

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

**PRESENT:**

Mr. Justice Sardar Tariq Masood  
Mr. Justice Mazhar Alam Khan Miankhel  
Mr. Justice Qazi Muhammad Amin Ahmed

**Criminal Appeal Nos.324 & 325 of 2021**

*(Against the judgment dated 24.10.2017 passed by the Lahore High Court  
Lahore in Cr.A. No.962-J/2012)*

***Shah Zaib & another***

*(in Cr.A. 324/2021)*

***Bilawal***

*(in Cr.A. 325/2021)*

*...Appellant(s)*

**Versus**

***The State***

*(in both cases)*

*...Respondent(s)*

For the Appellant(s):

Barrister Salman Safdar, ASC

*(in Cr. A. 324/2021)*

Syed Rifaqat Hussain Shah, ASC

*(in Cr. A. 325/2021)*

For the State:

Mirza Abid Majeed,

Deputy Prosecutor General Punjab

For the Complainant:

Mr. Akram Gondal, ASC

Mr. M. Sharif Janjua, AOR

Date of Hearing:

17.02.2022.

**JUDGMENT**

**Qazi Muhammad Amin Ahmed, J.:-** Bilawal son of Muhammad Boota, Shahzaib son of Muhammad Saeed and Shamshad Begum wife of Muhammad Saleem impugn, through leave of the Court, judgment dated 24.10.2017 by a learned Division Bench of the Lahore High Court Lahore whereby guilty verdict returned to them by the learned Judge Anti-Terrorism-II, Gujranwala was upheld albeit with minor modification.

2. According to the prosecution, set up on the complaint of Irfan Saeed (PW-6), his brother Farhan Saeed (PW-7) left home for his factory in a car on 24.11.2014, spotted shortly whereafter by the complainant at G.T. Road. Upon query, from amongst the people gathered around, Muhammad Akbar (PW-8) and Adeel Saad (given up) informed the complainant that the appellants along with the fourth companion intercepted Farhan Saeed and whisked him towards Lahore in their car. According to the complainant, he found

a chit lying in the car demanding ransom of rupees one crore. The incident was reported to the police at 1:45 p.m. pursuant where to, a police contingent chased the suspects and engaged them near Poll 170 North on the Motorway. The accused resisted the contingent and in exchange of fire, one of them Nadeem received fire shots and succumbed to his injuries in the hospital. The abductee, in handcuffs, was rescued while the appellants were arrested at the spot.

The appellants claimed trial, pursuant where to, prosecution produced a number of witnesses; of them, Irfan Saeed (PW-6), Farhan Saeed, (PW-7) and Muhammad Akbar (PW-8) are prominent in the array; in a unison, the witnesses reiterated the prosecution case with details of events subsequent thereto. According to the accused, the abductee was teasing women at Morr Emanabad that ignited a situation there, subsequently graduated into a fake police encounter maneuvered by the alleged abductee to settle a score over a monetary dispute with Nadeem deceased. Unimpressed by the plea, the learned trial Judge convicted and sentenced the appellants as under:

*“U/s 365-A PPC*

*Imprisonment for life to the each convict and the whole property of the each convict shall also liale to be forfeiture in favour of the State*

*U/s 7(e) ATA*

*Imprisonment for life to the each convict and the whole property of the each convict shall also liale to be forfeiture in favour of the State*

*U/s 337-A(i) PPC*

*Imprisonment for one year RI to each convict alongwith payment of amount of Rs.10000/- as Daman to the victim*

*U/s 337-F(i) PPC*

*Imprisonment for one year RI to each convict alongwith payment of amount of Rs.10000/- as Daman to the victim”*

The High Court viewed the trial Court's judgment with approval, however, set aside appellants' sentences recorded under sections 337 A(i), F(i) PPC on account of composition signified by the injured/ abductee.

3. Learned counsel for the appellants contend that occurrence did not take place in the manner as alleged in the crime report; that presence of Shamshad Begum with a minor child in her lap suggests a scenario diametrically inconsistent with the hypothesis of abduction for ransom. Conceding partial composition, the learned counsel, nonetheless, has strenuously argued that story of a readily available written-note requires a pinch of salt. Totality of

circumstances relied upon by the prosecution itself unmistakably suggest that the prosecution did not come up with a whole truth. Alternately, he has argued that at the most a case of abduction simpliciter is made out and that he would be more than satisfied with a corresponding modification in the conviction. The learned Law Officer has defended the impugned judgment; he argued that the appellants were arrested red-handed and the abductee, in handcuffs, was rescued shortly after he was taken away on a gunpoint, from the car with one of the appellants on wheel.

4. Heard. Record perused.

5. Appellants' red-handed arrest, notwithstanding, a female with a child in their company with handcuffed abductee on board the vehicle, overtaken by the police contingent shortly after registration of a case straight at a police station, compounded by violent death of one of the captors, nonetheless, does not allow a space to throw out the prosecution case on the basis of grounds agitated at the bar. However, argument that the prosecution does not possess enough evidence to conclusively hypothesize the story of abduction for ransom, is not entirely beside the mark inasmuch as mere reliance upon a hand-written note in the abandoned vehicle, that too, in an encounter, seemingly unanticipated, and events subsequent thereto are the factors more vividly spelling out abduction rather simpliciter than the one calculated to fetch ransom. On appraisal of entire evidence, we are inclined to partially allow the appeals by converting appellants' conviction from section 365-A to section 365 PPC and sentence them with 7-years RI with a direction to pay fine in the sum of Rs.50,000/- each or to undergo six months SI in default thereof; pre-trial period inclusive. Convection under section 7(e) of the Anti Terrorism Act, 1997 is set aside with consequences concomitant thereof. Appeals partly allowed.

**Judge**

**Judge**

**Judge**

Islamabad, the  
17<sup>th</sup> February, 2022  
Azmat/-