IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Jail Appeal No. S-09 of 2025
Criminal Jail Appeal No. S-10 of 2025

Appellant:	Javed through Mr. Khuda Bux @ K.B Lutuf Ali Laghari, Advocate
Respondent:	The State through Mr. Siraj Ahmed Bijarani Additional P.G. Sindh.
Complainant(s):	Mr. Muhammad Saad Saeed Qureshi, Advocate
Date of hearing:	01.04.2026
Date of Decision:	25.05.2026

J U D G M E N T

RIAZAT ALI SAHAR, J. Through this single judgment, I intend to dispose of the above-captioned connected Criminal Jail Appeals, as both arise out of the same occurrence and overlapping prosecution material. The principal appeal, namely Criminal Jail Appeal No.S-09 of 2025, is directed against the judgment dated 13.01.2025 passed by the learned Additional Sessions Judge-X / Inside Trial Court at Central Prison, Hyderabad in Sessions Case No.790 of 2019, whereby appellant Javed Zardari was convicted under section 302(b), Pakistan Penal Code, 1860, and sentenced to imprisonment for life as ta'zir, with compensation of Rs.2,000,000/- payable to the legal heirs of deceased Mir Muhammad under section 544-A, Cr.P.C., and in default whereof to suffer simple imprisonment for six months. By the same judgment, co-accused Agha Shahid and Hubdar Ali were acquitted. The connected Criminal Jail Appeal No. S-10 of 2025 pertains to the off-shoot recovery case, which is derivative of the same investigation and shall be adverted to at the relevant stage.

2. The prosecution case, in substance, is that on 04.06.2017 at about 11:30 p.m., complainant Sabir Hussain, along with Reham Ali, Shahnawaz and deceased Mir Muhammad, was allegedly present in the house of the deceased at village Mureed Khan Zardari. It was alleged that appellant Javed Zardari, armed with a repeater, accompanied by two muffled-faced unknown persons, arrived there on a motorcycle. According to the prosecution, appellant Javed raised a taunt that deceased Mir Muhammad used to restrain him from maltreating his wife Gul Naz, whereafter he made straight fire upon the deceased, while the other two unknown persons allegedly resorted to aerial firing. The injured Mir Muhammad was taken towards hospital but succumbed to the injuries on the way. After post-mortem and funeral, FIR No.61 of 2017 was lodged on 06.06.2017 at 10:30 a.m. at Police Station Taluka Nawabshah.

3. After receipt of the challan, the learned trial Court framed charge. The prosecution, in order to substantiate the accusation, examined complainant Sabir Hussain as PW-1, Shahnawaz as PW-2, Reham Ali as PW-3, Daman Ali as PW-4, SIP/ASI Ghulam Hussain as PW-5, Dr. Zainuddin as PW-6, Inspector Ghulam Nabi / Muhammad Ali Dahraj, the investigating officer, as PW-7, and Tapedar Naseem Ahmed as PW-8. Documentary evidence was also tendered, including the FIR, mashirnamas, post-mortem report, chemical report, FSL report and sketch of place of vardat. Thereafter statement of the appellant under section 342, Cr.P.C. was recorded, wherein he denied the prosecution allegations, professed innocence, asserted false implication on account of land dispute/enmity, and did not opt to appear on oath under section 340(2), Cr.P.C. nor produce any defence witness.

4. In his deposition, PW-1 Sabir Hussain reiterated the ocular version. He claimed that the appellant was his nephew, that the daughter of deceased Mir Muhammad was married to the appellant, that the appellant used to maltreat her, and that such conduct furnished the motive. He further asserted that the appellant fired straight at the deceased and that the occurrence took place in the light of electric bulbs. In cross-examination, however, he admitted that all brothers lived separately, though in one courtyard; that the number of the vehicle used for removing the deceased was not mentioned in the FIR; that the blood-stained clothes of Shahnawaz were not handed over to police; that none of the four sons of the deceased was an eye-witness; that his own blood-stained clothes were also not handed over; that the blood-stained cot/cart was not handed over; that after the occurrence his daughter was married to co-accused Hubdar Ali; that police reached the hospital after about one and a half hours; that the Lash Chakas form, Danishnama, identificatory proceedings before the medical officer, mashirnama of dead body and memo of place of vardat were not prepared in his presence; and that land inherited by the family had not been given to the appellant's mother. He further admitted that the place of incident had been shown to police by Amjad prior to registration of the FIR. These admissions are not peripheral; they strike at the spontaneity of the prosecution version, the integrity of the investigation, and the possibility of deliberation.

