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**Judgment Sheet**

**IN THE LAHORE HIGH COURT, MULTAN BENCH,**

**MULTAN**

(JUDICIAL DEPARTMENT)

**Criminal appeal No. 445 of 2013**

*Allah Rakkha VS. The State & another*

**JUDGMENT**

<b>Date of Hearing</b>	05.10.2021
<b>For appellant</b>	In person
<b>Complainant by</b>	Nemo
<b>State by</b>	Mr. Muhammad Laeeq-ur-Rehman Assistant District Public Prosecutor

Mohammad Riaz/respondent No.2 (*complainant/Pw-1*) by filing the private complaint, on 04.01.2011, against Allah Rakkha (*appellant*), Khuda Bakhsh, Ghulam Shabbir, Allah Bakhsh, Muhammad Bakhsh and Ali Mohammad maintained that he was the resident of Chak<sup>1</sup> No.166/10R Sialan Wala; Ahmad Khan alias Baggu (*deceased*) was his real brother; Rajjad (*Pw-2*)/his brother-in-law (*Behnoi*) was also residing in the same Chak; Ahmad Khan used to have dinner at the house of Rajjad; at about 09:00 pm in between 24/25.07.2010, Rajjad (*Pw-2*) and Khuda Bakhsh (*Pw-3*) came to Ahmad Khan at his '*Ahata*<sup>2</sup>' and offered him the food; at that occasion all accused (*except Ghulam Shabbir who was involved later on*) were sitting there and they were extending threats to kill Ahmad Khan alias Baggu for the reason that he was having illicit relations with relative of accused; Ahmad Khan refuted the allegations where after, all the accused left his house; Ahmad Khan, then, went to the house of Rajjad for having dinner and ultimately returned to his home; on the following morning Ahmad Khan was not found present at his '*Ahata*' and at that occasion Rajjad told him/complainant about previous night's incident; they had been searching Ahmad Khan till late night; it was 26.07.2010, at about 07:00 am, when they were in search of Ahmad Khan, they met Allah Rakkha and when they inquired from him, he/Allah Rakkha started running but he was apprehended by

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<sup>1</sup> A locality

<sup>2</sup> A place for residence

them; Allah Rakkha (*appellant*) disclosed that they were having suspicion that Ahmad Khan was maintaining illicit relations with Rani Mai, their close relative, so he along with other accused after committing his murder had thrown the dead body in gutter near the 'Ahata'; Allah Rakkha led to that gutter and dead body of Ahmad Khan was found there inside; Allah Rakkha getting a chance was succeeded to escape. Complainant further stated that he got registered FIR No. 323, on 26.07.2010, at Police Station Sadar Khanewal under Sections 302/148/149 PPC and as the Investigating Officer did not record the statements of witnesses showing connivance with accused, so it compelled him/complainant to file the private complaint.

2. After recording cursory evidence, processes were issued against appellant and his co-accused, who on 09.06.2012 were charged under Sections 302/148/149 PPC for which they pleaded not guilty and demanded their trial.

3. In order to prove its' case, Muhammad Riaz/complainant came in witness box as Pw-1 and he produced Rajjad (*Pw-2*), Khuda Bakhsh (*Pw-3*), Raja Ghulam Farid/draftsman (*Pw-4*), Muhammad Zaheer Ahmad ASI/Moharrar (*Pw-5*), Muhammad Riaz (*Pw-6*), Sajid Ameen (*Pw-7*), Naveed Abbas Constable (*Pw-8*), Muhammad Anwar ASI/author of FIR (*Pw-9*) and Zafar Iqbal Constable (*Pw-10*). The learned trial Court also examined Muhammad Zafar SI/IO (*Cw-1*) and Dr. Javed Iqbal (*Cw-2*).

4. In his examination made under Section 342 Cr.P.C, version of appellant was that case against him was based on concoction; witnesses had deposed falsely; he had purchased 'Ahata' from complainant, who wanted to take it back, so a false case was managed. Appellant opted not to produce defence evidence or to appear in terms of Section 342 Cr.P.C.

5. Appellant is unable to produce his learned advocate. As this appeal pertains to the year 2013, so with the valuable assistance of learned ADPP, I proceed to decide it on the basis of available record.

