Court does not suffer from illegality let alone misreading or non-reading of the evidence. No question of law has arisen in this petition for our consideration. Leave is accordingly refused and this petition stands dismissed.

**Criminal Petition No.1147-L/2021:**

The petitioner Muhammad Sarfraz is seeking enhancement of the sentence of the convict Javed Iqbal which was modified by the High Court from death to life imprisonment on account of mitigating factors i.e. that the respondent had fired only once; moreover the motive could not be proved and that the recovery was inconsequential. We have carefully perused the record. The findings of the High Court regarding the mitigating factors are unassailable. Therefore, we have no reason to interfere with the discretion exercised by the High Court in accordance



with law. No case is made out for grant of leave. Leave is accordingly refused and this petition is dismissed.

**Islamabad**

15<sup>th</sup> April, 2025

M. Azhar Malik/\*