5. PW-2 Shahnawaz also repeated the ocular version and claimed his presence with the complainant and deceased. In cross-examination, he stated that he saw the black-coloured repeater in bulb light; that the distance between the accused and the deceased was about six to seven feet; that they reached the hospital at 12:00 midnight while police arrived at 1:25 a.m.; that only his own clothes

had become blood-stained and these were not given to police; that no son of the deceased was an eye-witness; that uncle Amjad was not a witness; that the FIR was lodged after discussion; that the deceased had received two firearm injuries; that Sabir handed over the clothes to police in his presence on 06.06.2017, though the investigating officer would later state that such clothes were handed over on 08.06.2017; that he and Sabir did not show the place of incident to police; and that his statement was recorded only once on 06.06.2017. He also admitted that co-accused Hubdar contracted marriage with the complainant's daughter after the occurrence.

6. PW-3 Reham Ali, likewise, furnished an identical ocular account. Yet, in cross-examination, he made admissions which render his presence highly doubtful. He deposed that according to his CNIC his address was Gulam Hyder Shah Colony, Nawabshah, at a distance of about 15 kilometres from the place of occurrence; that he had come from Nawabshah city along with his wife to the house of Sabir Hussain, who was also his father-in-law; that he then went to the house of deceased Mir Muhammad at about 11:15 p.m.; that none of the sons of deceased was present at that time; that his own clothes were blood-stained but were not handed over to police; that uncle Amjad was not present at the time of occurrence and reached there after two to three minutes; that police visited the place of incident on 05.06.2017 at 6:00 a.m. and the place was shown by Amjad; that he did not know how many injuries had been sustained by the deceased; and that he had not disclosed the description of those injuries to police although such description was found recorded in his section 161 statement. This is a glaring feature.

7. PW-4 Daman Ali was not an eye-witness of the occurrence at all. He categorically stated that when he came out after hearing firing, he saw the injured already being shifted in a car. He was only a mashir to various documents and to the later alleged recovery. In cross-examination, he admitted that his duty timing as chowkidar in the primary school was from 7:00 p.m. to 5:00 a.m.; that firing continued for about ten minutes; that he consumed four to five minutes in asking people what had happened; that he was not an eye-witness; that police obtained his signatures only four times during the entire investigation; that he did not know the contents of the FIR; that according to the memo the cot and blanket were highly blood-stained, yet neither the cot nor blanket was produced in Court; that the position of empties as narrated by him was not in consonance with the mashirnama; that after the incident they were not on good terms with the family of the appellant; that no electricity source was mentioned in the mashirnama of place of vardat; that though three or four women and men resided there, no woman was made a witness; that police did not record his statement under section 161, Cr.P.C.; that he did not know where the deceased's clothes remained for four days; that the Danishnama, mashirnama of dead body and mashirnama of place of incident were prepared prior to the FIR; that the total description of the repeater was not mentioned in the recovery memo; and that the plastic bag, from which the weapon was allegedly recovered, was not present in Court. These admissions alone create a formidable dent in the prosecution case.

8. PW-5 Ghulam Hussain, the initial investigating officer, deposed that at about 1:00 a.m. on 05.06.2017 he received a mobile call from one Amjad Ali Zardari informing him that Javed Zardari and two unknown persons had murdered his brother and that they were

present in hospital with the dead body. He then went to the hospital, prepared the dead-body mashirnama and Danishnama there, returned, visited the place of incident the same day, collected empties and blood-stained earth and prepared the mashirnama of place of vardat. In cross-examination, he admitted that the post-mortem report mentioned the dead body as having been brought by PC Abdul Kareem and not by him; that neither his own mobile number nor that of Amjad was recorded in any roznamcha entry or document; that he had prepared the Danishnama, mashirnama of dead body and memo of place of incident before the registration of the FIR; that no description regarding electricity was mentioned in the mashirnama of place of incident; that the names or presence of eye-witnesses were not mentioned in that mashirnama; that no independent person from the hospital was cited as witness; that the blood-stained cot and bedding were not included in the investigation; and that the sketch shown to him was said by him to have been prepared by him on 05.06.2017, although the prosecution separately produced a Tapedar who allegedly prepared the sketch on 15.06.2017. This contradiction goes to the very root of the site evidence.