6. Learned ADPP, while opposing this appeal maintains that although it is a case of circumstantial evidence, but as every piece has been successfully linked with each other, therefore the allegations

leveled against appellant were rightly believed by the learned trial Court; the recovery of dead body at the instance of appellant is a strong piece of evidence, which alone is sufficient to sustain the conviction. He finally argued that there is no occasion for this Court to interfere in a well-reasoned judgment.

**7. HEARD**

8. Prosecution's case is based upon circumstantial evidence. Universally, worth and value of circumstantial evidence always remained an important subject. So, what the circumstantial evidence is, that is to be understood first and then to see the principles governing on this topic. It is defined<sup>3</sup> as under: -

- i. *Evidence of facts or circumstances from which the existence or non existence of fact in issue may be inferred.*
- ii. *The proof of various facts or circumstances which usually attend the main fact in dispute, and therefore tend to prove its existence.*
- iii. *As a series of circumstances leading to the inference or conclusion of guilt, when direct evidence is not available.*
- iv. *It falls short of directly establishing a fact in issue, but which is admissible by reason of its relevance to the fact in issue.*
- v. *A particular set of circumstances may lead to the appropriate inference being drawn.*
- vi. *A theory, supported by a significant quantity of corroborating evidence.*
- vii. *It simply means that when there is no direct evidence of a problem, it's a good idea to look around for any other evidence that might be useful.*

9. Differentiating the direct and circumstantial evidence according to David Ellison<sup>4</sup>: -

*"Sometimes it is easier to understand the difference with an example. If your brother comes to you and says he saw it snow today, then there is direct evidence that it was snowing. If your brother told you that he woke up and saw snow on the ground, then there is circumstantial evidence that it snowed. He did not see*

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<sup>3</sup> <https://dictionary.law.com/Default.aspx?selected=191>  
<https://www.merriam-webster.com/dictionary/circumstantial%20evidence#h1>  
<https://www.britannica.com/topic/circumstantial-evidence>  
[https://uk.practicallaw.thomsonreuters.com/1-586-8085?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/1-586-8085?transitionType=Default&contextData=(sc.Default)&firstPage=true)  
Random House WEBSTERS's unabridged dictionary (2<sup>nd</sup> Edition) page 376  
Words and Phrases by M. Mehmood (First Edition) page 284

<sup>4</sup> David Ellison is a criminal defense offence lawyer who is licensed to practice law in Rhode Island, Massachusetts and the Federal District Court of Rhode Island. He has experience handling all ranges of criminal defense cases from misdemeanors to serious felonies in both Rhode Island and Massachusetts. (<https://www.dellisonlaw.com/david-ellison>)

*it snow, but it is a reasonable inference that if there is snow on the ground, it must have snowed<sup>5</sup>*”

10. Dr. Sowed Juma Mayanja<sup>6</sup>, while making comparative analysis of the Common Law and Islamic Law Systems with regard to circumstantial evidence and its admissibility in criminal proceedings, writes that under the Islamic law, circumstantial evidence refers to admissibility of ‘*Alqara’in*’ that is plural of ‘*Alqariinah*’, which literally means connection, conjunction, relation, presumption, inference or indication. According to him in the language of the law, the word ‘*Alqariinah*’ refers to something which surrounds an event and serves as a sign for the existence or non existence of something. Thus, circumstantial evidence and ‘*Alqariinah*’ are both synonymous and refer to circumstances surrounding an event from which an inference can be drawn for existence or non existence of the issue under investigation. The basis of admissibility of circumstantial evidence under Islamic law is found in both the Qur’an and the Sunnah of the Prophet (SAW). He also referred the verses of Holy Quran from “Surat Yusuf” as under: -

*“They said: ‘Our father, we went racing with one another and left Yusuf by our belongings and a wolf devoured him, but you will never believe us even if we speak the truth’. And they brought his shirt stained with false blood. He said: ‘Nay, but your own selves have made up a tale.’”*

11. Elaborating the above verses in the light of circumstantial evidence Dr. Juma further writes that: -

*“These verses are about the story of Prophet Yusuf and his brothers who threw him into a well because of being the most beloved son to their father. After throwing him into the well, they came back in the evening weeping. They told their father that they had left Yusuf guarding their belongings and went racing with one another. As they were away, a wolf came and devoured Yusuf. They brought his shirt stained with false blood to convince their father that the blood was a result of the wolf devouring Yusuf. Their father based on circumstantial evidence to disprove their tale as he looked at Yusuf’s un-torn shirt and said “When did the wolf become so intelligent so as to remove Yusuf’s shirt un-torn before devouring him?” that is why he said, “Nay but your own selves have made up a tale”.*

