

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.29 of 2025

Appellant : Mehboob Ali Meerani son of Soomar @
Azeem Meerani
through Mr. Nadeem Ahmed Azar,
Advocate

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 appeal, the appellant has impugned the Judgment dated 28.07.2025 passed by learned Judge Anti-Terrorism Court No.XVIII, Karachi in Special Case No.96/2024 arising out of FIR No.62/2024 U/s 353, 324, 427, 411 PPC R/w Section 7 ATA, 1997 and Special Case No.96-A/2024 arising out of FIR No.63/2024 U/s 23(i)(a) S.A.A., 2013 both registered at PS Brigade; whereby accused was convicted U/s 7(1)(h) of ATA, 1997 and sentenced him to undergo R.I. for five years and fine of Rs.10,000/- in default of payment of fine he will further undergo S.I. for two months. He was further convicted U/s 411 PPC and sentenced him to undergo R.I. for (01) year and fine of Rs.10,000/- and in default of payment of fine, he will further undergo S.I. for one month. He was convicted U/s 427 PPC and sentenced him to undergo R.I. for six months and fine of Rs.5000/- and in default of payment of fine, he will further undergo S.I. for 15 days. He was convicted U/s 23(i)(A) SAA, 2013 and sentenced him to undergo R.I. for two years and fine of Rs.10,000/- and in default of payment of fine, he shall

further undergo S.I. for one month. All the sentences shall run concurrently. However, the benefit of Section 382-B, Cr.P.C was extended to the appellant.

2. The brief facts of the case are that Sub-Inspector Muzamil Hussain, posted at 52 Wing Abdullah Shah Ghazi, Sindh Rangers, along with his team comprising Naik Farman Saeed, Sepoys Wahidullah, Shakir Ahmed, Muhammad Owais, DVR Nazim Nazeer (in Government Mobile No. GS-281), L/NK Asif Iqbal and Sepoy Ismail Khan (on Government Motorcycle KSR-088), Sepoy Muhammad Waqas and Sepoy Nouman Tahir (on Government Motorcycle KSR-0187), all armed with official weapons, along with ASI Mumtaz Gondal, ASI Zafar Iqbal, and police officials PC Shoaib and D/HC Zahid Mehmood, posted at Police Station Brigade in Government Mobile-II No. SPC-525, were engaged in snap checking at New Preedy Street, Gada Palace, near Jinnah Ground, Karachi, on the directions of the SHO, Police Station Brigade.

3. At approximately 0100 hours, a person was observed approaching on a 125cc motorcycle without a number plate, proceeding suspiciously towards Saddar. When signaled to stop, the accused attempted to flee and, while evading the officials, drew a pistol and fired at the complainant party, hitting the government vehicle's bonnet and mudguard. In self-defence, the Sub-Inspector discharged his official 9mm pistol No. RXN-962, causing the accused to sustain a firearm injury and fall, after which he was apprehended. The accused was identified as Mehboob son of Muhammad Azeem. A black 9mm pistol No. 0802, loaded with four rounds and one in the chamber, was recovered from him.

4. Due to absence of private witnesses, the complainant conducted a personal search in the presence of subordinates, recovering two mobile phones (VIVO blue touch-screen and VIGOTEL red keypad) and Rs. 300 in cash from the accused. The accused failed to produce any weapon license. Five empty shells of a 9mm pistol were collected from the scene, and the weapons, shells, mobile phones, and cash were sealed. The accused also could not produce motorcycle documents; verification via CPLC

confirmed the motorcycle (Registration No. KOF-5310, Maker Unique-125, Model 2021, Engine No. DSE-14453, Chassis No. DSC-24408) was stolen property of Police Station Nazimabad and was taken into custody under Section 550 Cr.P.C.

5. The injured accused was shifted to Jinnah Hospital for medical treatment under the supervision of ASI Mumtaz Gondal and subordinates. After completing necessary proceedings at the scene, the police returned to the station, where duty officer HC Muhammad Fayaz registered the FIRs as per the complainant's statement.

