

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

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

**JAIL PETITION NO. 607 OF 2021 AND
CRIMINAL PETITION NO. 1820-L OF 2021**

(Against the judgment dated 11.11.2021 passed by the
Lahore High Court, Lahore in Murder Reference No. 107
of 2018 and Crl. Appeal No. 119407-J of 2017)

Nafees-ul-Hassan (in JP 607 of 2021)
Nighat Maqsood (in Crl.P. No. 1820-L/2021)
...Petitioner(s)

Versus

The State (in JP 607 of 2021)
Nafees-ul-Hassan (in Crl.P. No. 1820-L/2021)
...Respondent(s)

For the Petitioner(s) Ch. Muhammad Jahangir Wahlah, ASC
(in JP 607 of 2021):

For the Complainant Ch. Abdul Ghaffar, ASC
(in Crl.P. No. 1820-L/2021): (via video link, Lahore)

For the State: Mr. Muhammad Jaffar, Addl. P.G. Punjab

Date of Hearing: 11.11.2025

JUDGMENT

Irfan Saadat Khan, J. - The instant jail petition is directed against the Lahore High Court's judgment dated 11.11.2021, which maintained the petitioner Nafees-ul-Hassan's conviction under section 302(b), Pakistan Penal Code, 1860 ("PPC"), as recorded by the learned Additional Sessions Judge, Shahkot, District Nankana Sahib ("Trial Court"), vide judgment dated 30.10.2017 arising out of a private complaint, but altered the sentence of death to imprisonment for life. The compensation of Rs. 300,000/- under section 544-A, Code of Criminal Procedure, 1898 ("Cr.P.C."), and the sentence of six months' simple imprisonment to be undergone in default thereof were

maintained. The petitioner's conviction under section 449, PPC, and corresponding sentence of ten years' rigorous imprisonment, as well as the fine of Rs. 25,000/-, or two months' simple imprisonment to be undergone in default thereof, were similarly upheld. The benefit of section 382-B, Cr.P.C., and the direction that both sentences shall run concurrently also remained intact. The Trial Court's acquittal of the co-accused Ghulam Abbas, Nazim Ali and Hussnain, remained undisturbed as neither the complainant nor the State challenged their acquittal.

2. The facts, as per FIR No.90 dated 07.03.2014, are that Nighat Maqsood ("complainant") lodged the report at Police Station Saddar Shahkot, District Nankana Sahib at about 12:40 p.m. in respect of an incident that had occurred earlier the same day, i.e., on 07.03.2014 at about 11:00 a.m. According to the said FIR, his real daughter, Mst. Saba Maqsood ("deceased"), a student of second year, was lying on a cot in the courtyard of the house, while the complainant along with Rizwan and his wife, Mst. Parveen Akhtar, was sitting in the veranda and his daughter-in-law, Mst. Muzammal Bibi, was pressing clothes, when Nafees-ul-Hassan (petitioner), armed with a 30-bore pistol, accompanied by his co-accused Ghulam Abbas (armed with a pump-action gun) and Nazim Ali (armed with a 30-bore pistol), entered the house; on their arrival Ghulam Abbas and Nazim Ali declared that the complainant's family be taught a lesson for disgracing them and be made an example, whereupon Nafees-ul-Hassan fired with his 30-bore pistol, the shot landing on the back of the left shoulder of Mst. Saba Maqsood and exiting from the front, due to which she succumbed to the injury at the spot, and the accused then fled while raising *lalkaras*. The motive stated in the FIR was that about three years prior to the occurrence Adnan, son of the complainant, had contracted a love marriage with the petitioner's sister, out of which wedlock

two children had been born, and due to this grudge the accused committed the offence; it was further alleged that on the preceding day, 06.03.2014, Hussnain (co-accused) had called Faryad, the complainant's brother, to his *haveli* and threatened that if Mst. Muzammal Bibi was not turned out from the complainant's house, they would be done to death.

