

IN THE HIGH COURT OF SINDH AT KARACHI

PRESENT:-
Mr. Justice Omar Sial
Mr. Justice Shamsuddin Abbasi

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Criminal Appeal No.265 of 2024
[Confirmation Case No.05 of 2024]
[Bakht Buland son of Abdul Samad v The State]
Criminal Appeal No.248 of 2024
[Babar Khan son of Razeeb Khan v The State]

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Mr. Habib Ahmed, Advocate for Appellant in Criminal Appeal No.265/2024.
Mr. Shah Khan, Advocate in Criminal Appeal No.248/2024 alongwith
appellant Babar Khan.
Mr. Ali Haider Saleem, Additional Prosecutor General [Sindh].
Complainant Muhammad Ashraf present in person.

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Date of hearing **17.09.2026**

Date of Judgment **22.09.2026**

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JUDGMENT

Shamsuddin Abbasi.- J. Bakht Buland and Babar Khan, appellants, have called into question the validity of the judgment dated 21.03.2024, penned down by the learned Additional Sessions Judge-I/Model Criminal Trial Court (MCTC), Karachi East, in amalgamated Sessions Case No.1744 of 2022 (FIR No.775 of 2021) registered at Police Station Jamshed Quarters, for offences under Sections 302, 324, 337-F(vi), 109 and 34, PPC, and Sessions Case No.1707 of 2022 (FIR No.776 of 2021) registered at Police Station Jamshed Quarters, for offence under Section 24 of Sindh Arms Act, 2013, through which they were convicted and sentenced as under:-

69. On the basis of discussion made hereinabove, I am of the view that the prosecution has successfully proved its case against the accused Bakht Buland that he has acted in furtherance of common intention with absconding accused Yousif Rehman and committed murder of Mst. Zaib un Nis and Muhammad Haroon by way of so also injured Muhammad Anwar with intention to kill him while accused Babar Khan has knowingly and having reason to believe that an offence has been committed, intentionally omits to give any information to police or any other concerned person thereby committed an offence punishable u/s201 PPC. Therefore, the accused persons are convicted in the following manner:-

(a) Accused Bakht Buland son of Abdul Samad is convicted for offence punishable u/s 302(b) PPC and sentenced to death. He shall

be hanged from neck till he died. In addition to that accused is required to pay compensation to tune of Rs.10,00,000/- (Rupees Ten Lacs Only) to the legal heirs of the deceased persons u/s 544-A CrPC . Such compensation shall be recoverable as arrears of land Revenue and in payment of default of such compensation, he shall further suffer SI for 6 months.

(b) Accused Bakht Buland is also guilty of offence punishable u/s 324 PPC read with section 34 PPC for committing attempt to kill Muhammad Anwar by way of firing therefore, he is also convicted for an offence punishable u/s 324 PPC and sentenced to rigorous imprisonment for ten years In addition to that the accused is also required to pay compensation to the tune of Rs.100,000/- (Rupees Two Lac Only) to the injured as required u/s 545(b) Cr.P.C. Such compensation shall be recoverable as arrears of land Revenue and in payment of default of such compensation, he shall further suffer simple imprisonment for 6 months. Benefit of Section 382-B Cr.P.C. is extended to the accused.

(c) Accused Bakht Buland is also guilty of offence punishable u/s 337-F(vi) read with section 34 PP for causing bullet injury to Muhammad Anwar therefore, he is convicted for an offence punishable u/s 337-F(vi) PPC and liable to pay daman of Rs.100,000/- as compensation to be paid to the injured so also sentenced him rigorous imprisonment for seven years and in case of non-payment of amount of daman, the accused shall further undergo simple imprisonment for six months. Benefit of section 382-B Cr.P.C. is extended to the accused.

(d) Accused Bakht Buland is also guilty of an offence punishable u/s 24 of SAA 2013 therefore, he is also sentenced to rigorous imprisonment for ten years and fine of Rs.50,000/- (Rupees Fifty Thousand only). In case of default in the payment of fine, the accused shall undergo simple imprisonment for period of six months in addition to substantive sentence. Benefit of section 382-B Cr.P.C. is extended to the accused. The punishment described in para No.(b) to (d) shall run concurrently. Accused Bakht Buland is produced in custody. He is remanded back to jail to serve out the above sentences in accordance with law. Accused Bakht Buland is informed that he may file appeal against death sentence within seven working days. Copy of the judgment is supplied to him free of cost. Office is directed to prepare reference u/s 374 Cr.P.C. to Honourable High Court of Sindh for confirmation of death sentence.

