

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

Criminal Petition No.607 of 2020

(On appeal against the judgment dated 31.03.2020 passed by the High Court of Balochistan Quetta in Criminal Appeal No.433/2019)

Laiq Shah

...Petitioner(s)

Versus

The State

...Respondent(s)

For the Petitioner: Mr. Shabbir Hussain Gigyani ASC

For the State: Ms. Robina Butt, State Counsel

Date of Hearing: 13.11.2025

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J U D G M E N T

MALIK SHAHZAD AHMAD KHAN, J.- Through the instant petition, Laiq Shah (petitioner) has sought leave against impugned judgment dated 31.03.2020, passed by the High Court of Balochistan. The petitioner was tried by the learned Sessions Judge (ADHOC)/MCTC-I, District Quetta, pursuant to a case registered vide FIR No.22/2013 dated 06.03.2013, under Sections 302, 324, 147, 148 PPC, at Police Station Civil Lines, District Quetta. The learned Trial Court vide its judgment dated 08.10.2019, convicted the petitioner **(i)** under sections 302(b)/34 PPC to imprisonment for life. He was also directed to pay Rs.1,50,000/- as compensation to the legal heirs of the deceased as envisaged under section 544-A Cr.P.C and in default thereof to further undergo six (06) months simple imprisonment **(ii)** under sections 324/34 PPC to six (06) years rigorous imprisonment along with fine of Rs.10,000/- and in

default thereof to further undergo two (02) months simple imprisonment **(iii)** under section 337F(iii) PPC to three (03) years and Daman amounting to Rs.15,000/- payable to the injured Humayun and **(v)** under section 337F(ii) PPC to two (02) years and Daman amounting to Rs.2000/- payable to the injured Babarzai. The petitioner was directed to kept in custody until realization of Daman amount. All the sentences awarded to the petitioner were ordered to run concurrently and benefit of section 382-B Cr.P.C, was also extended to the petitioner. The appeal filed by the petitioner was dismissed by the learned High Court and the convictions and sentences awarded to the petitioner by the learned trial Court were upheld and maintained.

2. Arguments heard. Record perused.

3. As per brief allegations levelled in the FIR, on 06.03.2013, at about 3.00 p.m, the complainant party was present at their showroom situated near the taxi stand at Adalat Road, Quetta. In the meanwhile, Laiq Shah (petitioner), while armed with pistol along with Ibrahim Shah (co-accused since P.O) and Shahzad (co-accused since P.O), who were also armed with pistols and three (03) unknown accused came at the spot. Laiq Shah (petitioner), Ibrahim Shah (co-accused since P.O) and Shahzad (co-accused since P.O), made firing at the bodies of Haji Luqman (deceased), Humayun (PW-2) and Babar Zai (PW-3). Haji Luqman later on succumbed to the injuries.

4. We have noted that a joint role of firing at the deceased and the injured PWs was attributed to Laiq Shah (petitioner), Ibrahim Shah (co-accused since P.O) and Shahzad (co-accused since P.O). According to the medical evidence, there was only one (01) injury on the body of Haji Luqman (deceased). As mentioned earlier, the said

single injury on the body of the deceased was not specifically attributed to Laiq Shah (petitioner) rather the same was jointly assigned to three (03) accused. Under the circumstances, it is not determinable that as to who out of the abovementioned three (03) accused caused the said single injury on the body of the deceased and as such there is a doubt in the prosecution story qua the involvement of Laiq Shah (petitioner), in this case. Reference in this context may be made to the judgment reported as "Farman Ali and 3 others v. The State" (PLD 1980 Supreme Court 201), wherein at page No.205, this Court has held as under:-

".....The fact that the deceased was found to have suffered seven inlet wounds, three of them in his left Knee joint, one on his left elbow, two in his abdomen and one in backward direction to his right superior iliac spine, the inlet -size of all of which is said to be the same, would go a long way to show that this could as well be the work of a single person and not of the three appellants. There is no evidence on the record to show, however, as to which one of the three had caused him the said injuries, therefore, no option is left but to hold that the prosecution has failed to bring home its case against any one of the appellants.

5. Likewise, no specific injury on the bodies of the injured PWs of this case namely Humayun (PW-2) and Babar Zai (PW-3), was assigned to the present petitioner. A joint and general role was attributed to the petitioner and his two co-accused of causing injuries on the bodies of the injured witnesses of this case.

6. It is further noteworthy that no weapon of offence was recovered from the possession of the petitioner during the course of investigation of this case and as such the joint allegation levelled against Laiq Shah (petitioner) that he along with his two (02) co-

accused caused injuries on the body of the deceased and injured PWs, with firearm has not been corroborated by the recovery of the weapon of offence.

7. As per contents of the FIR, the motive behind the occurrence was an old enmity between the parties. Even the motive was jointly alleged against the petitioner and his two co-accused. A vague and ambiguous motive regarding old enmity was alleged in the contents of the FIR and no detail of the said enmity was given therein. However, Haji Abdul Razzaq (PW-6), had stated during his cross-examination that his daughter was married with the nephew of the petitioner, who was son of Ibrahim Shah (co-accused since P.O) and his daughter was murdered by the accused party. Admittedly the daughter of the complainant was not married with the son of the present petitioner. The complainant himself admitted in his cross-examination that Laiq Shah (petitioner), was let of by the police in the above-referred earlier case, which shows that the petitioner was not found involved in the said earlier case by the police. Under the circumstances, there was no motive with the petitioner to commit the occurrence.

8. It is lastly argued by the learned State Counsel that the petitioner remained an absconder in this case, which also corroborates the prosecution case. In this respect, it is well settled by now that when a person is named as a murderer in a case, whether rightly or wrongly, he usually becomes scared and tries to conceal himself in order to avoid possible police torture and detention, therefore, mere abscondence of an accused by itself is not sufficient to maintain his conviction and sentence in absence of other reliable evidence. Reference in this context may be made to the

judgments reported as "Liaqat Hussain and others v. Falak Sher and others" (2003 SCMR 611) and "Rahimullah Jan v. Kashif and another" (PLD 2008 Supreme Court 298).

9. Keeping in view all the aforementioned facts, we have come to this irresistible conclusion that the prosecution has failed to prove its cases against the petitioner beyond the shadow of doubt. It is by now well settled that if there is a single circumstance, which creates doubt in the prosecution case then the same is sufficient to acquit the accused, whereas the instant case is replete with number of circumstances, which have created serious doubts in the prosecution story. Reference in this context may be made to the judgments reported as "Tariq Pervez Vs The State" (1995 SCMR 1345) and "Muhammad Akram Vs The State" (2009 SCMR 230). Consequently, this petition is converted into an appeal and allowed. The judgments dated 31.03.2020 and 08.10.2019, of the learned High Court and the learned trial Court, respectively are hereby set aside. The petitioner is acquitted of the charges while giving him the benefit of doubt. He shall be released from the jail forthwith unless required to be detained in any other case.

Islamabad, the
13th of November, 2025
Approved For Reporting
Aitzaz