

IN THE SUPREME COURT OF PAKISTAN
(Review Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial

Mr. Justice Qazi Muhammad Amin Ahmed

Jail Petition No.255 of 2017

(Against judgment dated 23.01.2017 passed by the Lahore High Court Multan Bench Multan in Criminal Appeal No.706 of 2011 along with M.R. No.5 of 2011)

Nasir Abbas alias Nasiri

...Petitioner(s)

Versus

The State

...Respondent(s)

For the Petitioner(s):

Mr. Muhammad Sharif Janjua,
ASC/AOR

For the State:

Mr. Ahmed Raza Gillani
Addl. Prosecutor General Punjab

Date of hearing:

27.04.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Nasir Abbas *alias*

Nasiri, tried alongside acquitted co-accused for homicide, was returned a guilty verdict by the trial Court *vide* judgment dated 30.04.2011, upheld, albeit with alteration of death penalty, *vide* impugned judgment dated 23.01.2017, *vires* whereof, are being assailed through Jail Petition No.255 of 2017, barred by 41 days, condoned in the interest of justice. It is alleged that on the fateful day i.e. 07.08.2008, within the precincts of Police Station Saray Sidhu District Khanewal, with a view to restrain him from deposing in a murder case, he repeatedly shot Muhammad Aslam, deceased, accompanied by companions that included his son Muhammad Aamir PW; co-accused were blamed for conspiracy as well as facilitation.

Mr. Muhammad Sharif Janjua, ASC, at State expense, contends that there is inordinate delay between the occurrence and postmortem examination, suggesting the incident being an un-witnessed affair, details whereof, were discovered and deliberated subsequently; while highlighting the role assigned to the acquitted co-accused, he argued that though somewhat inconsequential, nonetheless, was indivisible inasmuch as two of them had allegedly clutched the deceased before he

was repeatedly shot on the opposite sides of his body and, thus, prosecution's failure qua the co-accused goes a long way to tremor the entire structure; he has further referred to massive improvements in graduation of number of accused as well as manner of occurrence to argue that it would be unsafe to maintain the conviction particularly in the backdrop of ongoing blood feuds *inter se* the parties. Leave to appeal is granted to appraise entire evidence to ensure safe administration of criminal justice.

Judge

Judge

Islamabad, the
27th April, 2020
Not approved for reporting
Azmat/-