

IN THE HIGH COURT OF SINDH AT KARACHI

PRESENT:

Mr. Justice Khadim Hussain Tunio
Mr. Justice Amjad Ali Sahito

Spl. Crl. Anti-Terrorism Jail Appeal No.28 of 2025

Appellants : i. Sajid Ali S/o Adam through Ms. Sarah Malkani, Advocate
ii. Abdul Latif @ Khano S/o Ghulam Muhammad
iii. Bakht Ali S/o Manzoor
iv. Mehboob Ali Meerani S/o Soomar @ Azeem Meerani through Mr. Nadeem Ahmed Azar, Advocates

Respondent : For State
Mr. Muhammad Iqbal Awan, Addl. P.G. Sindh a/w Mr. Mushtaq Jahangiri, Special Prosecutor Rangers

Date of Hearing : 21.01.2026

Date of Judgment: _____.01.2026

JUDGMENT

Amjad Ali Sahito, J. Through the captioned appeals, the appellants have impugned the Judgment dated 24.07.2025 passed by the learned Judge, Anti-Terrorism Court No.XVIII, Karachi in Special Case No.406/2023 arising out of FIR No.1181/2022 U/s 353, 186, 324, 34 PPC R/w Section 7 ATA, 1997 [Sections 302, 109, 337-F(vi)/21-L, ATA inserted in charge sheet registered at PS Shah Latif Town; whereby all four accused were convicted U/s 7(1)(h) of ATA, 1997 R/w Section 353/186/34 PPC and sentenced them to undergo R.I. for five years and fine of Rs.25,000/- each and in default of payment of fine, they shall further undergo S.I. for two months. They were also convicted U/s 7(1)(c) ATA, 1997 R/w Section 324/34 PPC and sentenced them to undergo R.I. for 10 years and fine of

Rs.50,000/- each and in default of fine, they shall further undergo for S.I. for months. They were further convicted U/s Section 7(1)(a) of ATA, 1997 R/w Section 302(b)/34 PPC and sentenced them to undergo R.I. for life and fine of Rs.100,000/- each in default of payment of fine they shall further undergo for SI for six months. The convicted are also ordered to pay compensation of Rs.100,000/- each to the legal heir of deceased U/s 544-A Cr.P.C. and in default of such payment, they shall undergo SI for six months. They were convicted U/s 337-F(6) PPC and sentenced them to undergo R.I. for five years as Ta'zir and to pay Rs.50,000/- each to compensation/injured as Daman and in default of such payment of fine, they shall further undergo S.I. for six months. All the sentences shall run concurrently. However, the benefit of Section 382-B, Cr.P.C was extended to the appellants.

2. The case originates from a statement recorded under Section 154 Cr.P.C. by Sub-Inspector Shoukat Ali (PW-1) at Aga Khan Hospital on the directions of the SHO, Police Station Shah Latif Town, which was incorporated into the FIR. The injured complainant, Shahid Iqbal, a Sepoy of 52 Wing, C-Company, Bhittai Rangers, stated that on 05.10.2022 he, along with Sepoy Muhammad Ramzan, was performing patrolling duty on a motorcycle at Manzil Pump Picket. They observed four armed persons riding two motorcycles at high speed in a suspicious manner and chased them. Near Manzil Pump, Kohi Goth, Sukhan Nadi, at about 0750 hours, the accused abandoned their motorcycle and opened indiscriminate fire with the intention to kill. As a result, Shahid Iqbal sustained firearm injuries on his left shoulder and wrist, while Sepoy Muhammad Ramzan received injuries on his chin, chest, and right hand. Both officials fell injured, while the accused fled the scene creating panic and terror. Rangers and police officials later arrived and shifted the injured to Jinnah Hospital, whereafter the complainant was referred to Aga Khan Hospital, while Sepoy Muhammad Ramzan remained admitted in the ICU. The complainant lodged FIR against the four unknown assailants for attempting to murder and obstructing them from performing lawful duty.

3. After registration of the FIR, investigation was conducted by Inspector Hakim Ali and other officers, culminating in submission of the charge-sheet under Section 173 Cr.P.C. before the competent court.

4. After formal investigation, the Charge was framed against all four accused persons at Ex.07, to which they pleaded not guilty and claimed to be tried, vide their pleas at Ex.07/A to Ex.07/D.

