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Pakistan Superior Courts — Verified Judgment Digest

Thursday, 23 July 2026

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Exclusions: Supreme Court of Pakistan and Islamabad High Court — nil reportable judgments uploaded in the window (21-23 July 2026). Sindh High Court — the SHC case-law portal was unavailable throughout 23 July 2026 owing to a Cloudflare outage, so no SHC judgments could be retrieved or screened for this issue.

Federal Constitutional Court of Pakistan

2 judgments

COMPULSORY SERVICE IN THE ARMED FORCES ORDINANCE 1971 S.9A; CONSTITUTION ARTS 175F & 199; OGDCL (RE-ORGANIZATION) ORDINANCE 2001 S.5 — BENEFICIAL STATUTE FOR RELEASED MEDICAL PRACTITIONERS AND DISMISSAL OF A STALE CONSTITUTIONAL PETITION ON LACHES

Managing Director, Oil and Gas Development Company Limited & others v. Dr. Capt. (R) Nusrat Hussain through Legal Heirs

PETITION CONVERTED INTO APPEAL AND ALLOWED BY MAJORITY OF 2 TO 1 (SYED ARSHAD HUSSAIN SHAH, J. DISSENTING); HIGH COURT ORDER SET ASIDE; CONSTITUTIONAL PETITION DISMISSED

C.P.L.A. No. 4245/2022 & C.M.A. No. 10808/2022 · Bench: Syed Hasan Azhar Rizvi, J. (authoring); Rozi Khan Barrech, J.; Syed Arshad Hussain Shah, J. (dissenting) · Decided: 10.06.2026 · Uploaded: 22.07.2026

FACTS

The respondent, a qualified doctor, was called up for compulsory service in the Pakistan Army under the Compulsory Service in the Armed Forces Ordinance, 1971 vide Call-Up Notice dated 04.03.1981. After his release he entered the service of the erstwhile Oil and Gas Development Corporation (later re-organized as OGDCL, a public limited company). From 1994 onwards he repeatedly sought that his army service be counted towards seniority and pay under Section 9A of the Ordinance of 1971; save for two advance increments, his requests were declined by office memoranda dated 19.10.1994, 24.08.2000, 31.12.2002 and 27.01.2009 on the ground that he had been appointed through competitive selection on accepted terms. A further application (styled an appeal) was rejected on 29.04.2011. He then filed a constitutional petition before the High Court of Sindh, Circuit Court Hyderabad (C.P. No. D-1850/2011), which was allowed on 26.10.2022, directing grant of the benefits to his family. The matter, originally a C.P.L.A. before the Supreme Court, stood transferred to the Federal Constitutional Court under Article 175F(2) of the Constitution following the Twenty-Seventh Amendment.

LEGAL ISSUE

Whether OGDCL, in its present corporate form as a public limited company, owes any statutory obligation under Section 9A of the Ordinance of 1971 to count a released medical practitioner's compulsory military service towards seniority and pay; and, in any event, whether a constitutional petition invoked decades after the cause of action first accrued in 1994, sustained only by successive representations, was maintainable or barred by laches.

HOLDING

Section 9A is a beneficial and compensatory provision, carrying a non-obstante clause, intended to ensure that compulsory military service does not prejudice the subsequent civil careers of medical practitioners and essential persons. However, OGDCL in its present form as a public limited company does not, prima facie, owe any statutory obligation under Section 9A. Decisively, the respondent's cause of action accrued when his first claim was rejected in 1994; his subsequent applications were not contemplated by any law and their rejection created no fresh cause of action, so they neither extended limitation nor revived a stale claim. The constitutional petition, filed only in 2011, was hopelessly barred by delay and laches and was liable to be dismissed on that ground alone. The High Court erred in granting relief.

LEGAL SIGNIFICANCE

The judgment is among the first of the Federal Constitutional Court to exercise the appellate jurisdiction transferred to it under Article 175F following the Twenty-Seventh Amendment. It restates that a beneficial statute cannot be pressed into service by an indolent litigant who sleeps over his rights for decades, and that repeated representations on the same subject cannot be used to defeat the bar of limitation and laches or to resurrect a dead claim. It also signals judicial caution in extending Section 9A obligations to corporatized public-sector entities that have shed their statutory character.

