

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

Mr. Justice Mushir Alam

Mr. Justice Yahya Afridi

Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.923 of 2020

(Against the order dated 22.07.2020 passed by the Lahore High Court Lahore in Crl. Misc. No.28210-B/2020)

Muhammad Ashraf

...Petitioner(s)

Versus

The State & another

....Respondent(s)

For the Petitioner(s):

Mr. Javed Imran Ranjha, ASC
Syed Rifaqat Hussain Shah, AOR

For the State:

Rana Abdul Majeed,
Addl. Prosecutor General Punjab with M.
Riaz, SI P.S. Civil Lines, M.B. Din.

For the Complainant:

Mr. Khadim Hussain Qaiser, ASC

Date of hearing:

22.09.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Muhammad Arif, 52, was shot dead at 2:55 p.m. on 11.12.2019, in front of District Courts, within the precincts of Police Station Civil Lines Mandi Bahauddin, shortly after attending court proceedings while awaiting public transport along with Gul Muhammad, Bashir Ahmed, Tariq Mehmood and Faiz Ahmed, PWs; Tariq Mehmood, deceased's real brother lodged the report with the police and blamed Khawar Riaz, Atif Nawaz, Muhammad Zubair and Khizar Hayat accompanied by two unknown assailants, with multiple fire shots to the deceased on the instigation of Riaz Ahmad, Muhammad Ashraf son of Ghulam Rasool and Armaghan Asim. Past blood feud is cited as motive for the crime. Autopsy revealed three independent entry wounds while an exiting projectile re-entered the body again with a corresponding exit. Barring Muhammad Zubair, attributed a fire shot to Gul Muhammad PW, remainder of the accused were assigned shots to the deceased. Khizar Hayat co-accused, assigned a specific shot to the deceased, was exonerated during the course of investigation and granted pre-arrest, without challenge by the complainant. The petitioner emerged in the array as one of the unknown assailants; arrested on 25.01.2020 under section 54 of the Code of Criminal Procedure 1898, he alongside Zishan Wali and Muhammad Iftikhar was identified by the

witnesses in a test identification parade held on 28.01.2020 as a hired assassin engaged by the co-accused to prosecute their object.

2. Heard. Record perused.

3. Be that as it may, the petitioner was not initially named in the crime report; he has been picked with two others by graduating the number of unknown assailants to three, who according to the complainant had also effectively targeted the deceased, medically found to have three entry wounds, individually assigned to the nominated accused. These circumstances, result of the test identification parade notwithstanding, nonetheless, squarely bring petitioner's case within the remit of subsection 2 of section 497 of the Code *ibid* as attribution belatedly assigned to him does not correspond both with the findings recorded by the Medical Officer as well as the number of unknown assailants mentioned in the crime report. In this backdrop, his alleged culpability of being a paid participant in the crime can be best settled after recording of evidence. Criminal Petition No.923 of 2020 is converted into appeal and allowed; petitioner/appellant shall be released on bail upon 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

Judge

Islamabad, the
22nd September, 2020
Not approved for reporting
Azmat/-