5. In order to substantiate its case, the prosecution examined as many as twelve witnesses and placed on record all relevant documentary evidence, marked as Ex.08/A to 24/Z. Thereafter, the learned SPP for the State closed the prosecution side through his statement recorded at Ex.25.

6. The statements of the accused were recorded under Section 342 Cr.P.C., wherein all accused persons categorically denied the allegations levelled against them by the prosecution and claimed false implication. Accused Sajid Ali s/o Adam stated that he neither knew the complainant nor the co-accused and alleged that the police demanded illegal gratification, and upon his refusal, arrested him from his house in the presence of his mother and wife and falsely implicated him in the case.

7. Accused/appellant Abdul Latif s/o Ghulam Muhammad also denied the prosecution case and asserted that he was arrested from his house and falsely booked due to a pre-existing dispute since 2019 with one Ayaz over a plot, who, according to him, instigated the police against him. Accused Bakht Ali s/o Manzoor Ali denied all allegations and alleged that he was falsely implicated after refusing to meet police demands for money.

8. Accused/appellant Mehboob Ali Meerani s/o Soomar @ Azeem Meerani denied the allegations, claimed innocence, and stated that he is a permanent resident of village Bakhshapur and a laborer by profession. He alleged that police and Rangers officials brought him from his village and falsely involved him in the case at the instance of his in-laws, with whom he had enmity due to a love marriage. He further stated that he and his brother

remained missing for over one month, prompting his counsel to file a petition before the Honourable High Court.

9. Appellant/accused Mehboob Ali Meerani did not opt to record his statement on oath but produced defence witnesses Mst. Laila Khatun and Mst. Rabia. Accused Sajid Ali later recorded his statement on oath under Section 340(2) Cr.P.C. and examined defence witnesses Muhammad Imran and Azmat Khatun, after which his defence was closed.

10. Accused/appellant Abdul Latif also recorded his statement on oath under Section 340(2) Cr.P.C. but did not examine any defence witness. Subsequently, the defence side of accused Mehboob Ali Meerani was also closed after examination of his defence witnesses.

11. The learned trial Court, after hearing the parties and on assessment of the evidence, convicted and sentenced the appellants as stated above vide judgment dated 24.07.2025 which has been impugned before this Court through this Appeal.

12. Ms. Sarah Malkani, learned counsel appearing for appellant Sajid Ali has argued that the appellant is innocent and has falsely been implicated in this case; that the impugned judgment is contrary to law and facts; that the learned trial Court has misappreciated the evidence, resulting in the wrongful conviction of the appellant; that material contradictions in the testimonies of the prosecution witnesses create serious doubt with respect to the prosecution case. Learned counsel further argued that FIR was registered after five days of the occurrence and no plausible explanation has been given; that initially the FIR was lodged against unknown persons but later on, accused Sajid was arrested from his house in presence of his mother and wife and subsequently, police demanded money from him and on refusal, he has been booked in this case, otherwise he has no connection with the alleged offence nor did he know about the other accused. She lastly prays for acquittal of the appellant. Mr. Nadeem Ahmed Azar, learned counsel for the appellants No.2 to 4 has adopted the arguments so advanced by learned counsel for

appellant No.1. In support of her contention, learned counsel Ms. Sarah Malkani has relied upon the cases reported as PLD 2019 Supreme Court 488, 2019 SCMR 956 (Mian Sohail Ahmed and others vs. The State and others), PLD 2007 Supreme Court 93 (Shoukat Ali vs. The State), 2018 PCRLJ Note 221 (Dilshad vs. The State through A.A.G. Sukkur, PLD 2020 Supreme Court 61 (Ghulam Hussain and others vs. The State and others).

13. Conversely, learned Addl. Prosecutor General, Sindh duly supported by learned Special Prosecutor (Rangers) has fully supported the impugned judgment and stated that the appellants were identified by PW-6 Sepoy Shahid Iqbal so also other prosecution witnesses have fully supported the version of the complainant; as such, they are not entitled for acquittal.

14. We have heard the learned counsel for the appellants as well as learned Addl. Prosecutor General, Sindh and have minutely examined the material available on record with their able assistance.

