

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

**PRESENT:**

MR. JUSTICE ATHAR MINALLAH  
MR. JUSTICE IRFAN SAADAT KHAN  
MR. JUSTICE MALIK SHAHZAD AHMAD KHAN

**JAIL PETITION NO. 942 OF 2017**

*(On appeal against the judgment dated  
05.12.2017 of the Lahore High Court, Lahore  
passed in Cr. Appeal No. 583-J/2014 and  
Murder Reference No. 377/2014)*

Muhammad Aslam

... Petitioner

**Versus**

The State

... Respondent

For the Petitioner: Mr. Hameed uz Zaman, ASC

For the deceased: Mr. Ghulam Ahmed, brother

For the State: Mr. Sajjad Hussain Bhatti, DPG

Date of Hearing: 12.05.2025

**ORDER**

**ATHAR MINALLAH, J.-** The petitioner has sought

leave against the judgment of the Lahore High Court, Lahore dated 05.12.2017. The petitioner was nominated in Crime Report No. 40 dated 11.02.2011 registered at Police Station Mandi Ahmadabad, District Okara under Sections 302/324/148/149 PPC. There were 13 other persons, who were also nominated as accused along with the petitioner. The Trial Court upon conclusion of the trial acquitted 12 accused persons. However, the petitioner was convicted under Section 302(b) PPC and sentenced to death. He was also directed to pay Rs.500,000/- as compensation to the legal heirs of the deceased or in default thereof to further undergo six months simple imprisonment. The other co-accused of the petitioner Naveed Akram was convicted under Section 302(b) PPC

and was sentenced to imprisonment for life. He was also directed to pay Rs.500,000/- as compensation to the legal heirs of the deceased or in default thereof to further undergo six months simple imprisonment. Benefit of Section 382-B Cr.P.C. was also extended in his favour. In appeal, the learned High Court while maintaining the conviction of the petitioner under Section 302(b) PPC, altered the sentence of death into imprisonment for life, therefore, the reference was answered in the negative. The amount of compensation and the sentence in default thereof was maintained. Benefit of Section 382-B Cr.P.C. was also extended in favour of the petitioner. However, the High Court acquitted co-accused Naveed Akram from the charge and allowed his appeal.

2. We have heard learned counsel for the petitioner as also learned Law Officer at length and have perused the record with their able assistance.

3. It was a daylight occurrence, which had taken place at 01:15 PM on 11.02.2011 outside a mosque. The ocular account deposed by Muhammad Zaman and Khalid Nawaz, who had entered the witness box as PW-1 and PW-2 respectively, was consistent on all material facts. Both these witnesses had also sustained injuries during the occurrence. Their testimonies have been found to be reliable, trustworthy and confidence inspiring and supported by the medical evidence deposited by Dr. Muhammad Shahban Nadeem (PW-6), Dr. Muhammad Sharif (PW-9), Dr. Aadil Rasheed (PW-10) and Dr. Muhammad Akmal (PW-12). The High Court had disbelieved the factum of motive and in its opinion the recovery of the firearm weapon was inconsequential. The argument raised by the learned counsel that the case of the petitioner was



not distinguishable from the other accused who were either acquitted by the Trial Court or the High Court is without substance. We have carefully gone through the evidence with the assistance of the learned counsel and found the case of the petitioner to be distinguishable. Each accused was attributed a specific role and the medical evidence brought on the record supported the role attributed to the petitioner. The prosecution in our opinion had proved its case beyond a reasonable doubt and the High Court was justified in modifying the sentence of the petitioner from death to imprisonment for life on account of the mitigating factors. The prosecution had proved the guilt of the petitioner beyond a reasonable doubt and the concurrent findings by two competent courts are unassailable and do not require any interference. The quantum of sentence determined by the High Court was in exercise of discretion which has been found to be in accordance with law. Learned counsel for the petitioner has not been able to point out any misreading or non-reading of the evidence nor any other legal infirmity requiring interference with the well reasoned judgment of the High Court. No question of law has arisen for our consideration, therefore, leave is refused and the petition is accordingly dismissed.



JUDGE



JUDGE



JUDGE

Islamabad, the  
12<sup>th</sup> of May, 2025  
Not Approved For Reporting  
Khurram