70. Accused Babar Khan is also guilty of offence punishable u/s 201 PPC therefore, he is convicted u/s 201 PPC and sentenced to rigorous imprisonment for a term of seven years and fine of Rs.50,000/- (Rupees Fifty Thousand only). In case of default in the payment of fine, the accused shall undergo simple imprisonment for period of six months in addition to substantive sentence. Benefit of section 382-B Cr.P.C. is extended to the accused. Accused is present on bail. He is taken into custody and remanded to jail to serve out his sentence. The bail bond furnished earlier is cancelled and surety is discharged”.

2. Briefly stated the prosecution case as emerging from the record is that on 13.12.2021 complainant Muhammad Ashraf son of Muhammad Tahir Shah was sleeping in his house situated near Sunehri Masjid, Patel Para, Karachi. It was about 7:00 am when his mother informed him that Bakht Buland, who is complainant's brother-in-law, along with his younger brother Yousif Rehman had arrived at the house and were calling him outside. The complainant came out and requested them to sit down stating that he needed to fresh up, however, Bakht Buland responded "abhi tumhein batata hoon" whereafter both accused took out pistols and started assaulting the complainant. On seeing the occurrence, the complainant's sister Zaib-un-Nisa (Bakht Buland's wife) and his brother Muhammad Anwar came and attempted to intervene and settle the dispute. At that juncture, Bakht Buland and Yousif Rehman opened fire with their respective pistols. One bullet struck Muhammad Anwar on his right ankle whereas two bullets struck Zaib-un-Nisa as a consequence of which both injured persons fell to the ground. The complainant overpowered Bakht Buland and snatched his pistol whereupon both assailants attempted to flee and while they were escaping through the street, Muhammad Haroon, another brother of the complainant, arrived at the scene upon hearing the firing whereupon Yousif Rehman fired at Muhammad Haroon hitting him in the chest as a result whereof he fell on the ground. Thereafter, both assailants fled in a car bearing registration No.ABE-137, which was parked in the street and being driven by Babar Khan, who was already seated at the driving seat. The injured persons were thereafter shifted to Civil Hospital, where Zaib-un-Nisa and Muhammad Haroon succumbed to their firearm injuries during treatment. The complainant subsequently proceeded to Police Station Jamshed Quarters. The police recorded his statement under Section 154, Cr.P.C. and later on incorporated in FIR Book resulting in registration of FIR No.775 of 2021 for offences under Sections 302, 324, 337-F(vi), 109 and 34, PPC. The complainant also handed over to the police the 9mm pistol allegedly snatched from Bakht Buland whereupon a separate case vide FIR No.776 of 2021 was registered under Section 24 of the Sindh Arms Act, 2013. The prosecution attributes the occurrence to a matrimonial dispute between Bakht Buland and his wife Zaib un Nisa particularly concerning their children's maintenance and litigation arising out of the said dispute was already pending before the competent Court.

3. After registration of the FIR, the investigation was set into motion. The police visited the place of occurrence and secured blood-stained earth from the relevant places, three empties of 9mm were recovered from the house and one empty cartridge of 9mm bore from the street on the very day of occurrence. Thereafter, Bakht Buland was arrested from Mansehra Jail, KPK 09.01.2022 where he was confined in connection with another case and was thereafter re-arrested in the present case on 15.01.2021 whereas Babar Khan could not be arrested as he had obtained pre-arrest bail from the competent Court. Upon completion of the investigation, the police submitted separate challans in both cases whereby the appellants were sent up to face trial, whereas Yousif Rehman was shown as an absconder under Section 512, Cr.P.C.