9. PW-6 Dr. Zainuddin conducted the post-mortem between 2:15 a.m. and 3:30 a.m. on 05.06.2017. He found two entry wounds with blackening and four exit wounds around the nose, eye, ear and temporal region, alongside damage to the brain and fracture of facial bones. He also recovered one plastic part of a cartridge during post-mortem. In cross-examination, he admitted that he did not find any pellets; that the deceased could fall down on the first shot; that the deceased could receive other injuries from different directions; that the distance of each fire could be different from the other; that the dead body was identified by Shahid Ali; that the names of Sabir Hussain,

Daman Ali, Shahnawaz and Reham Ali were not mentioned in the post-mortem report or receipt; and that it was possible for a person sustaining such injuries to die at once on the spot.

10. PW-7 Inspector Ghulam Nabi / Muhammad Ali Dahraj, the succeeding investigating officer and author of the FIR, deposed that the complainant came to the police station on 06.06.2017 and the FIR was then formally lodged. He stated that he recorded section 161 statements of Reham Ali and Shahnawaz on that date; received blood-stained clothes on 08.06.2017; sent blood-stained earth to the FSL on 19.06.2017; recorded "162/161 statements" of complainant and witnesses again on 01.07.2017; arrested co-accused on 04.07.2017; and on 03.08.2017 secured the appellant from the lock-up of PS B-Section, Nawabshah, whereafter the appellant allegedly led to recovery of a repeater and two live cartridges hidden in a white plastic bag in the forest near village Murad Khan Zardari / Sim Nala. In cross-examination, he admitted that the rough papers of the FIR were not produced; that the head constable who wrote the FIR on his dictation was not examined; that no electric bulb was produced in Court; that he did not collect the clothes of the so-called eye-witnesses; that he did not record the statement of the appellant's wife to verify the plea of maltreatment; that he had no written proof whatsoever to show that the appellant used to torture his wife; that he did not produce any proof regarding the availability of electricity or the relevant lock-down record; that he did not record statements of sons or family members of the appellant; that he did not record any independent villagers, women or children; that he did not obtain CDRs; that he did not include in the investigation the vehicle used for removing the deceased; that the FIR was not lodged on 05.06.2017 even when police had already visited the place of occurrence; that he did not produce the appellant before a

Magistrate for a statement under section 164, Cr.P.C.; that he did not investigate any prior consultation among accused; that the weapon was sent to the FSL only on 08.08.2017; that the weapon was not subjected to fingerprint analysis; that the plastic bag was not produced in Court; that no record of the mobile calls by which mashirs were summoned was produced; that the FSL official was not examined; and that the cot was not produced.

11. PW-8 Naseem Ahmed, Tapedar, stated that on 15.06.2017 he prepared the sketch of place of incident on the pointing of the complainant and Daman Ali. In cross-examination, he admitted that no written direction from the Mukhtiarkar was produced; that the sketch did not show any source of light; that it did not depict the position of the witnesses; and that certain necessary physical details were absent therefrom.

12. The appellant, in his statement under section 342, Cr.P.C., denied the allegation in toto, pleaded innocence, and asserted that he had been falsely implicated due to landed dispute and family hostility. He neither examined himself on oath under section 340(2), Cr.P.C. nor produced defence evidence. It scarcely needs repetition that no adverse inference can be drawn from such abstention; the burden throughout remained upon the prosecution.

13. Learned counsel for the appellant contended that the impugned conviction is unsafe and unsustainable. It was argued that the FIR was inordinately delayed despite the admitted fact that police had already reached the hospital and even visited the place of occurrence before the FIR came into existence; that all so-called eye-witnesses are closely related and interested witnesses, one of them being a doubtful or chance witness; that the sons of the deceased,

independent villagers, women, hospital staff and co-mashir Sohbat Ali were withheld; that the ocular story suffered from material contradictions, omissions and improvements; that medical evidence did not support the prosecution in the manner assumed by the trial Court; that the investigation was artificial, partisan and defective; that the recovery was planted and forensically worthless; and that the prosecution had miserably failed to prove the alleged motive. Reliance was placed upon the settled line of authorities governing benefit of doubt, delayed FIR, delayed statements, dishonest improvements, contradiction between ocular and medical evidence, and inconsequential recovery.

14. Conversely, learned Additional Prosecutor General, assisted by learned counsel for the complainant, supported the impugned judgment and contended that the appellant was specifically named with a definite role in the FIR; that the ocular account was consistent on the core of the occurrence; that minor discrepancies were natural after lapse of time; that medical evidence corroborated the occurrence of firearm injuries; and that the recovery of repeater with positive FSL report further fortified the prosecution case. It was therefore urged that the conviction merits maintenance.

