

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Faisal Arab
Mr. Justice Qazi Muhammad Amin Ahmed

Jail Petition No.1 of 2016

*(Against judgment dated 02.11.2015 passed by the
Lahore High Court Lahore in Crl. Appeal No.243 of
2011 & M.R. No.133 of 2011)*

Arfan Akram

...Petitioner(s)

Versus

The State

...Respondent(s)

For the Petitioner(s): Nemo

For the State: Mr. M. Usman,
Deputy Prosecutor General Punjab

Date of hearing: 03.03.2020.

JUDGMENT

Qazi Muhammad Amin Ahmed, J.- Irshad Bibi, 62, was shot dead at 11:00 a.m. on 26.1.2009, outside the threshold of her home, located within the precincts of Police Station Tandlianwala, District Faisalabad by Irfan Akram, petitioner, no other than her son-in-law; incident was reported 11:45 p.m. at the spot by her son Shakil Ahmed (PW-7). It was alleged that armed with a .30 caliber pistol, the petitioner persuaded the deceased to sell her residential enclave to apportion the proceed thereof with him; she declined the suggestion at the cost of her life. Arrested on 27.10.2009, the petitioner pursuant to a disclosure led to the recovery of a .30 caliber pistol, found wedged with the casing secured from the spot, dispatched for forensic analysis earlier to his arrest. A learned Additional Sessions Judge vide judgment dated 3.2.2010 returned a guilty verdict; he was sentenced to death under clause (b) of Section 302 of the Pakistan Penal Code, 1860; altered by the High Court into imprisonment for life vide impugned judgment dated 2.11.2015, *vires* whereof are being

assailed through a jail petition, filed with a delay of 23 days, condoned with a view to ensure safe administration of criminal justice.

2. We have examined the entire record with the assistance of the learned Law Officer to discover that the incident was reported with a remarkable promptitude. Occurrence took place at 11:00 a.m, reported to the police 45 minutes thereafter; autopsy conducted at 5:00 p.m. cannot be viewed as delayed; durations mentioned therein synchronize with the point of time reflected in the crime report. Shakil Ahmed (PW-7), deceased's real son and inmate of the same premises is a natural witness by all standards; his evidence is duly corroborated by Munawar Hussain (PW-8). On all the salient features of the case as well as details collateral therewith, we have found them consistent, straightforward and confidence inspiring; even otherwise, seemingly they do not have an axe to grind. On the contrary, petitioner being a brother-in-law could not be conceivably swapped as a scapegoat. Forensic reports are in the positive. Solitary fire shot is consistent with the weapon recovered and found wedded with the casing dispatched before arrest. Petitioner's absence from law for a considerable span of time heavily militates against the position taken by him during the trial; his wife Raheela Bibi, a common link with the deceased, was the best person to vindicate his position; she is conspicuous by her absence from the scene. Prosecution successfully drove home the charge to the hilt and we have not been able to find out any space to admit any hypothesis other than petitioner's guilt. Scales are in balance with wages conscionable in circumstances. Petition fails. Leave declined.

Judge

Judge

Islamabad, the
3rd March, 2020
Not approved for reporting
Azmat/-