4. The learned trial Court framed a joint charge against the appellants, to which they pleaded not guilty and claimed trial. To substantiate its case, the prosecution has examined complainant Muhammad Ashraf as PW.1 at Ex.10, Muhammad Anwar as PW.2 at Ex.11, Adeela as PW.3 at Ex.12, Muhammad Iqbal as PW.4 at Ex.13, Abdul Razzaq as PW.5 at Ex.14, SIP Abdul Aziz as PW.6 at Ex.15, Dr. Muhammad Arif as PW.7 at Ex.16, Dr. Noor Ahmed as PW.8 at Ex.18, Inspector Farooq Azam as PW.9 at Ex.19, Dr. Zeenat as PW.10 at Ex.21 and investigating officer SIP Shoukat Ali as PW.11 at Ex.22, All of them have produced relevant documents in their evidence and were subjected to cross-examination by the defence. Thereafter, the prosecution closed its side vide statement at Ex.24. The appellants were examined under Section 342, Cr.P.C. at Ex.25 and Ex.26 respectively. Both have denied the allegations imputed upon them by the prosecution, professed their innocence and pleaded their false implication. Babar Khan additionally appeared on oath under Section 340(2), Cr.P.C. at Ex.27 and also examined Gul Nawaz and Abu Bakar as his witnesses at Ex.28 and Ex.29 respectively, however, Bakht Buland neither appeared on oath nor produced any witness in his defence.

5. Upon culmination of the trial and after appreciating the evidence brought on record, the learned trial Court found the appellants guilty of the offences charged with and, thus, convicted and sentenced them as detailed in para-1 (supra), which necessitated the filing of the instant appeals, which involve common questions of fact and law and emanate from the same

judgment, hence the same are being decided together through this common judgment.

6. It is contended on behalf of appellant Bakht Buland that he is innocent and has been falsely implicated in this case with malafide intention and ulterior motives as otherwise he has nothing to do with the alleged offence and has been made victim of the circumstances. It is next submitted that even if the prosecution case is taken at its face value, the allegations against him are general and do not assign any specific fatal shot to him. The prosecution has failed to establish from whose firing deceased Zaib un Nisa sustained injuries which proved fatal. Likewise, according to the prosecution's own case, injured Muhammad Anwar sustained a firearm injury at the hands of absconding accused Yousif Rehman, who is also alleged to have fired upon deceased Muhammad Haroon. No specific allegation of firing upon Muhammad Haroon has been attributed to the present appellant and in absence of any overt act connecting him with either the fatal injury to Muhammad Haroon or the firearm injury to Muhammad Anwar, the appellant could not legally be held liable merely by resort to the principle of common intention. It is argued that the occurrence was the result of sudden provocation and that the prosecution has failed to establish the requisite intention to commit murder. These material deficiencies strike at the very root of the prosecution case and render the appellant's involvement doubtful entitling him to the benefit of doubt and acquittal of the charges. He accordingly prays that the conviction awarded to him may be set aside and the appellant may be acquitted of the charges. In the alternative, it is submitted that even if the conviction for murder is maintained, the capital sentence may be converted into imprisonment for life particularly in view of the absence of any established motive, the appellant being a first offender and the sole bread earner of his family, which circumstances constitute mitigating factors warranting such reduction.

7. Learned counsel appearing for appellant Babar Khan contends that he is innocent and has been falsely implicated in the case. It is next submitted that the prosecution has attributed no specific overt act or firing to him and that his mere alleged presence outside the house in a car in the absence of any direct or corroborative evidence connecting him with the commission of the offence is insufficient to sustain his conviction. The allegations that he

shared a common intention or participated in a conspiracy are unsupported by any independent or substantive evidence. There is also no material showing that the appellant facilitated the commission of the offence or intentionally concealed or caused the disappearance of any evidence so as to attract the provisions of Section 201, PPC. Mere presence at or near the place of occurrence without proof of conscious participation or the requisite knowledge and intention cannot constitute a sufficient basis for conviction under the said provision. Learned counsel, therefore, submits that the conviction under Section 201, PPC is legally unsustainable and liable to be set aside and he deserves to be acquitted of the charge. Alternatively, it is prayed that if the conviction is maintained the sentence of seven years' rigorous imprisonment may be reduced to the period already undergone.

8. Conversely, the learned Additional Prosecutor General has supported the impugned judgment and submitted that the prosecution has proved its case against the appellant by furnishing confidence inspiring evidence which fully establishes their participation in the occurrence. It is next submitted that the ocular account, medical evidence and other attending circumstances are mutually consistent and sufficiently establish the liability of Bakht Buland for commission of offences charged with. The plea of sudden provocation is also without substance. As regards appellant Babar Khan, he submits that his presence outside the house in a car is not a coincidental circumstance but formed part of the prosecution's proved chain of events. He contends that the appellant's role is to be assessed in the light of the entire evidence including his conduct and his association with the principal assailants and not in isolation merely because no firearm shot has been specifically attributed to him. The prosecution sufficiently establishes his conscious participation and the requisite knowledge and intention attracting Section 201, PPC. It is further submitted that the defence pleas regarding false implication and absence of specific overt act are mere assertions unsupported by the record. He, therefore, prays that both appeals, being devoid of merit, may be dismissed and the impugned judgment may be maintained in accordance with law.

