

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present: Justice Muhammad Hashim Khan Kakar
Justice Ishtiaq Ibrahim
Justice Ali Baqar Najafi

Criminal Petitions No. 219/2018 and 159-L/2018

(Against the judgment dated 15.01.2018 passed by the
Lahore High Court, Lahore in CrI. A. No.1008-J-2015
and M. R. No. 126/2015)

Muhammad Yaqoob	(in CrI. P. 219/2018)	
Javed Iqbal	(in CrI. P. 159-L/2018)	Petitioner(s)

Versus

The State, etc.	(in both)	Respondent(s)
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For the Petitioner(s)	
(in CrI. P. 219/2018):	Mr. Muhammad Aqeel Wahid Ch., ASC
(CrI. P. No. 159-L/2018):	Nemo

For the State (in both):	Mr. Humayun Aslam, DPG
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Date of Hearing:	29.08.2025
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JUDGMENT

Muhammad Hashim Khan Kakar, J. Through CrI. P. No. 219/2018, the petitioner-convict, Muhammad Yaqoob, has assailed the judgment dated 15.01.2018, passed by the Lahore High Court, whereby the appeal preferred by the petitioner against his conviction was dismissed, however, only his death sentence was converted into imprisonment for life.

2. Succinctly, the prosecution case is that Mst. Kausar Parveen (deceased) was married to Muhammad Siddique (co-accused), while the petitioner is his brother. Both frequently quarrelled with the deceased to coerce her into transferring property gifted by her father in favour of Muhammad Siddique. On the night of 29/30.04.2012, the accused threatened the deceased, who informed her brother (complainant). On 30.11.2012, at about 11:30 a.m., the complainant alongwith Muhammad Anwar and Mushtaq Ahmed visited her house, where Muhammad

Siddique raised a lalkara and Muhammad Yaqoob fatally shot the deceased in the chest with a .30-bore pistol before fleeing. The complainant and PWs also heard a fire shot outside and, upon coming out, saw that the petitioner had injured one Muhammad Siddique (a neighbour) who had attempted to intervene. The deceased expired at the spot. After complete trial, co-accused Muhammad Siddique was acquitted but the petitioner was convicted, hence this petition.

3. We have heard the learned counsel for the parties and have perused the available record. We have observed that the FIR in the instant case was lodged one hour after the occurrence, so there is no conscious or deliberate delay. Additionally, the incident unfolded in front of three eyewitnesses. Javed Iqbal (PW-8) and Muhammad Anwar (PW-9) have furnished the ocular account of the occurrence. They were the real brothers of the deceased so their presence at house of the deceased is natural and probable. Injured witness, Muhammad Siddique (PW-10), is also a resident of the same place so his presence is also natural. The testimony of all eyewitnesses is consistent throughout and has not been shattered despite lengthy cross-examination during the trial. The injuries of deceased and injured witness (PW-10) were also confirmed by medical examination; hence, medical evidence fully supports ocular account. However, motive remained unproven and recovery was also inconsequential because it was effected from an open space. As such, the recovery and motive set up by the prosecution were rightly disbelieved by the High Court which extended the benefit of these aspects to the convict vide impugned judgment by converting his death sentence into life imprisonment. No further advantage is available to the petitioner from these aspects. Accordingly, we find that the impugned judgment is well-reasoned and based upon proper appraisal of evidence on record, which calls for no interference by this Court. Resultantly, the instant petition is dismissed and leave to appeal is refused. Consequently, Crl. M. A. No. 70-L/2021 filed by the petitioner for suspension of his sentence has become infructuous and it is dismissed as such.

5. As far as Crl. P. No. 159-L/2017 filed for enhancement of sentence of the convict is concerned, we note that the motive and recovery set up

by the prosecution have rightly been disbelieved. Therefore, no ground exists for enhancement of sentence of life imprisonment and the same stands fully justified in the circumstances of the case. Therefore, this petition is also dismissed and leave to appeal is refused.

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Sd/-----J
Sd/-----J
Sd/-----J

LAHORE
29.08.2025
(Farrukh/Johar)

29.8.25