15. A careful appraisal of the record shows that the prosecution case rests primarily on the ocular account of the complainant and injured eyewitness, PW-6 Sepoy Shahid Iqbal, which is stated to be consistent and corroborated by other prosecution witnesses as well as documentary evidence. According to the prosecution, the incident occurred on 05.10.2022 and involved an armed encounter between Rangers personnel and accused persons, resulting in serious firearm injuries to two Rangers officials.

16. PW-6 Sepoy Shahid Iqbal deposed that on 05.10.2022 he, along with his companion Ramzan (Deceased Sepoy), departed from Company Majeed Colony on a motorcycle, and established snap checking at a picket near Manzil Petrol Pump. After about fifteen minutes, four armed persons, riding two motorcycles and dressed in shalwar kameez, arrived at the picket. When Sepoy Muhammad Ramzan signaled them to stop, the suspects instead turned back, moved onto the opposite road, and displayed their weapons. PW-6 and Sepoy Muhammad Ramzan pursued them

on a motorcycle towards Sukhan Nadi, located behind Manzil Petrol Pump.

17. Upon reaching near the suspects, the accused abandoned their motorcycles and, with the intention to kill, opened fire at the pursuing Rangers officials. As a result of the firing, PW-6 sustained firearm injuries to his left shoulder and left arm, while Sepoy Muhammad Ramzan suffered gunshot injuries to his right shoulder, right wrist, and chin. Both injured officials fell into a rainwater drain (Barsati Nala). Shortly thereafter, a Rangers mobile arrived at the scene and shifted them to Jinnah Postgraduate Medical Centre for medical treatment. PW-6 was later referred to Aga Khan University Hospital, where he underwent surgery and remained admitted for further treatment.

18. Admittedly, the First Information Report was registered against unknown accused persons. The occurrence took place in broad daylight at about 07:50 hours. The injured witness, Shahid Iqbal, categorically stated in his testimony that he was capable of identifying the accused persons if he were to see them again. Subsequent to the arrest of the accused/appellants, they were produced before the learned Judicial Magistrate for the purpose of holding identification parades. The accused were produced before the Magistrate with their faces duly muffled. The injured witness was summoned to participate in the identification proceedings and, during the test identification parade, he identified all the accused persons in a clear and unequivocal manner. The identification parades were conducted separately by the learned Judicial Magistrate in accordance with law.

19. In his deposition before the Court, the injured witness stated: *“The accused Bakht Ali, Abdul Latif, and Sajid Ali, who are present in Court, are the same persons whom I had earlier identified before the learned Judicial Magistrate during the test identification parade. I further state that the fourth accused, Mehboob, is also the same person who had fired upon us on the day of the occurrence.”* During cross-examination, however, he admitted that on the first occasion when he appeared before the

Magistrate, no identification parade was conducted, and that at the time of identification there were about ten to twelve persons standing in a line when he identified the accused before the Magistrate.

20. PW-6/Sepoy Shahid Iqbal further stated that on 09.10.2022 his statement under Section 154 Cr.P.C. was recorded by SI Shoukat Ali Awan while he was admitted at Aga Khan Hospital. He also deposed that on 22.12.2022, identification parades were conducted before a Judicial Magistrate, during which he correctly identified accused Sajid Ali, Bakht Ali, and Abdul Latif in separate test identification parades. He additionally asserted that accused Mehboob was also identified by him as one of the assailants who fired upon them at the time of the incident.

21. To corroborate the testimony of the injured eyewitness, the prosecution examined PW-2 Judicial Magistrate Ghulam Mustafa. He testified that while posted as Judicial Magistrate-V, District Malir, Karachi, he received an application for conducting identification parades of accused Abdul Latif, Sajid Ali, and Bakht Ali in Crime No.1181/2022 of Police Station Shah Latif Town. He fixed 22.12.2022 for the purpose and ensured that all legal formalities were observed. The accused were produced before him with muffled faces, dummies were arranged, and the witness and accused were kept separate. Separate identification parades were conducted for each accused, during which PW Shahid Iqbal correctly identified all three accused and specified their respective roles.