9. We have the learned counsel for the respective parties and have gone through the entire evidence available on record as well as impugned judgment with their able assistance.

10. The prosecution case primarily rests upon the ocular account furnished by complainant Muhammad Ashraf (PW.1) and injured eye-witness Muhammad Anwar (PW.2), which receives substantial corroboration from the medical evidence, recovery of the crime weapon, positive report of the Forensic Science Laboratory, recovery of blood stained earth and empties from the place of occurrence and the positive reports of Forensic Division and Chemical Examiner. The evidence of the prosecution witnesses, therefore, cannot be examined in isolation rather, it has to be assessed in the backdrop of the entire chain of circumstances brought on record.

11. The presence of complainant Muhammad Ashraf and injured eye-witness Muhammad Anwar at the place of occurrence is wholly natural and has not been successfully challenged by the defence. Muhammad Anwar himself sustained a firearm injury during the occurrence and was medically examined. His presence, therefore, stands independently established through the medical record. An injured witness ordinarily carries a greater evidentiary value particularly where his presence at the scene is otherwise established and his account finds corroboration from independent circumstances. Nothing material has been extracted from his cross-examination which could render his testimony unreliable or demonstrate that he had any plausible reason to substitute the real culprit with an innocent person.

12. The ocular account is further corroborated by the medical evidence. The injuries sustained by Zaib-un-Nisa, Muhammad Haroon and Muhammad Anwar were firearm injuries and the medical evidence substantially correspond with the manner in which the occurrence has been narrated by the witnesses. The fact that Zaib-un-Nisa and Muhammad Haroon succumbed to firearm injuries during treatment whereas Muhammad Anwar survived is also consistent with the prosecution version. The medical evidence thus provides material corroboration to the ocular account regarding the occurrence and the use of firearm.

13. The prosecution has also established the motive behind the occurrence. The evidence of Muhammad Iqbal (PW.4) coupled with the testimony of Adeela daughter of appellant Bakht Buland and deceased Zaib-un-Nisa establishes that matrimonial dispute existed between Bakht Buland and Zaib-un-Nisa. The evidence further discloses that Bakht Buland had

contracted a second marriage, he was not paying maintenance and litigation arising out of the matrimonial dispute was already pending before the competent Court. Such circumstances provide a clear background for the occurrence and lend further support to the prosecution case. The motive though not by itself sufficient to sustain a conviction assumes significance where it is supported by direct ocular evidence and corroborative circumstances.

14. Another significant circumstance is the recovery of the 9mm pistol from Bakht Buland immediately after the occurrence. According to the ocular account, the complainant overpowered Bakht Buland during the occurrence and snatched his pistol, which was thereafter produced before the police. The weapon was taken into possession through a proper recovery memo and was subjected to forensic examination. The FSL report demonstrates that two of the empties recovered from the place of occurrence were fired from the said pistol. This forensic circumstance provides strong corroboration to the prosecution version that the recovered pistol was used during the occurrence. The recovery cannot, therefore, be treated as an isolated or doubtful circumstance, it forms a connecting link between the ocular account and the physical evidence collected from the scene.

15. The recovery of empties from the place of occurrence, blood-stained earth and other relevant articles further establishes that an occurrence had taken place at the very place and in the manner substantially narrated by the prosecution witnesses. The Chemical Examiner's report also provides corroboration to the recovery of blood-stained clothes and earth material from the place of occurrence. Thus, the medical, forensic and circumstantial evidence forms a coherent chain supporting the core prosecution case. We are conscious that the FSL report itself attributes only two empties to the recovered pistol whereas other empties were not found to have been fired from that weapon, however, such circumstance does not demolish the prosecution case. On the contrary, the positive matching of two empties with the recovered pistol constitutes substantive corroboration of the prosecution version regarding the use of that weapon. The fact that different firearms were allegedly used by the assailants also explains why every empty recovered from the scene could not necessarily have matched the pistol recovered from Bakht Buland.