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<sup>5</sup> <https://www.dellisonlaw.com/what-is-the-difference-between-direct-and-circumstantial-evidence>

<sup>6</sup> <https://scholar.google.com/citations?user=z0OysxMAAAAJ&hl=en>

**12.** Quoting further Surat Yusuf, he wrote that: -

*“Yusuf and the woman raced towards the door one behind the other and she tore his shirt from behind. In the process they met her husband at the door. On seeing him she cried out, ‘what punishment does one deserve who shows evil intentions towards your wife? What else than he should be put in prison or tortured with painful torment’. Yusuf said, “It was she that seduced me”. At this moment, a witness of her own folk testified saying, “if his shirt is torn from the front, then her tale is true and he is a liar, but if his shirt is torn from the back then she has told a lie and he is speaking the truth”. When her husband saw Yusuf’s shirt torn at the back, he said: “Surely it is a plot of you woman, certainly mighty is your plot”.*

**13.** The above verses are about the story of ‘Prophet Yusuf’ and his master’s wife. The woman after closing all the doors of the house, tried to seduce Yusuf into evil. Prophet Yusuf instead refused and rushed to open the door. The woman decided to race with him and pulled him from behind. In the process she tore his shirt from behind. As they reached the door, they found Yusuf’s master. The woman tried to accuse Yusuf of trying to do evil to her, but Yusuf defended himself by counter accusing her that she was the one who was trying to seduce him. As neither of the two had evidence to support his/her claim, a person from among her own folk adduced circumstantial evidence to prove the fact in issue. He said that look at his shirt, if it be that it is torn from the front, then that would be enough evidence for her that Yusuf was trying to do evil to her and as she was trying to defend herself she tore his shirt from the front. But if it be that his shirt is torn from the back, then that would be enough proof for Yusuf that as he was trying to escape from evil, she tried to pull him from behind and as a result his shirt got torn from the back. The master relied on circumstantial evidence of the shirt being torn from the back, to prove that the woman was telling lies, and that is why he said: ‘Surely it is a plot of you women, certainly mighty is your plot’.

**14.** Reverting my discussion that on circumstantial evidence, what the principles are till now settled by the apex court, the formulation thereof is as under<sup>7</sup> : -

- i. Circumstantial evidence may sometimes be conclusive, but it must always be narrowly examined.*
- ii. Circumstances should be ascertained with minute care and caution, before any conclusion or inference adverse to the accused is drawn.*
- iii. The process of inference and deduction involved in such cases is of a delicate and perplexing character, liable to numerous causes of fallacy.*
- iv. This danger points need for great caution in accepting proof of the facts and circumstances, before they are held to be established for the purpose of drawing inferences there from.*
- v. A mere concurrence of circumstances, some or all of which are supported by defective or inadequate evidence, can create a specious appearance, leading to fallacious inferences.*
- vi. It is necessary that only such circumstances should be accepted as the basis of inferences that are, on careful examination of the evidence, found to be well-established.*
- vii. A high quality of evidence is, therefore, required to prove the facts and circumstances from which the inference of the guilt of the accused person is to be drawn.*
- viii. There are chances of fabricating evidence in cases that are based solely on circumstantial evidence; therefore, the court, in such cases, should take extra care and caution to examine the evidence with pure judicial approach on strict legal standards to satisfy itself about its proof, probative value and reliability.*
- ix. When there are apparent indications of possibility of fabricating evidence by the investigating officer in making the case, the court must be watchful against the trap, which may misled to drawing a false inference, and satisfy itself about the fair and genuine collection of such evidence. The failure of the court to observe such care and caution can adversely affect the proper and safe administration of criminal justice.*
- x. The settled approach to deal with the question as to sufficiency of circumstantial evidence for conviction of the accused is this: If, on the facts and circumstances proved, no hypothesis consistent with the innocence of accused can be suggested, the case is fit for conviction on such conclusion; however, if such facts and circumstances can be reconciled with any reasonable hypothesis compatible with the innocence of the*