22. The prosecution also relied upon the testimony of PW-1 SIP Shoukat Ali, who deposed that on 09.10.2022 he was posted as ASI/Duty Officer at Police Station Shah Latif Town. On the direction of the SHO, he went to Aga Khan Hospital to record the statement of injured PW Shahid Iqbal. After obtaining written permission from the duty doctor, who declared the injured fit to give his statement, PW-1 recorded the statement under Section 154 Cr.P.C. at Ward B-1, Room No. D-21. Upon returning to the police station, he registered FIR No.1181/2022 under Sections

353, 324, and 186 PPC read with Section 7 of the Anti-Terrorism Act, 1997, and affirmed the correctness of the FIR and related entries.

23. Regarding the arrest of accused Sajid Ali, Abdul Latif, and Bakht Ali, the prosecution examined PW-3 SI Nazeer Ahmed. He stated that on the night of 10/11.12.2022, while on patrol duty and conducting snap checking at Kohi Goth Road near Sukhan Nadi Pull, a rickshaw and a motorcycle approached from the side of Manzil Petrol Pump. When signaled to stop, the occupants opened fire upon the police party, prompting retaliatory fire in self-defence. As a result, three accused were apprehended, two from the rickshaw and one from the motorcycle, who disclosed their names as Sajid Ali, Abdul Latif, and Bakht Ali, while one accomplice escaped. Bakht Ali disclosed the name of the absconding accused as Mehboob. From the possession of the arrested accused, weapons, live rounds, cash, mobile phones, and CNICs were recovered. Necessary arrest and recovery memos, sketches, sealing proceedings, and registration of separate FIRs were completed according to law. All the ammunition were brought at police station and separate F.I.Rs under section 23(i)-A, 25 of S.A.A, 2013 were lodged.

24. With regard to the arrest of accused Mehboob Meerani, PW-11 Inspector Saeed Ghani deposed that further investigation of the case was entrusted to him in September 2024. Upon reviewing the record, he submitted the charge-sheet showing some accused in custody and others, including Mehboob Meerani, as absconders. On 29.02.2024, upon learning that Mehboob Meerani had been arrested in another case and was confined at Police Station Sukhan, he re-arrested him in the present case. During interrogation, the accused disclosed his involvement and pointed out the place of occurrence, leading to the preparation of relevant memos. This testimony was corroborated by PW-4 HC Amir Raza.

25. PW-5 ASI Naik Zada testified that on the date of occurrence he received information regarding firearm injuries sustained by two Rangers officials, recorded the same in the station diary, and

proceeded to the hospital. However, as the injured were unfit to make statements at that time, he returned to the police station and later coordinated efforts to have their statements recorded.

26. Adverting to the contention of learned counsel for the appellants that there is delay in lodging the FIR, in fact the said delay stands plausibly and satisfactorily explained by the prosecution witness namely PW-5 ASI Naik Zada, who deposed that on the day of occurrence, he was available at police station when he was informed that two Rangers officials were injured, who were shifted to Jinnah Hospital. Upon such information, he went to Jinnah Hospital for recording the statement of said injured Rangers officials; however, he was informed that they were not in a position to record their statement due to their unstable condition. Further the FIR was lodged against unknown accused persons. Furthermore, appellants have not alleged any enmity with the complainant party or with the police, hence delay in FIR is of no consequence. In case of **Ghulam Hussain Soomro v. The State (PLD 2007 SC 71)** the Honourable Supreme Court has held as under:-

3. ***"Mere delay in lodging of FIR was not always fatal to prosecution cases, though in some cases it might militate against bona fides of prosecution. In cases involving kidnapping of young persons for ransom, parents as well as police invariably try their best to locate the victim rather than promptly lodging FIR for fear of death of victim. No adverse inference was to be drawn against prosecution on ground of delay along in lodging of FIR."***

27. It is well-settled principle of law that the accused can be convicted on the evidence of a sole eye-witness provided that his/her evidence is trustworthy, reliable and confidence-inspiring and in this case, we have found the evidence of the eye-witness/complainant to be trustworthy, reliable and confidence-inspiring, especially in respect of the correct identification of the appellants who attempted firing upon Rangers officials and fled away; however, subsequent to the incident, they were later arrested by the police during an encounter. In this respect reliance is placed on the cases of *Muhammad Ehsan v. The State (2006 SCMR 1857)*, *Farooq*

Khan v. The State (2008 SCMR 917), Niaz-ud-Din and another v. The State and another (2011 SCMR 725) Muhammad Ismail v. The State (2017 SCMR 713) and Qasim Shahzad and another v. The State (2023 SCMR 117).