15. I have heard the learned counsel for the parties and have gone through the record with their able assistance.

16. At the very outset, it must be borne in mind that in a criminal case the prosecution must stand on its own legs and prove the charge beyond reasonable doubt. The accused is not required to prove innocence. Even a single circumstance creating reasonable doubt in a prudent mind is enough to entitle the accused to acquittal as of right and not as a matter of concession. This principle is too

firmly embedded in our criminal law to need elaborate restatement and has been repeatedly applied in ***Tariq Pervez v. The State (1995 SCMR 1345), Muhammad Akram v. The State (2009 SCMR 230), Muhammad Mansha v. The State (2018 SCMR 772), Mst. Asia Bibi v. The State (PLD 2019 SC 64), Ahmed Ali and another v. The State (2023 SCMR 781) and Muhammad Hassan and another v. The State (2024 SCMR 1427).***

17. The first and most telling infirmity in the prosecution case is the delay in lodgment of the FIR and the unusual pre-FIR investigative activity. The occurrence admittedly took place at about 11:30 p.m. on 04.06.2017. Police admittedly reached the hospital at about 1:25 a.m. according to the ocular account, and according to PW-5 the initial investigating officer received telephonic information at 1:00 a.m., went to the hospital, prepared the dead-body mashirnama and "Danishtnama" there, and thereafter visited the place of incident on the same night/morning and prepared the mashirnama of place of vardat. Yet the formal FIR was lodged only on 06.06.2017 at 10:30 a.m. after funeral. Thus, this is not a case of mere bereavement delaying a prompt narrative; it is a case where the police had already been set into motion, had inspected the dead body, had visited the crime scene, had reduced proceedings into writing, and still the FIR came much later. That sequence seriously impairs spontaneity and raises a legitimate inference of consultation and deliberation. In **Shaukat Hussain v. The State through Prosecutor General Punjab and another (2024 SCMR 929),** even a delay of about four hours was held significant enough to permit an inference of consultation and deliberation. The present case carries a much heavier burden, which the prosecution has failed to discharge.

18. The second infirmity pertains to the quality and naturalness of the ocular account. No doubt, mere relationship is not by itself a ground to discard a witness, but the intrinsic worth of that testimony must be tested with greater caution where the witnesses are closely related, admittedly inimical, and unsupported by independent corroboration. **Abid Ali and two others v. The State (2011 SCMR 208)** lays emphasis upon intrinsic value and prudence, while ***Mst. Shazia Parveen v. The State (2014 SCMR 1197)*** is a clear authority that related witnesses bereft of independent corroboration, coupled with medical inconsistency and inconsequential recovery, may not safely sustain a capital conviction. Likewise, injuries on a witness, or mere presence at the place, do not automatically stamp him truthful, as held in ***Amin Ali v. The State (2011 SCMR 323).***

19. Tested on that anvil, the testimony of PW-1, PW-2 and PW-3 does not inspire confidence. None of the four sons of the deceased was produced as an eye-witness, although PW-1 admitted their existence and PW-3 gave varying explanations about their whereabouts. Amjad, who allegedly informed police, allegedly showed the place of occurrence, and allegedly identified the deceased before the MLO according to PW-1, was also withheld. Women and other men admittedly present in or around the premises were not examined. Even independent hospital witnesses were not associated. Such withholding, in the circumstances of the case, furnishes room for an adverse inference under Article 129 (g), Qanun-e-Shahadat Order, 1984, particularly where the withheld persons were not marginal but materially connected with the prosecution narrative.

20. The position of PW-3 Reham Ali is even more precarious. He admitted that according to his CNIC his address was in Nawabshah

city, about fifteen kilometres away; that he had come from the city with his wife to the house of Sabir Hussain, his father-in-law, and then, shortly before the incident, proceeded to the house of the deceased. His presence, therefore, was not shown to be natural in the ordinary course. A chance witness must satisfactorily explain his presence; otherwise great caution is required before relying upon him. The superior Courts have repeatedly insisted upon this caution in cases such as ***Mst. Sughra Begum v. Qaiser Pervez and others (2015 SCMR 1142) and Khalid Mehmood and another v. The State (2021 SCMR 810)*.**