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<sup>7</sup> **Naveed Asghar & 2 others vs. the State PLD 2021 SC 600** (Referred also *Lejzor Teper v. Queen*, PLD 1952 PC 117, *Fazal Elahi v. Crown*, PLD 1953 FC 214, *Saeed Ahmad v. Muhammad Irfan*, PLD 1986 SC 690, *Hashim Qasim v. State*, 2017 SCMR 986, *Fayyaz Ahmad v. State*, 2017 SCMR 2026, *Siraj v. Crown*, PLD 1956 FC 123, *Nazir Hossain v. State*, 1969 SCMR 388, *Sairan v. State*, PLD 1970 SC 56, *Karamat Hussain v. State*, 1972 SCMR 15, *Saeed Ahmad v. Muhammad Irfan*, PLD 1986 SC 690, *Barkat Ali v. Karam Elahi*, 1992 SCMR 1047, *Ibrahim v. State*, 2009 SCMR 407, *Muhammad Hussain v. State*, 2011 SCMR 1127 and *Imran v. State*, 2015 SCMR 155).

*accused, the case is to be treated one of insufficient evidence, resulting in acquittal of the accused.*

- xi. Circumstantial evidence, in a murder case, should be like a well-knit chain, one end of which touches the dead body of the deceased and the other the neck of the accused.*
- xii. No link in chain of the circumstances should be broken and the circumstances should be such as cannot be explained away on any reasonable hypothesis other than guilt of accused.*
- xiii. Chain of such facts and circumstances has to be completed to establish guilt of the accused beyond reasonable doubt and to make the plea of his being innocent incompatible with the weight of evidence against him. Any link missing from the chain breaks the whole chain and renders the same unreliable and in that event, conviction cannot be safely recorded, especially on a capital charge.*
- xiv. If the circumstantial evidence is found not of the said standard and quality, it will be highly unsafe to rely upon the same for conviction; rather, not to rely upon such evidence will a better and a safer course.*

15. Further study from some of the foreign jurisdictions, on the question of circumstantial evidence and principles thereon, is as under: -

#### **AUSTRALIA**<sup>8</sup>

- i. Circumstantial evidence is very often the best.*
- ii. In order to convict, the only rational conclusion to be drawn from the circumstances is the guilt of accused.*
- iii. It is essential that the circumstances should to a moral certainty actually exclude every hypothesis but the one proposed to be proved.*
- iv. Circumstantial evidence is to be considered as a chain, and each piece of evidence is a link in the chain, but that is not so, for then, if any one link breaks, the chain would fail.*
- v. Any case of such kind has to be dealt with in the shadow of two contrasted forensic metaphors. The first is the “links in a chain” metaphor. The second is the ‘strands in a cable’ metaphor.*

#### **UNITED KINGDOM**<sup>9</sup>

- i. One strand of a cord might be insufficient to sustain the weight, but three stranded together may be quite sufficient of strength.*
- ii. There may be a combination of circumstances no one of which would raise a reasonable*

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<sup>8</sup> <http://www5.austlii.edu.au/au/journals/NSWBarAssocNews/2011/42.pdf>

<sup>9</sup> <https://publications.parliament.uk/pa/ld200405/ldjudgmt/jd050428/obrien-3.htm>

- conviction, or more than a mere suspicion; but the whole, taken together, may create a strong conclusion of guilty, that is, with as much certainty as human affairs can require or admit.*
- iii. *Circumstantial evidence must always be narrowly examined.*

### **CANADA**<sup>10</sup>

- i. *Circumstantial evidence, assessed in the light of human experience, should be such that it excludes any other reasonable alternative.*
- ii. *Any inferences based on circumstantial evidence must be reasonable, and not speculative. The danger is that speculative inferences can cause a Trier of fact to make a leap of logic, unsupported by the evidence.*

### **INDIA**<sup>11</sup>

- i. *The inference of guilt can be justified only when all the incriminating facts and circumstances are found to be incompatible with the innocence of the accused.*
- ii. *The circumstances have to be proved beyond reasonable doubt and have to be shown to be closely connected with the principal fact sought to be inferred from those circumstances.*
- iii. *The cumulative effect of the circumstances must be such as to negative the innocence of the accused and bring the offences home beyond any reasonable doubt.*
- iv. *All the circumstances should be complete and there should be no gap left in the chain of evidence.*
- v. *The circumstances, from which an inference of guilt is sought to be drawn, must be cogently and firmly established.*
- vi. *Circumstances should be of a definite tendency unerringly pointing towards guilt of the accused.*

16. Even in other jurisdictions the principles are almost the same. So taking into consideration, what has been referred above, it can be safely concluded and compiled that the courts have to be very careful and critical while appreciating the circumstantial evidence. This exercise being delicate needs great care and caution. The reference made earlier, in particular under the Islamic perspective, shows that even the evidence of best persons (*sons of Prophet Yaqoob*) on the touch stone of appreciation of evidence was seen with doubt on first

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<sup>10</sup> <https://mccagueborlack.com/emails/articles/possession.html>

<sup>11</sup> <https://indiankanoon.org/doc/408848/>



presentation. The evidence of the wife of master of Prophet Yusuf, who was the strong in all respect and when no one was there to see the incident, when examined by applying the wisdom, was declared false.