28. In this case, the prosecution witnesses including eyewitness PW-6 Shahid Iqbal in their evidence have provided a clear, consistent, and detailed account of the incident, including its date, time, and location, leaving no space for ambiguity. Their disclosure of the events has been presented in a straightforward and convincing manner. It is a well-settled principle of law that when the witnesses are natural and narrate the account of the incident in a manner inspiring confidence, their testimony cannot be disregarded lightly. The burden then shifts upon the accused to establish that such witnesses are not truthful but are interested.

29. The appellants have failed to discharge such burden. In cases entailing punishment for imprisonment of life, the mere claim of a dispute or enmity is not sufficient to discredit, otherwise are reliable witnesses. The accused must bring forth the credible account to substantiate that such a dispute existed and that it was of such magnitude that it could plausibly explain a false implication by the witnesses, even at the cost of shielding the actual perpetrator. It is noteworthy that the deceased was Rangers official and accompanied with complainant/eyewitness Shahid Iqbal on motorcycle at the time of occurrence. The chain of events in the present case stands fully established and is consistent with the prosecution version. The incident occurred when Rangers officials intercepted two motorcycles, whereupon the accused persons opened fire, as a result of which two personnel sustained firearm injuries and, subsequently, one of them succumbed to his injuries. Reliance is placed in the case of MUHAMMAD HAYAT and another---Appellants Versus. The STATE---Respondent (2021 S C M R 92)

30. The defence taken by the appellants in their statements recorded under section 342 Cr.P.C. read with section 340(2) Cr.P.C. is a bare denial of the allegation of murder of the

deceased. They further alleged that the Investigating Officer demanded illegal gratification from them and, upon their refusal, falsely implicated them in the present case. However, the appellants failed to substantiate this plea by producing any documentary or other cogent evidence and merely contented themselves with a bald denial of the allegations levelled against them.

31. On the contrary, the evidence collected by the Investigating Officer stands duly corroborated by the testimony of the prosecution witnesses, supported by circumstantial as well as medical evidence, which cumulatively leads to the conclusion that the appellants are the actual culprits who engaged in an encounter with the Rangers officials, as a result whereof one official lost his life and another sustained serious injuries.

32. All the prosecution witnesses duly identified the appellants in Court at the time of recording of their evidence. The prosecution witnesses were subjected to lengthy and searching cross-examination; however, the learned counsel for the appellants failed to shatter their testimony in any manner or to elicit anything favourable to the defence. Moreover, the appellants have been unable to demonstrate any enmity or motive on the part of the official witnesses that could plausibly suggest their false implication in the present case.

33. The minor discrepancies appearing in the statements of the prosecution witnesses are not sufficient to demolish the prosecution case, as such discrepancies are natural and often occur due to lapse of time and are, therefore, liable to be ignored. It is not every discrepancy or variation that can be pressed into service for acquittal; rather, the defence is required to bring on record contradictions of such a nature as to strike at the root of the prosecution case, particularly with regard to the presence of the accused and the manner of occurrence.

34. It is a settled principle of law that variations in the statements of witnesses which are neither material nor serious enough to adversely affect the prosecution case are to be ignored

by the Court. It is further well established that the statements of witnesses are to be read as a whole, and the Court should not pick a sentence in isolation, divorced from its proper context, to use it either against or in favour of any party. Only those contradictions which are material and substantial, and which go to the root of the prosecution case, can be considered to adversely affect the case of the prosecution. Reliance is placed in the case of NASIR AHMED---Petitioner v. The STATE Respondent (2023 S C M R 478).

35. The upshot of the above discussion is that the prosecution has successfully established its case against the appellants beyond a reasonable shadow of doubt. The learned counsel for the appellants have failed to point out any material illegality or serious infirmity committed by the learned trial Court while passing the impugned judgment, which in our humble view is based on appreciation of the evidence and the same does not call for any interference by this Court. Thus, the conviction and sentence awarded to the appellants namely Sajid Ali, Abdul Latif, Bakht Ali and Mehboob Meerani by the learned trial Court are hereby **maintained** and the instant appeal filed by the appellants merit no consideration; as such, the same is **dismissed** accordingly.

JUDGE

JUDGE