

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

**PRESENT:**

MR. JUSTICE SYED HASAN AZHAR RIZVI  
MR. JUSTICE MALIK SHAHZAD AHMAD KHAN

**Jail Petition No.286 of 2020**

*(On appeal against the judgment dated 23.05.2015 passed by the Lahore High Court, Lahore in Criminal Appeal No.409-J/2012)*

Jahangir alias Jangu

...Petitioner(s)

**Versus**

The State

...Respondent(s)

For the Petitioner(s):      Mr. Rehan Iftikhar, ASC

For the State:              Mr. Sajjad Hussain Bhatti, DPG, Punjab

Date of Hearing:              03.09.2025

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**JUDGMENT**

**MALIK SHAHZAD AHMAD KHAN, J.**- Jahangir alias Jangu, petitioner, was tried under the Juvenile Justice System Ordinance by the learned Additional Sessions Judge, Faisalabad, pursuant to a case FIR No.864/2010, dated 27.06.2010, under sections 302, 394, 411 PPC, registered at police station Factory Area, District Faisalabad. The learned Trial Court vide its judgment dated 22.10.2012, convicted the petitioner under Section 302(b) PPC and sentenced him to imprisonment for life as Tazir. He was also directed to pay compensation amounting to Rs.2,00,000/- to the legal heirs of the deceased as envisaged under section 544-A Cr.P.C. The petitioner was also convicted under section 392 PPC and sentenced to six (06) years rigorous imprisonment with fine of Rs.20,000/- and in default whereof to further undergo simple imprisonment for three (03) months. Charge to the extent of section 392 PPC, was amended. Benefit of Section 382-B Cr.P.C. was also extended in favour of the petitioner. In appeal, the

learned High Court while maintaining the convictions and sentences of the petitioner under Section 302(b)/392 PPC, dismissed the appeal filed by the petitioner vide impugned judgment dated 23.06.2015.

2. Arguments heard. Record perused.

3. As per contents of the FIR, Mushtaq Ahmad complainant (PW-5), was a retired employee of Ayub Research Center. On 26.06.2010, at about 9.30 p.m, the complainant along with his son namely Usman Umar (deceased), was coming back from the city towards their house on a motorcycle bearing registration No.08-FDM-9283 and when they reached at Abbaspura road near Darbar graveyard, Jahangir alias Jangu petitioner while armed with a 30-bore pistol along with Imran and Umar Daraz (co-accused since tried separately) while armed with 30-bore pistols emerged at the spot. they intercepted the complainant and his son and asked them to hand over their articles, whereupon Usman Umar (deceased), offered resistance. At this juncture Jahangir alias Jangu (petitioner), made a fire shot with his pistol, which landed on the right side of abdomen of Usman Umar (deceased), who fell on the ground in injured condition. The accused persons snatched the abovementioned motorcycle and a mobile phone from Usman Umar (deceased), whereas cash amount of Rs.300/- and original identity card were snatched from the complainant. Thereafter, the accused persons fled away from the spot. After some time, the emergency service, 1122 reached at the spot and took Usman Umar (deceased) in injured condition to the civil hospital, hence the abovementioned FIR.

4. In order to produce its ocular account, only Mushtaq Ahmad complainant (PW-5), appeared in the witness box. It is true that no other eye-witness has appeared in the witness box but in the contents of the

FIR, it was not stated that any other eye-witness was also present at the place of occurrence at the relevant time. The complainant only stated that after the occurrence, he raised hue and cry, whereupon the people of the area gathered at the spot but the fact remains that he has not named any other eye-witness in the contents of the FIR. Moreover, it is by now well settled that it is the quality and not the quantity of evidence which weighs with the Courts to decide any case, therefore, non-production of any other eye-witness is of no avail to the petitioner.

The presence of the complainant (PW-5) with his real son at the time of occurrence is neither un-natural nor improbable. Although it has been argued by learned counsel for the petitioner that the occurrence took place at the night time and no source of light has been mentioned in the contents of the FIR but it is noteworthy that the complainant has categorically mentioned in the FIR at the time of occurrence he (complainant) and Usman Umar (deceased), were boarding a motorcycle. It is, therefore, obvious that the petitioner was identified by the complainant (PW-5) in the light of motorcycle. Moreover, as per lunar calendar, on 26.06.2010, it was 14<sup>th</sup> of the month of Rajab and the time of moonrise in district Faisalabad was 7.19 p.m, while the time of moonset was 4.39 a.m, whereas the occurrence of this case took place in district Faisalabad at 9.30 p.m, therefore, it is quite evident that sufficient moon light was available at the spot at the relevant time, apart from the light of motorcycle to identify the petitioner at the time of occurrence. The abovementioned eye-witness was cross-examined at length but his evidence could not be shaken. His evidence is confidence inspiring and trustworthy.