21. Thirdly, the prosecution witnesses made material omissions and improvements. PW-2, in his cross-examination, stated that deceased Mir Muhammad had sustained two firearm injuries, whereas PW-1 furnished an improved and embellished account by describing multiple firearm impacts along with specific locations of each entry and exit wound. It is humanly impossible for a witness to observe and notice the precise location of each and every wound during a sudden firing incident. PW-3 admitted that he did not know how many injuries were sustained and did not disclose the description of injuries to police, though such description somehow appeared in his section 161 statement. PW-1 stated that several foundational police documents were not prepared in his presence, while PW-4 Daman claimed to be mashir to them. PW-2 said the complainant handed over clothes to police on 06.06.2017, whereas the investigating officer said the clothes were handed over on 08.06.2017. The investigating officer further disclosed that statements of complainant and witnesses were again recorded on 01.07.2017, without furnishing any plausible explanation for that subsequent exercise. The law is settled that deliberate and dishonest improvements made to strengthen the

prosecution case cast serious doubt on veracity and render such testimony unsafe, as authoritatively held in Naveed Asghar and two others v. The State (PLD 2021 SC 600). Further, in ***Muhammad Asif v. The State (2017 SCMR 486),*** it was reiterated that even one or two days' unexplained delay in recording the statements of eye-witnesses may be fatal. The present case contains not only delay but also a visible pattern of embellishment.

22. The medical evidence, far from rescuing the prosecution, adds to the uncertainty. Medical evidence is confirmatory in nature; it may support the factum and location of injuries, but it cannot establish the identity of the assailant. This is the settled ratio of **Sikandar v. The State and another (2006 SCMR 1786)**. Moreover, where contradictions arise between ocular and medical evidence, and where the presence of eye-witnesses itself becomes doubtful and they seem to be setup witnesses, the benefit of doubt necessarily accrues to the accused, as recognised in ***Muhammad Riaz v. Khurram Shehzad and another (2024 SCMR 51)*.**

23. As per Moodi the blackening will appear within the distance of 4 feet, PW-2 disclosed such distance as 6/7 feet. Here, the medical officer found two entry wounds with blackening and multiple exit wounds, recovered only a plastic part of a cartridge, found no pellets, admitted that the deceased could fall on the first shot, admitted that further injuries could be from different directions and distances, and admitted that death could occur at once on the spot. More importantly, the dead body was identified by Shahid Ali according to the doctor, whereas PW-1 insisted that Amjad identified the deceased before the MLO. The names of Sabir Hussain, Daman Ali, Shahnawaz and Reham Ali are not reflected in the post-mortem report

or receipt. This variance may not in isolation conclude the matter, but taken with the rest of the prosecution infirmities it materially erodes the claim that the ocular witnesses remained continuously present in the manner asserted by them.

24. The alleged recovery of repeater from the appellant is equally unworthy of reliance. The appellant was not apprehended at the scene. He was secured on 03.08.2017 from the lock-up of another police station, and only thereafter was the alleged weapon recovered from a concealed place near Sim Nala / forest. The mashirs to recovery were again Daman Ali and Sohbat Ali, who are not independent in the true sense and whose association itself is doubtful because Sohbat Ali was withheld from the witness box. The white plastic bag allegedly containing the weapon was not produced. The total description of the weapon in the recovery memo was incomplete. No fingerprint examination was undertaken. The crime empties from the scene had been secured long before, but the recovered weapon was sent to the forensic laboratory only on 08.08.2017, and the record does not inspire confidence regarding safe custody during the intervening period. This is precisely the kind of evidentiary flaw which the Supreme Court has deprecated in ***Ali Sher v. The State (2008 SCMR 707) and Khuda-A-Dad v. The State (2017 SCMR 701),*** where late dispatch and the practice of sending empties along with subsequently recovered weapon were treated as destructive of evidentiary value. More broadly, the requirement of an unbroken chain of custody has been reiterated in ***Ahmed Ali and another v. The State (2023 SCMR 781).***

25. The prosecution also failed to establish motive in any legally acceptable manner. The whole edifice of motive rested on the

allegation that the appellant used to maltreat his wife, daughter of the deceased. Yet the investigating officer candidly admitted that he did not record the statement of the appellant's wife and had no written material or independent proof to substantiate such allegation. When the prosecution sets up a definite motive and fails to prove it, that failure cannot be lightly brushed aside. In ***Muhammad Ismail v. The State (2017 SCMR 713)*** and later authorities, the appellate Courts have consistently treated failure to prove a set-up motive as a factor operating against the prosecution.