**17.** In the light of above principles, now I proceed to examine and appreciate the prosecution's evidence produced in support of its' case.

**18.** It was the case of prosecution, that all accused while appearing before Muhammad Ramzan and Altaf Hussain made confession that they committed the murder of Ahmad Khan alias Baggu. But during trial, both these witnesses were not produced and given up by the prosecution on the reason that they were won over by the accused. On this score alone it is not difficult to hold that the chain is broken, and its' destruction is in totality.

**19.** It was claimed by Muhammad Riaz/complainant (*Pw-1*) that all accused (*except Ghulam Shabbir*), on 24.07.2010, came to the house of Ahmad Khan (*deceased*) and in clear words threatened to kill him because of his illicit relations with some of their relatives. At that occasion Rajjad (*Pw-2*) and Khuda Bakhsh (*Pw-3*) were also sitting there. This story on the face of it appears to be unnatural and doubtful that in presence of two witnesses, the accused having no fear at all came and extended the threats to take the life of Ahmad Khan. For the sake of arguments, if this narrative is believed, the question is still there that why not the matter was reported to police then and there and similarly, why Muhammad Riaz/complainant was not taken into confidence as according to complainant, he was told in this regard by Rajjad etc. in the following morning, when Ahmad Khan was found missing? For a moment, if it is also acknowledged that in the morning complainant came to know about the incident of previous night, again the challenge shall remain that why the police was not informed immediately thereafter? All the witnesses are silent in this regard therefore the foundation of the case is defective.

**20.** Muhammad Riaz (*Pw-6*) and Sajid Amin (*Pw-7*), when came in witness box, they stated that on 24.07.2010, at about 11/11:30 pm they had seen all the accused standing together near the gutter and when they inquired, accused replied that they were present for discussion on some domestic issue.

**21.** In the village area at about 11/11:30 pm to be present at a place where all accused were also stated to be available, seems to be abnormal. Although in examination-in-chief both the witnesses did not state that from where they were returning however on perusal of their cross-examination, it appears that Muhammad Riaz (**Pw-6**) was having some ailment and he had gone to doctor at Multan with Sajid Amin but they could not successfully prove this fact. According to Muhammad Riaz, he was suffering from stomach problem so for this reason had gone to the doctor. No prescription of the doctor or any other proof was produced by him. Statement of Sajid Amin reveals that he was unable to tell the name of doctor, the details of hospital or the clinic or its location etc.

**22.** Both these witnesses were closely related to the complainant. It cannot be disputed that on 25.07.2010 in the morning they came to know about the missing of Ahmad Khan from his house. If it was so, then why on the same day they did not bother to inform Muhammad Riaz complainant, about the presence of all accused together. This disclosure at that time was much relevant for the reason that on previous night, accused had extended threats to eliminate Ahmad Khan and in the morning he was found missing. Presuming that they did not deem it proper, even then prosecution cannot come out of another test that why, immediately after the recovery of dead body from same gutter where they had seen the accused, they did not disclose it to complainant and why they opened their mouths after the funeral prayer of the deceased was over?

**23.** In view of above by disbelieving both Muhammad Riaz and Sajid Amin this court declares that prosecution lost another hook of the chain.