3. The ensuing trial took place on the basis of a private complaint instituted by the complainant when he became dissatisfied with the police investigation. The Trial Court, *vide* judgment dated 30.10.2017, found the petitioner guilty of the offence of *Qatl-i-Amd* under section 302(b), PPC, and sentenced him to death, and, in addition, convicted him under section 449, PPC, awarding the corresponding sentences as well as compensation to the legal heirs of the deceased. Whereafter, on his appeal and the connected murder reference, the High Court, through the judgment presently under challenge, while maintaining his convictions, converted the sentence of death into imprisonment for life, but maintained the compensation, the sentence to be undergone in default thereof, and the benefit extended to the petitioner under section 382-B, Cr.P.C. The complainant has also preferred a petition seeking enhancement of the petitioner's sentence from life imprisonment to death, i.e., restoration of the sentence awarded by the Trial Court.

4. Ch. Muhammad Jahangir Wahlah, ASC, has appeared for the petitioner and submitted that the case was a blind murder in which the petitioner had been implicated on account of village enmity and party friction; that all prosecution witnesses were closely related and interested, their testimony suffering from material contradictions; that the alleged motive stood disbelieved and the recovery of the pistol had rightly been treated as inconsequential; and that, on the same evidence on which the co-accused were acquitted, it was unsafe and discriminatory to maintain the petitioner's

conviction, who was thus also entitled to benefit of doubt. He thus prayed for the petitioner's acquittal.

5. Mr. Muhammad Jaffar, Addl. P.G. Punjab, and Mr. Ch. Abdul Ghaffar, ASC, (via video link, Lahore) have appeared for the State and the complainant respectively. Both have contended that the petitioner's guilt stood proved through the straightforward, confidence-inspiring ocular account of the deceased's parents, whose presence at the spot was natural and whose testimony remained unshaken in cross-examination; that the medical evidence fully corroborated the manner, locale and time of the occurrence, and as such the petitioner's conviction was justified. Notably, the learned counsel for the complainant sought the enhancement of the petitioner's sentence to capital punishment.

6. We have heard the learned counsel for the accused-petitioner, for the complainant as well as the learned State Counsel. We have also perused the record with their able assistance.

7. At the very outset, we have observed that the FIR was lodged promptly on the same day of the occurrence and without delay at 12:40 p.m., precluding the possibility of deliberation or fabrication. The prosecution's case rests primarily upon the testimony of the eye-witnesses and upon reappraising the ocular and medical evidence, we find ourselves in agreement with the concurrent conclusion reached by the courts below that it was the petitioner who had fired at and killed the deceased. Both eye-witnesses are the real parents of the deceased and natural inmates of the house where the occurrence took place. In this regard, the learned counsel for the accused-petitioner has not been able to demonstrate any circumstance rendering their presence at the spot doubtful or contrived. Their account of the mode, manner,

time and place of the incident is internally consistent, remains substantially unshaken in cross-examination, and is fully supported by the medical evidence with regard to the locale, nature and effect of the firearm injury. The petitioner has been assigned a specific, effective role, and no plausible ground has been pointed out by learned counsel for the petitioner either for the accused's acquittal in the circumstances of the case or for interference with the impugned order of the High Court.

8. Even if the factors of the alleged motive and the recovery of the pistol are excluded from consideration, the remaining prosecution evidence, namely the straightforward ocular account duly supported by the medical evidence, is sufficient to sustain the petitioner's conviction under sections 302(b) and 449, PPC. Moreover, the High Court has already viewed the foregoing two aspects with reservation and still maintained the petitioner's conviction while reducing his sentence under section 302(b) of the PPC from death to life imprisonment. No material misreading or non-reading of evidence, any contradiction going to the root of the case, or any perversity in the concurrent findings of fact recorded by the Trial Court and the High Court has been pointed out. In these circumstances, we find no legal or factual infirmity warranting interference with the petitioner's conviction, which is accordingly upheld.

9. Similarly, no legal ground has been made out before us for enhancing the sentence back to death, and at the moment the short order maintaining the High Court's judgment was being dictated in open court, the learned counsel for the complainant stated that he would not press the petition for enhancement (*Criminal Petition 1820-L of 2021*). Thus, the sentence of life imprisonment, along with the sentence under section 449 of the PPC, as well

as the awarded compensation and fine, and also the benefit of section 382-B, Cr.P.C., stand fully justified in the facts of the case.

10. These petitions, thus being devoid of any merit, are hereby dismissed. These are the reasons for our short order dated 11.11.2025 which is as follows:

"For the reasons to be recorded later on, these petitions stand dismissed."

Islamabad, the
11th of November, 2025
(Arshed/Mustafa)

Not Approved for Reporting