6. After registration of the FIRs, investigation was conducted by Inspector Ali Murad, culminating in submission of the charge-sheet under Section 173 Cr.P.C. before the competent court.

7. After formal investigation, Charge was framed against the accused at Ex-04 and recorded his plea at Ex-04/A, to which he pleaded not guilty and claimed to be tried.

8. In order to substantiate its case, the prosecution examined as many as 09 witnesses and placed on record all relevant documentary evidence, marked as Ex.05 to 16/U. Thereafter, the learned Assistant Prosecutor General for the State closed the prosecution side through his statement recorded at Exhibit 17.

9. The statement of the accused person U/s 342 Cr.P.C was recorded at Ex.18 wherein he denied the allegations levelled against him by the prosecution and claimed to be innocent. He further stated that he is innocent and is permanent resident of Bakhshapur, police and Rangers official brought him from village and falsely booked him in this case. He further stated that he is laborer, contracted love marriage, his in-laws are his enemy, they got booked him in this case. He did not opt to examine himself on oath, however, he produced his witnesses namely Mst. Laila Khatoon and Mst. Rabia in his defence. He prayed for justice. The prosecution also examined two DWs who produced various documents as Ex.19 to 20. Thereafter, learned defence counsel for accused Mehboob Mirani closed side for further defence witness on behalf of accused vide statement as Ex.21.

10. The learned trial Court, after hearing the parties and on assessment of the evidence, convicted and sentenced the appellant as stated above vide judgment dated 28.07.2025 which has been impugned before this Court in the instant Appeal.

11. Learned counsel for the appellant contended that the appellant is innocent and have been falsely implicated in the instant 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 the prosecution has miserably failed to connect the appellant with the commission of offence and no evidence has been brought on record against accused except he has been nominated by the complainant. Learned counsel states that as per prosecution story, three bullets were fired by the complainant out of which one bullet hit to the accused but not a single bullet hit to his motorcycle. He further submits that the accused was arrested in crime No.1181/2022 lodged at Shah Latif Town police station and thereafter he was falsely booked in this case. Learned counsel further submits that the mobile phone of the accused was recovered but his location through CDR was not obtained by the investigating officer. Lastly, he prays for acquittal of the appellant.

12. Conversely, the learned Addl. Prosecutor General, Sindh duly supported by learned Special Prosecutor (Rangers) fully supported the impugned judgment and states that the accused was arrested at the spot after encounter and prays for dismissal for the instant appeal.

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

14. From perusal of record it reflects that on the relevant date and time, Sub-Inspector Muzamil Hussain, posted at 52 Wing

Abdullah Shah Ghazi, Sindh Rangers, along with other armed Rangers personnel and police officials of Police Station Brigade, acting under the lawful directions of the SHO, were engaged in snap checking at New Preedy Street, Gada Palace, near Jinnah Ground, Karachi. At approximately 0100 hours, they observed a person riding a 125cc motorcycle without a number plate in a suspicious manner. When signaled to stop, the individual attempted to flee and, during the escape, drew a pistol and fired directly upon the police and Rangers party, intending to cause their death and prevent them from performing their lawful duties, causing damage to a government mobile.

15. In lawful self-defence, the complainant discharged his official 9mm pistol, causing the accused to sustain firearm injuries. The accused was apprehended and identified as Mehboob son of Muhammad Azeem. From his possession, authorities recovered an unlicensed 9mm pistol with live rounds, five empty shells, two mobile phones, and Rs. 300/- in cash. Verification through CPLC confirmed that the motorcycle used by the accused was stolen property of Police Station Nazimabad and it was seized under Section 550 Cr.P.C. The injured accused was shifted to Jinnah Hospital for medical treatment, and all legal formalities were completed before FIRs were registered on the verbatim statement of the complainant.