**24.** Finally coming to the story of prosecution about apprehending Allah Rakkha (**appellant**) and recovery of dead body at his instance, when other pieces of evidence have already been disbelieved, this too cannot be relied upon on many additional reasons. If complainant and two others were succeeded to apprehend the appellant, who got recovered the dead body, how was it possible for him/appellant to escape? In his examination-in-chief Muhammad Riaz/complainant

(Pw-1) did not disclose the time, when the dead body was recovered however, in cross-examination the time he told was 07:00/08:00 am. He further maintained that information was provided to police, who arrived at crime scene at 10:00 am. Similarly Rajjad (Pw-2) was silent about the time of recovery of dead body in his examination-in-chief however, in cross-questioning, he responded that at about 09:00 am they meet appellant, who fled away but was apprehend, which means that dead body was recovered after 09:00 am. Khuda Bakhsh (Pw-3) in cross-examination answered that the complainant informed the police at about 09:30/10:00 am. Naveed Abbas Constable (Pw-8), who had escorted the dead body to hospital in his cross-examination, replied that they left the police station at about 08:00/09:00 am and he received the dead body at about 10:00 am. Finally, version of Muhammad Zafar SI/O (Cw-1) in this context was that they arrived at crime scene at 08:00 am.

**25.** Above serious contradictions about the meeting of appellant with the witnesses, information to police and arrival of the investigating officer at crime scene are serious in nature hence cannot be overlooked. If the complaint (PC) is examined, it shows that it was completed at 08:00 am that means the police arrived at crime scene much earlier to that. If it was so, how the statement of Muhammad Riaz (Pw-1) can be believed who stated that police came there at about 10:00 am. So, Prosecution even here is at loss of another link of chain.

**26.** About the medical evidence, it is observed that the post mortem examination in fact was conducted by Dr. Sajid Amin who had gone abroad, therefore, post mortem report (Cw-2/A) through secondary evidence was proved by Dr. Javed Iqbal (Cw-2). As referred earlier the complaint (PC) was completed at 08:00 am and immediately thereafter dead body was sent to hospital for post mortem examination. Naveed Iqbal Constable (Pw-8) was the one who escorted the dead body to hospital that was at a distance of about 10-kilometres. He categorically stated that he received the dead body at 10:00 am and reached the hospital within an hour. It means that the dead body was in hospital at 11:00 am. This position is in serious contrast on examination of post mortem report, where in the relevant column the time of receiving the

dead body is recorded 02:00 pm. It is a case of circumstantial evidence and every piece of evidence has to be analyzed in a critical way therefore this variation cannot be left unattended or answered in favour of prosecution.

27. The post mortem examination of deceased was conducted at 03:00 pm, which is further challenge for prosecution but with no answer that if the dead body was in the hospital at 11:00 am, why the autopsy was delayed. In “Khalid alias Khalidi & 2 others vs. The State 2012 SCMR 327”, the incident took place at 02:00 am, FIR was recorded at 04:00/05:00 am and post mortem examination was conducted at 03:00 pm i.e. after about ten hours. It was held that this fact clearly shows that FIR was not lodged at the given time. In “Irshad Ahmed vs. the State 2011 SCMR 1190” post-mortem examination was conducted with a noticeable delay. The apex court held that delay was suggestive of a real possibility that time had been consumed by the police in cooking up a story for the prosecution.

28. All other accused of the case including Ghulam Shabbir, who was involved on the basis of supplementary statement, were acquitted from the case on the basis of same impugned judgment. If initial story of coming of accused at the house of deceased and threatening to kill him and the next episode of their presence near the gutter has been disbelieved, how the same evidence can be relied upon qua the appellant?

29. These are the settled principles of law that it is the burden of the prosecution to prove its case against the accused beyond reasonable doubt; this duty remains throughout and does not shift to the accused, who is only burdened to prove a defence plea, if he takes; in case of failure to discharge, its responsibility, the accused shall be entitled for benefit of doubt, not as a matter of grace but as a matter of right<sup>12</sup>.

30. This takes me to the ultimate conclusion that under no circumstance, prosecution was able to prove its case beyond reasonable doubt against appellant and the learned trial court without applying judicial mind to the facts and circumstances of the case and

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<sup>12</sup> Rehmat alias Rhaman alias Waryam alias Badshah vs, The State PLD 1977 SC 515 Nasrullah alias Nasro vs. The State 2017 SCMR 724, Abdul Majeed vs. the State 2011 SCMR 941

by ignoring the settled principles for appreciation of circumstantial evidence, wrongly relied the prosecution's version, hence the conviction of appellant cannot sustain.

**31.** Summing up the deliberations made above, this Criminal Appeal is allowed, while reserving the impugned judgment dated 17.09.2013. Allah Rakkha/Appellant is acquitted from the case. He is on bail and his surety is discharged from terms and conditions of bail bonds.

**(Sohail Nasir)**  
**Judge**

Afzaal

**APPROVED FOR REPORTING**

**(JUDGE)**