

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Umar Ata Bandial

Mr. Justice Qazi Muhammad Amin Ahmed

**Criminal Petition No.258 of 2020**

*(Against judgment dated 06.02.2020 passed by the  
Lahore High Court Lahore in CrI. Misc. No.4879-  
B/2020)*

***Muhammad Jahangir Afzal***

*...Petitioner(s)*

**Versus**

***The State through P.G. Punjab & another***

*...Respondent(s)*

For the Petitioner(s): Mr. Shamim-ur-Rehman Malik, ASC  
Syed Rifaqat Hussain Shah, AOR

For the State: Mr. Ahmed Raza Gillani  
Addl. Prosecutor General Punjab  
with Abdul Ghani, SI

For the Complainant: In person

Date of hearing: 28.04.2020.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.-** Adnan Ahmed, 26, was shot dead at 8:30 p.m. on 22.8.2019 within the remit of Police Station Ferozwala, District Sheikhpura; Muhammad Tariq PW survived the assault; incident was reported by deceased's mother Talat Gulzar through written application wherein Rohail son of Gulzar accompanied by an unknown assailant was blamed for the assault without reference to motive for the crime; she inducted the petitioner as accused through supplementary statement purportedly recorded on 23.08.2019, in line with even dated statements of her brother Shafqat and daughter Sobia, acclaimed witnesses of the incident. Muhammad Tariq, injured PW, through statement dated 26.8.2019 took the petitioner on board as well, though in a manner, diametrically different. According to Muhammad Tariq PW, he alongside the deceased was surprised by the petitioner and Rohail co-accused, riding a motorbike, while they were present in the lane during load shedding; complainant as well as the witnesses named in the crime report are conspicuous by their absence; they are substituted by Tariq's sister

Shamim Akhtar; retracting therefrom, he ditched the prosecution on 08.11.2019 by substituting the petitioner with an unknown assailant who accompanied the nominated co-accused.

2. Heard. Record perused.

3. Seemingly there is no consensus between the complainant and the injured on the identity of the petitioner; even subsequently assigned role to the petitioner is not shared by the Investigating Officer who merely depicted his presence at the crime scene in a manner incompatible with witnesses' narrative. Evidential value of supplementary statements with the possibility of a space to reconcile differences between the witnesses is an exercise that can be best undertaken after recording of evidence and as such petitioner's culpability for the present is squarely covered by subsection 2 of section 497 of the Code of Criminal Procedure 1898; a case for grant of bail stands made out. Criminal Petition is converted into appeal and allowed; petitioner shall be released on bail subject to his furnishing bond in the sum of Rs.500,000/- with one surety in the like amount to the satisfaction of the learned trial Court/duty Judge.

**Judge**

**Judge**

Islamabad, the  
28<sup>th</sup> April, 2020  
Not approved for reporting  
Azmat/-