16. To substantiate the prosecution case, PW-1 Sub-Inspector Muzamil Hussain, PW-2 HC Muhammad Fayyaz, PW-3 ASI Mumtaz Ahmed, and PW-4 Sepoy Wahid Uddin were examined. They reiterated the same version of events as recorded under Section 161 Cr.P.C., fully supporting the prosecution account.

17. Additionally, the prosecution examined an independent witness, PW-5 Muhammad Haris Shafi, who deposed that on 03.02.2024, at approximately 01:15 p.m., he returned home after dropping his children at school on his motorcycle bearing Registration No. KOF-310, make Unique, red and black in color. Around 02:00 p.m., he discovered his motorcycle missing and immediately contacted the police helpline 15. He subsequently visited Police Station Nazimabad to report the matter, resulting

in the issuance of non-cognizable report No. 118/2024, a photocopy of which he produced at Exh. 11/A.

18. PW-5 further stated that on 28.02.2024, he received a call from Inspector Ali Murad, informing him that his motorcycle had been recovered and directing him to visit Police Station Sukhan. He subsequently went to Police Station Nazimabad, lodged FIR No. 137/2024, and after its registration, proceeded to Police Station Sukhan to meet Inspector Ali Murad, handing over a copy of the FIR, attested at Exh. 11/B. The Investigating Officer recorded his statement and informed him that the motorcycle was at Police Station Brigade. During cross-examination, he confirmed the red and black color of the motorcycle, specifying that the petrol tank was red and the seat black.

19. PW-8, Dr. Muhammad Areeb Bakhai, deposed that on 23.02.2024, while performing duty as Medical Legal Officer at Jinnah Hospital, Karachi, at about 01:40 a.m., an injured person, Mehboob son of Muhammad Azeem, aged approximately 40 years, was brought by ASI Zafar Iqbal with a police letter issued by ASI Mumtaz Gondal. The injury was reportedly sustained during a Rangers encounter. The accused was identified by a tiny mole on his right cheek and was conscious, oriented, and stable. He was wearing a blood-stained white shalwar kameez with a hole in the sleeve. Upon examination, Dr. Areeb recorded the nature and extent of the firearm injuries sustained by the accused. Then he issued Medico Legal Certificate bearing No. 1805/24.

20. In cross-examination, he admitted that "*There was no other injury on the body of accused except injury No.1-A and 1-B. Blackening means the soaking of gun powder on the Injury. Cheering means the burning marks on the wound side secondary to the bullet injury. There was not Cheerishness seen on the wound that is why it is not mentioned in the certificate.*"

21. The I.O. of the case PW-9, Inspector Ali Murad of Police Station Sukhan, deposed that he had been entrusted with the investigation of Crime Nos. 62 and 63 of 2024, lodged at PS Sukhan. He recorded the statements of the complainant and

other witnesses under Section 161 Cr.P.C. at the police station. He directed the complainant to submit the Rangers' mobile vehicle for examination at the Forensic Science Laboratory and further instructed the provision of roznamcha entries relating to the departure from the Wing on the relevant date, along with a copy of the Kote Register. He received copies of the FIRs, memo of arrest and recovery, as well as case property comprising three parcels containing one official pistol, one 9mm pistol recovered from the accused, and empty shells. He further received personal search items, namely two mobile phones and cash amounting to Rs.300/-, in unsealed condition. The motorcycle bearing Registration No. KOF-5310, Maker Unique-125, also forming part of the case property, was parked at the police station. Thereafter, he took custody of the accused, Mehboob Meerani, and returned to the police station after facilitating his medical treatment.

22. Furthermore, perusal of the Forensic Science Laboratory (FSL) report (Exh. 16/Q) indicates that the 9mm pistol recovered from the accused, bearing No. 0802, was found to be in working condition and that two crime empties marked C1 and C2 had been discharged from the same weapon. This finding corroborates the testimony of PW-2, HC Muhammad Fayyaz, who admitted during cross-examination that he had observed the Rangers' mobile at the police station, which bore two bullet marks. PW-9 also produced relevant roznamcha entries (Exh. 16/C, 16/F, 16/G, 16/H, 16/I, and 16/N), evidencing the movement of the police, and subsequently deposited the case property in the malkhans of Police Station Sukhan.