16. So far as appellant Bakht Buland is concerned, the evidence against him is not confined to a solitary circumstance. His presence at the scene, his participation in the initial assault, the matrimonial motive, the recovery of the 9mm pistol immediately after the occurrence, the positive FSL report connecting that weapon with the empties recovered from the scene, the medical evidence and the testimony of the eyewitnesses collectively establish his participation in the occurrence beyond reasonable doubt. His plea of false implication has remained a bare assertion unsupported by any convincing material. Nevertheless, while appreciating the evidence against Bakht Buland, we have carefully considered the specific attribution regarding the death of Muhammad Haroon and the injury caused to Muhammad Anwar. The ocular account itself attributes the firing upon Muhammad Haroon to absconding accused Yousif Rehman. Likewise, the evidence regarding the injury sustained by Muhammad Anwar does not furnish such an unambiguous and independent attribution of the fatal or injurious shot to Bakht Buland as would safely justify maintaining his conviction for those particular acts. The prosecution has failed to bring on record any cogent and legally admissible evidence establishing beyond reasonable doubt that the shots which resulted in the death of Muhammad Haroon and caused injury to Muhammad Anwar were fired by Bakht Buland. On the contrary, a careful appraisal of the deposition of injured PW.2 Muhammad Anwar read in conjunction with the testimony of the other prosecution witnesses makes it evident that the shots in question were attributed to Yousif Rehman and not to Bakht Buland. Thus, the prosecution evidence itself does not support the attribution of the said firing to Bakht Buland. In these circumstances, his involvement in the murder of Muhammad Haroon and in causing injury to Muhammad Anwar has not been established through reliable and confidence inspiring evidence.

The prosecution has failed to establish beyond reasonable doubt that the shots which caused the death of Muhammad Haroon and the injury to Muhammad Anwar were fired by Bakht Buland. In these circumstances and per deposition of injured PW.2 Muhammad Anwar the possibility that the respective shots were fired by Yousif Rehman cannot be excluded.

17. The position regarding the murder of Zaib-un-Nisa, however, stands on a different footing. The prosecution evidence viewed cumulatively

establishes Bakht Buland's presence, his active participation in the occurrence, the subsisting matrimonial dispute constituting motive, the use and recovery of the firearm associated with him and the corresponding forensic and medical evidence. The ocular account implicating him in the firing upon Zaib un Nisa is materially corroborated by the surrounding circumstances and medical evidence. No material contradiction, omission or inherent improbability has been pointed out which could render that part of the prosecution case unsafe. We, therefore, find that the prosecution has succeeded in proving the charge of murder of Zaib un Nisa against Bakht Buland beyond reasonable doubt. His for the murder of Zaib un Nisa under Section 302(b), PPC, therefore, calls for no interference on merits, however, the question of sentence requires separate consideration. The occurrence arose out of a matrimonial dispute between the appellant and the deceased and although the motive stands proved, the material available on record does not disclose such circumstances as would necessarily warrant the extreme penalty of death. Keeping in view the entire circumstances of the case including the nature of the proved role attributable to Bakht Buland, the matrimonial background of the occurrence and the fact that the prosecution has failed to establish beyond reasonable doubt his responsibility for the death of Muhammad Haroon and the injury to Muhammad Anwar, we are of the considered view that the ends of justice would be adequately met by reducing the sentence of death to imprisonment for life. Here it would not be out of context to mention that the complainant appeared in person and recorded his no objection to the conversion of the appellant's sentence of death into imprisonment for life. Consequently, the conviction of Bakht Buland under Section 302(b), PPC, for committing murder of Zaib un Nisa is maintained, but the sentence of death is altered and converted to life imprisonment. The compensation awarded by the learned trial Court under Section 544-A, Cr.P.C. and the sentence awarded in lieu thereof shall remain intact.