5. The medical evidence was brought on the record through Dr. Muhammad Asif Shehzad (PW-3). He conducted postmortem examination on the dead-body of the deceased on 28.06.2010, at 11.00 a.m. Apart from the surgical wounds, he noted a firearm entry wound i.e., injury No.4-A on the right side of lower chest and injury No.4-B as exit wound on the left side of the chest of Usman Umar (deceased).

Learned counsel for the petitioner has argued that as per contents of the FIR, the fire shot made by the petitioner landed on the right side of abdomen of Usman Umar (deceased), whereas according to the medical evidence brought on the record through Dr. Muhammad Asif Shehzad (PW-3), the entry wound i.e., injury No.4-A, was on the right side of lower chest of the deceased and as such there is conflict between the ocular account and the medical evidence qua the role attributed to the petitioner. In this respect, we are of the view that minor variation between the ocular account and the medical evidence regarding the seat of injury as pointed out by learned counsel for the petitioner, is insignificant. It is by now well settled that an eye-witness is not expected to give photo-picture of each and every injury received by the deceased with exactitude, in the state of panic and sensation which develops at the time of occurrence due to the attack and firing of the accused. Reference in this context may be made to the case of "Abdur Rauf vs. The State and another" (2003 SCMR 522). We are, therefore, of the view that there is no substance in the abovementioned argument of learned counsel for the petitioner and the medial evidence has fully supported the ocular account of the prosecution brought on the record through Mushtaq Ahmad complainant (PW-5).

6. The prosecution case against the petitioner is further corroborated by the recovery of motorcycle bearing registration No.08-FDM-9283. The said registration number of the motorcycle of the complainant party was specifically mentioned in the FIR, with the allegation that the petitioner and his co-accused forcibly snatched the said motorcycle at pistol point from the complainant party. The occurrence in this case took place on 26.06.2010, the petitioner was arrested on 30.07.2010 and he got recovered the abovementioned motorcycle on 07.08.2010. Apart from the said motorcycle, the petitioner also got recovered a mobile phone of the deceased, as well as, original identity card of the complainant and Rs.300/-, which he looted during the occurrence. The recovery witnesses of the abovementioned articles namely , Mushtaq Ahmad complainant (PW-5) and Muhammad Anwar SI (PW-10), were cross-examined at length by learned defence counsel but nothing favourable to the petitioner could be brought on the record and as such the prosecution case against the petitioner is further corroborated by the abovementioned recoveries of motorcycle, mobile phone of the deceased, original identity card of the complainant and Rs.300/-, which were looted during the occurrence.

7. As no empty was recovered from the spot, therefore, the learned High Court has rightly observed in paragraph No.13, of the impugned judgment that the recovery of pistol at the pointing out of the petitioner was inconsequential for the prosecution.

8. Keeping in view all the abovementioned facts, we have come to this irresistible conclusion that the prosecution has proved its case against the petitioner beyond the shadow of any doubt.

9. It is lastly argued by learned counsel for the petitioner that the sentences of imprisonment awarded to the petitioner for the charges under sections 302(b) and 392 PPC, may be ordered to run concurrently. In this respect, we have noted that as the abovementioned offences were committed during one and the same occurrence and as the petitioner was tried as a juvenile and he is behind the bars since 30.07.2010, therefore, keeping in view the abovementioned facts, this petition is dismissed and the convictions and sentences awarded to the petitioner for the offences u/s 302(b) and 392 PPC are maintained, however, the sentences of imprisonment awarded to the petitioner, except the sentence of imprisonment due to non-payment of fine shall run concurrently. Benefit of section 382-B Cr.P.C, is also extended to the petitioner.

JUDGE

JUDGE

Islamabad, the  
03<sup>rd</sup> of September, 2025  
Not Approved For Reporting  
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