

## IN THE HIGH COURT OF SINDH AT KARACHI

Present:  
Mr. Justice Omar Sial  
Mr. Justice Syed Fiaz-ul-Hassan Shah

**Criminal Appeal No. 34 of 2025**  
[Ghulam Nabi @ Deedar vs. The State]

**Criminal Jail Appeal No. 82 of 2025**  
[Mst. Asma vs. The State]

**Confirmation Case No. 02 of 2025,**  
[Reference made by the Additional Sessions Judge-II  
Karachi (West) for confirmation of death sentence  
Awarded to the appellant Ghulam Nabi @ Deedar]

Appellant	:	Ghulam Nabi @ Deedar through Mr. Muhammad Ramzan, Advocate.
Appellant	:	Mst. Asma through Ms. Amna Usman, Advocate.
Complainant	:	Irfan Ahmed through Mr. Zia-ul-Haq, Advocate.
Respondent	:	The State through Mr. Muhammad Iqbal Awan, Additional Prosecutor General, Sindh
Date of Hearing	:	04.09.2025
Date of Decision	:	10.10.2025

### **JUDGMENT**

Omar Sial, J: Asma and Ghulam Nabi have been convicted of an offence under section 302(b) P.P.C. Asma has been sentenced to life imprisonment. At the same time, the death penalty has been awarded to Ghulam Nabi.

2. Asma and Shah Zaman were husband and wife. Shah Zaman died on 05.11.2019, and his body was sent to his native village in Jacobabad for burial without a post-mortem. Zaman's

relatives were told that he had died due to electrocution. When the body reached Jacobabad, Zaman's relatives found unusual marks on his body, and hence the body was returned to Karachi for a post-mortem. The postmortem revealed that Zaman had possibly been murdered, as there was a strangulation mark on his neck apart from electricity-induced injuries. A relative of Zaman's, Irfan Ahmed, lodged F.I.R. No. 314 of 2019 under sections 302 and 34 P.P.C. at the Pirabad police station. Zaman's wife, Asma, was nominated as an accused together with her unknown accomplices.

3. What exactly had happened between the night of the 4<sup>th</sup> and the 5<sup>th</sup> of November 2019 remained vague throughout the trial. **Ahmed Buksh (PW-4 and Asma and Zaman's minor son)** said at trial that his family was asleep when there was a knock on the door. The visitor identified himself as Ghulam Nabi, and when Ahmed opened the door, he entered with a pistol in his hand. Two of Ghulam Nabi's accomplices also entered, but they had their faces muffled. After a harsh exchange of words, the three visitors beat Zaman and then electrocuted him. **Sumair (PW-5 and Asma and Zaman's second minor son)** testified on similar lines as his brother, but according to him, only one person had accompanied Ghulam Nabi, and he too had not entered the house but had remained outside. Ghulam Nabi beat Zaman, muffled him with a pillow, and then electrocuted him. A key difference between the testimonies of the children was that Ahmed stated that before Ghulam Nabi's arrival, their mother, Asma, had given Zaman a glass of milk with sugar. In contrast, according to Sumair, Asma had mixed an intoxicant in the milk. Both these witnesses were declared hostile by the prosecution. Both children, however, absolved the mother of any wrongdoing. It is evident from the reading of the children's testimonies that they have testified under pressure. The basic details they gave do not reconcile with the prosecution's case.

4. **Ahmed Ali (PW-1 and Asma's brother)** told the Court that Asma had come to their house in the early hours of the morning

on 05.11.2019 and told him and other brothers that Ghulam Nabi died of electrocution. Ahmed Ali, along with his other brothers, had sent the body for burial to Jacobabad because they thought that Ghulam Nabi's death was a suicide. Ahmed Ali, however, also testified that when he spoke to Asma's children, they had told him that Ghulam Nabi had killed their father, Zaman, and that their mother had not done much to help.

5. A fourth version of events came when Asma recorded a section 164 Cr.P.C. statement on 11.11.2019. She stated that she had mixed sleeping pills in milk that Zaman drank and had killed him. She then called Ghulam Nabi, who put a white wire in the electric supply and electrocuted Zaman with it. Asma, at trial, retracted the confession.

6. The police did not conduct any recovery from the house of the deceased. The white wire used for electrocution, or as a matter of fact, any wire used for electrocution or strangling, was recovered. The pistol Ghulam Nabi allegedly carried was also not recovered. The identity of his accomplice was also never discovered. The telephone and broken SIM card that Asma used to call Ghulam Nabi's home were found, but no call data records or forensic analysis were conducted on them by the investigation. Contrary to Asma's confession, no intoxicant was found in Zaman's body. No record was made available from the Civil Hospital, Jacobabad, where the deceased's body was taken initially for post-mortem was produced. No record of the ambulance in which the body was taken was produced.

7. The motive for the murder also remained unproven and unclear. Once again, several versions were insinuated at the trial. Ahmed Baksh (the couple's son) said that Ghulam Nabi would torture Asma's younger sister by burning her with cigarettes. The child also testified that his father, Shah Zaman, had an illicit affair with Ghulam Nabi's sister. In his cross-examination, the boy indicated that Asma and Ghulam Nabi had illegal relations. Sumair (the couple's other son), however, testified that Ghulam Nabi would burn his sister (and not Asma's sister) with cigarettes.