23. The prosecution witnesses are consistent and harmonious regarding the material facts of the case, and their depositions remained unimpeached during cross-examination. PW-1, Sub-Inspector Muzamil, provided a clear, coherent, and confidence-inspiring account of the incident, fully corroborated by PW-2 HC Muhammad Fayyaz, PW-3 ASI Mumtaz Ahmed, and PW-4 Sepoy Wahid Uddin. Their testimonies consistently establish the joint snap-checking operation, the accused's attempt to flee, his act of direct firing upon the Rangers/police officials, and the retaliatory discharge of fire resulting in his apprehension at the scene while

in possession of an unlicensed 9mm pistol. Independent corroboration of these facts is also provided by PW-5, Muhammad Haris Shafi, who confirmed that the motorcycle used by the accused was stolen property.

24. Moreover, the investigation conducted by PW-9, Inspector Ali Murad, remained unimpeached. The recovery of the weapon, empty shells, and the damaged government mobile, coupled with the positive forensic report, firmly establishes the use of the recovered pistol in the commission of the offence.

25. It is a fundamental principle of law that in cases involving capital punishment, the prosecution must establish the case against the accused beyond a reasonable doubt. In the instant case, the eyewitnesses provided a detailed, clear, and consistent account of the date, time, place, and each event of the occurrence. Despite extensive cross-examination and lengthy attempts by the defence to discredit the witnesses or create doubt regarding their presence at the scene, no favourable evidence could be elicited. The witnesses remained steadfast and consistent on all material points.

26. Regarding the evidence of police officials, it is well-settled that they are competent witnesses and their testimony cannot be discarded merely on the ground that they are police officers. In the present case, the police officials have provided straightforward, consistent, and confidence-inspiring evidence. There is nothing on record to suggest that they deposed against the accused/appellant maliciously, with animus, or with any ulterior motive. It cannot, therefore, be presumed that the police officials gave evidence mala fide or with the intention to falsely implicate the accused. It is a settled principle of law that the testimony of official witnesses cannot be rejected solely on the basis of their official status. In the case of *Zaffar v. The State* (2008 SCMR 1254), the Hon'ble Supreme Court of Pakistan held that:

"Police employees are competent witnesses like any other witnesses, and their testimonies cannot be discarded merely on the ground that they are police officials."

27. In the instant case, no evidence has been produced to demonstrate any enmity between the accused and the complainant or other witnesses. In the absence of such evidence, the competence of the prosecution witnesses, being police officials, was rightly accepted. Moreover, the official status of a witness alone does not affect their credibility or competence unless it is shown that the witness had a personal interest, motive to falsely implicate the accused, or prior enmity with the person involved. Reliance is placed on the case of *Farooq v. The State* (2008 SCMR 970) in this regard.

28. The minor discrepancies noted in the statements of the witnesses are insufficient to undermine the prosecution's case, as such variations are naturally attributable to the lapse of time and are therefore liable to be ignored. It is a well-settled principle of law that the statements of witnesses must be considered in their entirety. A court should not isolate a single sentence from the overall statement, nor should it disregard its proper context, to use it adversely or favorably against a party. Any contradictions must be material and substantial in order to have a prejudicial effect on the prosecution's case.

29. In view of the foregoing, it is evident that the prosecution has successfully established its case against the appellant. Learned counsel for the appellant has failed to point out any illegality or substantial infirmity committed by the learned trial Court in the impugned judgment, which was rendered following a proper appreciation of the evidence. Consequently, the conviction and sentence awarded to the appellant, Mehboob Meerani, by the learned trial Court are **upheld**. The appeal filed by the appellant is devoid of merit and are, accordingly, **dismissed**.

JUDGE

JUDGE