26. The investigation, viewed as a whole, was patently defective. There is no proof of the telephonic call allegedly made by Amjad to the initial officer. There is no documentary proof of the officer's duty status except his own assertion. No evidence regarding electricity at the scene was collected although the prosecution placed heavy reliance on bulb light. The rough papers of the FIR were withheld. The head constable who wrote the FIR was not examined. No CDR was secured. No statement of the appellant's wife, sons of the deceased, independent villagers, women, or hospital staff was recorded. The blood-stained cot and bedding were admittedly not taken into possession or produced. One investigating officer claimed authorship of the sketch of place of occurrence, whereas the prosecution separately produced a Tapedar who prepared a sketch ten days later. Though defective investigation by itself may not always warrant acquittal, where the substantive evidence is already shaky, such defects reinforce the doubt rather than cure it. The safer administration of criminal justice demands that doubtful investigation should not be used to uphold a doubtful conviction.

27. I am not unmindful of the proposition that relationship alone does not disqualify a witness, nor that every discrepancy warrants rejection of evidence. However, the present case does not suffer from trivial discrepancies. It suffers from delayed FIR after pre-FIR proceedings, withheld natural witnesses, doubtful presence of a chance witness, inconsistent narration about injuries and crucial police formalities, unexplained delay and embellishment in witness statements, absence of independent corroboration, non-production of vital physical evidence, and an inconsequential recovery. The learned trial Court, with great respect, treated these matters as if they were all minor and peripheral; I am unable to agree. In a capital charge, the Court cannot proceed on suspicion, nor can it fill gaps left by the prosecution.

28. Initially, in the FIR, two accused persons were shown as unknown, as their faces were allegedly muffled and, therefore, they could not be identified by the complainant and other witnesses. Subsequently, through their further statements, the complainant party disclosed the names of those previously unknown accused as Agha and Hubdar, despite the fact that they were close relatives/acquaintances of the complainant party. Had they actually been present at the place of occurrence, there was no reason for the witnesses not to identify them at the very first instance. This circumstance creates a serious doubt regarding the credibility and truthfulness of the eyewitness account. A careful appraisal of the prosecution evidence, particularly the cross-examination of the eyewitnesses, reveals that they do not appear to be natural witnesses; rather, they seem to be chance or set-up witnesses. The murder of the deceased appears to be an un-witnessed occurrence and subsequently

the prosecution story and ocular account were managed and tailored to implicate the accused persons.

29. There is yet another angle. The same set of prosecution witnesses was found insufficient by the trial Court to convict co-accused Agha Shahid and Hubdar Ali, principally because they were not identified and the prosecution evidence against them was doubtful. Although the maxim falsus in uno, falsus in omnibus is not mechanically applicable, once the Court itself finds the prosecution witnesses unreliable on material facets of the same occurrence, selective dependence upon the residue of their testimony to sustain a capital conviction against one accused must be approached with utmost caution. Where no independent corroboration is forthcoming, that caution operates in favour of the accused. The jurisprudential thrust of Muhammad Mansha v. The State (2018 SCMR 772) and kindred cases reinforces the need for such caution.

30. For all the foregoing reasons, I am left with no manner of doubt that the prosecution has failed to prove the charge against appellant Javed Zardari beyond reasonable doubt. Rather, the record generates numerous reasonable doubts, each independently sufficient, and collectively overwhelming. The appellant is, therefore, entitled to acquittal by extending to him the benefit of doubt in terms of the settled law declared in Tariq Pervez, Muhammad Mansha, Mst. Asia Bibi, Ahmed Ali and Muhammad Hassan, supra.

31. Consequently, Criminal Jail Appeal No.S-09 of 2025 is **allowed**. The judgment dated 13.01.2025 passed by the learned trial Court, to the extent it convicts and sentences appellant Javed Zardari under section 302 (b), PPC, is set aside. The appellant is acquitted of the charge by extending him the benefit of doubt.

32. Since the connected Criminal Jail Appeal No.S-10 of 2025 arises from the same investigation and appears to rest substantially upon the same alleged recovery of repeater discussed above, and as this Court has found that very recovery to be unsafe, uncorroborated and forensically inconsequential, the connected appeal as against the appellant also stands **allowed**, and any conviction and sentence recorded therein against the appellant on the basis of the said recovery alone are likewise set aside.

33. Appellant shall be released forthwith, if not required to be detained in any other lawful custody or case. Office shall issue release warrant accordingly.

JUDGE

Approved for reporting

A.C