18. As regards the conviction of Bakht Buland for the murder of Muhammad Haroon under Section 302(b), PPC, the attempt to commit murder of Muhammad Anwar under Section 324, PPC read with Section 34, PPC, and the injury caused to him punishable under Section 337-F(vi), PPC, we find that his individual participation in these acts has not been established beyond reasonable doubt. In particular, the testimony of injured

PW.2 Muhammad Anwar considered alongside the statements of the other prosecution witnesses attributes the firing upon Muhammad Haroon to absconding accused Yousif Rehman and does not establish that the shot causing injury to Muhammad Anwar was fired by Bakht Buland. Thus, the prosecution evidence does not furnish a reliable basis for attributing individual criminal liability to Bakht Buland for the said acts. Accordingly, extending to him the benefit of doubt, his conviction and sentence under Section 302(b), PPC, in respect of the murder of Muhammad Haroon, under Section 324, PPC read with Section 34, PPC, in respect of the attempt on the life of Muhammad Anwar, and under Section 337-F(vi), PPC, for the injury caused to him are set aside and he is acquitted of these charges.

19. So far as the offence under Section 24 of the Sindh Arms Act, 2013 is concerned, the position is materially different. The 9mm pistol has been recovered immediately after the occurrence at the instance of the complainant, who had allegedly snatched it from Bakht Buland during the occurrence. The weapon was taken into police custody, its recovery has been supported by the prosecution evidence and its connection with the empties recovered from the place of occurrence has been established through the positive FSL report. The appellant has failed to offer any plausible explanation regarding his possession of the unlicensed firearm. The conviction of Bakht Buland under Section 24 of the Sindh Arms Act, 2013 is, therefore, well-founded and does not call for interference. His appeal to that extent is dismissed and the sentence awarded by the learned trial Court is maintained.

20. Turning to appellant Babar Khan, the prosecution case against him is materially distinct. He has been assigned role that he was present in the car which was being used by Bakht Buland and Yousif Rehman for fleeing from the place of occurrence. The learned trial Court convicted him under Section 201, PPC on the premise that he knowingly and intentionally omitted to furnish information regarding the commission of the offence, however, for sustaining a conviction under Section 201, PPC, the prosecution was required to establish beyond reasonable doubt not merely his presence in the vehicle but his requisite knowledge and intentional concealment or omission contemplated by the said provision. The evidence against him when examined in its totality does not establish with the requisite certainty that he

had prior knowledge of the murderous design or that he intentionally concealed the commission of the offence with the requisite guilty knowledge. His mere presence in the vehicle or association with the principal accused without proof of the essential ingredients of Section 201, PPC, cannot by itself furnish a safe basis for conviction. Nevertheless, having regard to the nature of the proceedings and the period already undergone by him, we consider it appropriate to extend the benefit available to him in the matter of sentence. The jail roll available on record reflects that Babar Khan had undergone imprisonment for a period of two years, six months and thirteen days as on 16.11.2024. Taking into consideration the period already undergone, the circumstances in which he was convicted and the overall facts and circumstances of the case, his sentence under Section 201, PPC is modified to the period already undergone. His conviction shall accordingly stand maintained, however, the substantive sentence is reduced to the period already undergone, which shall also include the sentence awarded in default of payment of fine. Record reflects that appellant Babar Khan was admitted to bail vide order dated 20.11.2024 and was exempted from personal appearance on 17.09.2026 on the ground that he comes from District Mansehra, however, today also he has not appeared but his counsel is present. His bail bond stands cancelled and the surety is discharged.

21. For the foregoing reasons, both appeals are disposed of in the following terms:-

(i) **Criminal Appeal of Bakht Buland:** The conviction under Section 302(b), PPC for the murder of Zaib-un-Nisa is maintained, however, the sentence of death is converted into imprisonment for life. The amount of compensation, the direction that the same shall be recoverable as arrears of land revenue and the sentence awarded in default of payment of compensation shall remain intact. He is acquitted of the charges relating to the murder of Muhammad Haroon, the attempt to commit Qatl-i-Amd and causing injury to Muhammad Anwar under Section 324, PPC as well as the consequential conviction under Section 337-F(vi), PPC. His conviction under Section 24 of the Sindh Arms Act, 2013, is maintained along with the sentence awarded thereunder. Both the sentences shall run concurrently and the appellant shall also be entitled to the benefit of Section 382-B, Cr.P.C.

(ii) **Criminal Appeal of Babar Khan:** The conviction under Section 201, PPC is maintained, however, his sentence is reduced to the period already undergone which including the sentence awarded in lieu of fine.

22. Subject to the above modifications, both appeals stand disposed of accordingly and the murder reference bearing Confirmation Case No.05 of 2024 is answered accordingly.

JUDGE

JUDGE

Naeem /PA