

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Irfan Saadat Khan
Mr. Justice Malik Shahzad Ahmad Khan
Mr. Justice Aqeel Ahmed Abbasi

**Jail Petition No.516 of 2021 and
Criminal Petition No.1215 of 2021**

Against the judgment dated 23.09.2021 of
the Lahore High Court, Rawalpindi Bench, in
Murder Reference No.89/2019 and Cr.
Appeal No.697 of 2018

Usman Mehboob Ejaz Ahmed	(in JP 516/2021) (in Crl.P. 1215/2021) ...Petitioner(s)
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Versus

The State, etc.	...Respondent(s)
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For the Petitioner(s):	Mr. Fakhar Hayat, ASC (in JP 516/2021)
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For the State:	Mr. Tariq Siddique, Addl. P.G. Punjab
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For the Complainant:	Mr. Basharatullah Khan, ASC (in Crl.P. 1215/2021)
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Date of Hearing:	13.11.2025
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JUDGMENT

Irfan Saadat Khan, J.- These petitions are directed against the judgment passed by the Lahore High Court, Rawalpindi Bench, in Murder Reference No.89 of 2019 and Criminal Appeal No.697 of 2018, whereby the conviction awarded to the accused, namely Usman Mehboob *alias* Usama, under Section 302(b) of the Pakistan Penal Code, 1860 ('PPC'), was upheld whereas the sentence of death was converted into that of life imprisonment, while the compensation awarded by the trial Court in case FIR No.129 of 2017, through its

judgment dated 04.09.2018, amounting to Rs.2,00,000/- was upheld, *vide* judgment dated 23.09.2021.

2. The facts, as per FIR No.129 dated 19.05.2017, are that Ijaz Ahmad ('complainant') lodged the report at Police Station Kahuta, Rawalpindi at 11:25 p.m. in respect of an incident that had occurred earlier the same day, i.e., on 19.05.2017 at about 09:15 p.m. According to the said FIR, he is a Suzuki driver and on 19.05.2017, a *Langar* was scheduled hence a number of people had gathered at the house of Azhar Mehmood. At about 09:15 p.m., when Azhar Mehmood was sitting on a cot, Usman Mehboob appeared and fired 7/8 shots at Adnan Javed ('deceased') which hit on his back-side. Thereafter, Sajjad Rasheed, Hamza Rahman and the complainant tried to apprehend the accused, but after making aerial firing, he fled away from the scene. Since Adnan Javed was badly injured, they took him to the hospital, however, he succumbed to his injuries on the way. The trial took place, and the trial Court, *vide* the above-mentioned judgment, found the accused guilty of the offence and awarded him the death sentence, as well as directed him to pay the compensation, enumerated above. Against this an appeal and murder reference were filed, and the High Court, as explained *supra*, converted the death sentence into that of imprisonment for life but maintained the amount of compensation.

3. Mr. Fakhar Hayat, learned counsel has appeared on behalf of the petitioner and stated that there are contradictions in the deposition of various PWs. According to him, the empties recovered from the spot were not kept safely in the *Malkhana*. He next stated

that the draftsman, Mehmood Shahzad, who visited the spot also furnished an incorrect site plan which does not reflect the true state of affairs. According to the learned counsel, since the motive has been disbelieved and other factors favour the petitioner, hence, by extending him the benefit of doubt, he may be acquitted.

4. Mr. Tariq Siddique, learned Additional Prosecutor General for the State, Mr. Basharatullah Khan, learned counsel appearing for the complainant as well as the counsel in Criminal Petition No. 1215 of 2021, have supported the impugned judgments, however, Mr. Basharatullah Khan has prayed that since the evidence was witnessed by a number of persons present at the spot and that the deceased was killed by the accused in a brutal and gruesome manner by firing 7/8 shots at him, the accused does not deserve any leniency. Therefore, he prayed that the sentence of life imprisonment may be converted into a sentence of death.

5. We have heard the learned counsel for the petitioner, the learned counsel for the complainant, as well as the State counsel, and have also perused the record with their able assistance.

6. There is no denial of the fact that the incident took place when a number of people were present at the house of Azhar Mahmood, where the *Langar* was being held. There is also no denial of the fact that the accused fired 7/8 shots upon the deceased, and while he was being taken to the hospital, he succumbed to those injuries. The discrepancies in the depositions are found to be minor and negligible. The High Court has thoroughly thrashed out the matter in detail and has rightly arrived at the conclusion that the aspect of motive is

missing in the instant matter and only then has converted the death sentence into a life sentence. It is a trite proposition of law that where the aspect of motive is missing in any case, the death sentence is usually not awarded. The same goes for the instant matter. Since it has been established that the aspect of motive is missing, awarding the death sentence, in our view, would be quite harsh. Reference in this regard may be made to the decisions of this Court in Bashir-ud-Din and others versus the State (2025 SCMR 1380) and Muhammad Bilal versus The State (2025 SCMR 1580).

7. We, therefore, do not find any illegality or irregularity in the judgment passed by the High Court, which is based on sound reasoning and does not call for any interference. The learned counsel appearing before us for the petitioner has not been able to controvert the facts nor pointed out any material shortcoming or illegality in the judgment of the High Court so as to justify the acquittal of the petitioner. It would not be out of place to mention that when the short order was verbally dictated in open Court to the effect that the appeal filed by the accused was being dismissed, Mr. Basharatullah Khan, learned counsel for the complainant quite candidly submitted before the Court that since the accused-petitioner's case was dismissed, he does not press his Criminal Petition No.1215 of 2021 for enhancement either.

8. Hence, in view of the afore-noted facts, both these petitions are dismissed and leave is refused.

9. These are the reasons for our short order dated 13.11.2025, which is reproduced below for ease of reference:

"Jail Petition No.516/2021"

For reasons to be recorded later, this petition is dismissed and leave is refused.

Criminal Petition No.1215/2021

Learned counsel for the petitioner does not want to press this petition. Dismissed accordingly."

Islamabad

13.11.2025

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"Not approved for reporting"