Asma, in her confession, gave herself as being abused by Shah Zaman as the reason for killing him. Yet another possible motive was explored by the prosecution when Irfan Ahmed was examined at trial. Irfan stated that Asma's father and Shah Zaman had an ongoing dispute regarding the sale of an immovable property that Shah Zaman owned and that Asma's father had sold. Irfan categorically testified that it was Asma's father who had falsely implicated Ghulam Nabi to save himself from being an accused. Another reason for death was given by prosecution witness Mohammad Shah, who said that Asma's father told him that Shah Zaman died of food poisoning. This witness categorically testified that Ghulam Nabi had nothing to do with the murder. No evidence was led at trial, however, to prove, support, or corroborate any of the motives or reasons put forward by the prosecution.

8. The post-murder events are also ambiguous. Ahmed Buksh (the couple's son) recalled that it was between 1:00 and 1:30 a.m. on November 5, 2019, when Ghulam Nabi came knocking on the door. According to this witness, the police arrived at their doorstep after two to three hours, but he had not informed the police or recorded in his statement, under Section 161 Cr.P.C., as to what had transpired. According to the other son, Sumair, the police had come at 10:00 a.m. He too said that he had not informed the police or recorded in his Section 161 Cr.P.C. statement what had transpired. Irfan Ahmed (the complainant) told the Court that he learned at 6:00 a.m. on 05.11.2019, while he was in Jacobabad, that Shah Zaman had committed suicide. Prosecution's witness A.S.I. Mohammad Akram Qureshi had a different story to tell. He said that it was 3:05 a.m. on 06.11.2019 that he received information about Shah Zaman's death. For obvious reasons, this does not gel with the prosecution's version of when the incident occurred. Asma's brother Ahmed Ali created further ambiguity. He told the court that the police had arrived at the house at approximately 11:00 am on 05.11.2019, by which time the dead body had already been sent to Jacobabad, as the family believed

that Shah Zaman had committed suicide. This does not reconcile with the testimony of the police officer who told the court that, for the first time, the police were informed of the incident at 3.05\_a.m. on 06.11.2019. How could the police then be outside the place of the incident in the afternoon of 05.11.2019? Asma's father and her brothers were instrumental in sending the dead body to Jacobabad in haste on the pretext that Shah Zaman had committed suicide. This unholy haste in disposing of the body without informing the police is odd.

9. Asma recorded a statement under section 164 Cr.P.C., confessing to the crime, on 11.11.2019. She said that she had mixed sleeping pills, which Ghulam Nabi provided her, in Shah Zaman's milk. The chemical analysts' report showed that no intoxicant was found. She also said that she had then called Deedar, who electrocuted Shah Zaman. The call data record was never collected to confirm her phone call to Ghulam Nabi. Her confession regarding Ghulam Nabi putting a wire around Shah Zaman's neck for 10 to 15 minutes is also not supported by the post-mortem report. The burn marks on the dead body are odd and do not indicate death in the manner claimed by Asma. The confession can not be considered for conviction as it is not corroborated or supported by evidence.

10. Two supposed eye-witnesses, who appeared to have testified under the influence, were declared hostile; both absolved their mother of any wrongdoing and pinned the entire blame on Ghulam Nabi; both testimonies have contradictions amongst themselves and with other witnesses; the role of Asma's brothers and father was not beyond doubt; haste in sending the body for burial; no evidence to show that the body ever even went to Jacobabad; the time and date of the incident being ambiguous; several motives and reasons advanced during trial but none being proved; the exact cause of death not determined clearly; necessary evidence not collected during evidence; one of prosecution's own witness, absolving Ghulam Nabi of all blame; prosecution witnesses admitting that they had not given essential

details of the incident in their respective section 161 Cr.P.C. statements; Asma recording her section 164 Cr.P.C. statement while her brother was in custody as a suspect in the same case; all had the holistic affect of creating ambiguity in the prosecution's case. Be that as it may, there is little doubt that Shah Zaman died an unnatural death in his house. The house was inhabited at that time by Shah Zaman, Asma, and her two children, all of whom gave varying accounts of how the incident unfolded.

11. The only evidence against Nabi came from the children and Asma's retracted confession. Both, as discussed above, are not of such a quality to convict upon. The children's free will, as testified, is dubious. A lot of suspicious activity involving Asma and her family, particularly her brothers and father, has occurred, and Asma's chosen silence on the matter does indeed raise concerns about her role in this incident. Perhaps a tacit acknowledgement of knowing how and why it happened. She cannot go guilt-free from this incident. Looking at the case holistically, it appears to me that the conviction can be changed from 302(b) to 302(c) P.P.C.

12. Given the above, the prosecution was unable to prove its case beyond a reasonable doubt against Ghulam Nabi. His death penalty is overturned, and he is acquitted of the charge. The death reference is answered in the negative. The conviction under section 302(b) P.P.C. given to Asma is converted to one under section 302(c) P.P.C., and she is sentenced to fifteen years' simple imprisonment. The compensation amount is reduced to Rs. 50,000. If she does not pay, she will remain in jail for another month. She will be entitled to the benefits of section 382-B Cr.P.C. remissions.

JUDGE

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