LEGAL PROPOSITIONS (VERBATIM)

— it is essentially beneficial and compensatory in nature, intended to mitigate the hardship suffered by medical practitioners and other essential persons who are compulsorily inducted into service with the Armed Forces

— permitting a litigant to overcome the bar of delay and laches through repeated applications on the same subject would render the above doctrine nugatory and would enable an indolent person to resurrect a dead claim at his convenience

LEGAL PRINCIPLES EXPOUNDED

Section 9A of the Ordinance of 1971 is a beneficial and compensatory provision, fortified by a non-obstante clause, whose object is to ensure that compulsory service in the Armed Forces does not prejudice the subsequent civil careers of medical practitioners and other essential persons.

Source: it is essentially beneficial and compensatory in nature, intended to mitigate the hardship suffered by medical practitioners and other essential persons who are compulsorily inducted into service with the Armed Forces

Authority: Section 9A, Compulsory Service in the Armed Forces Ordinance, 1971 (as inserted by the 1978 Amendment Ordinance)

Once a claim has been finally rejected, successive applications on the same subject that are not contemplated by any law do not create a fresh cause of action; they neither extend the period of limitation nor revive a cause of action that has become stale.

Source: the subsequent applications and their rejection neither had the effect of extending the period of limitation nor of reviving a cause of action that had long since become stale

Authority: Doctrine of laches; *Premier Cloth Mills Ltd. v. Pakistan* (PLD 1976 Lahore 1553)

A litigant cannot be permitted to overcome the bar of delay and laches by filing repeated applications on the same subject, as that would render the doctrine nugatory and allow an indolent person to resurrect a dead claim at will.

Source: permitting a litigant to overcome the bar of delay and laches through repeated applications on the same subject would render the above doctrine nugatory and would enable an indolent person to resurrect a dead claim at his convenience

Authority: Doctrine of delay and laches

OPERATIVE ORDER

Per the short order dated 10.06.2026, the petition is converted into an appeal and allowed by majority of 2 to 1 (Syed Arshad Hussain Shah, J. dissenting); the impugned judgment dated 26.10.2022 of the High Court of Sindh is set aside and the constitutional petition filed by the respondent stands dismissed. No order as to costs.

■ View Full Judgment

LAND REFORMS REGULATION 1972 (MLR 115) PARAS 18 & 29; CONSTITUTION ARTS 4, 10-A, 25 & 199 — FINALITY OF RESUMPTION PROCEEDINGS, NATURAL JUSTICE AND GOVERNMENT TENANTS' ALLOTMENT RIGHTS

Niamat Ali & others v. Muhammad Musa & others (Federal Land Commission land resumption)

APPEALS ALLOWED; HIGH COURT JUDGMENTS AND CHAIRMAN, FEDERAL LAND COMMISSION'S ORDER DATED 22.08.1996 AND CONSEQUENTIAL MUTATION SET ASIDE; MATTER TO BE CONSIDERED AFRESH BY THE COMPETENT FORUM

Civil Appeals No. 382-L & 383-L/2012 · Bench: Amin-ud-Din Khan, Chief Justice; Syed Arshad Hussain Shah, J. · Decided: 21.07.2026 · Uploaded: 21.07.2026

FACTS

The dispute concerned land measuring 535 Kanals and 4 Marlas in Village Haleem Khichi, Tehsil Mailsi, District Vehari. The appellants claimed to have cultivated the land as tenants since before Kharif 1971; following the Land Reforms Regulation, 1972 (MLR No. 115) the land was resumed by the Provincial Government and the appellants became Government tenants, though final allotment under paragraph 18 remained pending. Separately, the benami-ownership claim of Mst. Hashmat Habib ur Rehman (predecessor of respondents No. 3 to 5) had been rejected by the Deputy Land Commissioner in 1972 and that rejection had attained finality; a 1977 Federal Land Commission inquiry concluded in 1990 that she owned no other land. Decades later her legal heirs filed a belated revision before the Chairman, Federal Land Commission, who condoned the delay, set aside the 1972 resumption orders and, by order dated 22.08.1996, directed

allotment of the disputed land to the heirs. The appellants' challenge was dismissed by the Lahore High Court (judgments dated 09.10.2008 and 28.01.2008) on a narrow view of locus standi. The matter stood transferred from the Supreme Court to the Federal Constitutional Court under the Twenty-Seventh Amendment.

LEGAL ISSUE

Whether the Chairman, Federal Land Commission, sitting singly, could condone an inordinate delay and, by the order dated 22.08.1996, reopen resumption proceedings that had attained finality in 1972 and re-allot the land to the landowner's heirs without notice to the Government tenants in possession; and whether the High Court was right to deny the tenants locus standi to challenge that order.

HOLDING

The order dated 22.08.1996 was wholly without jurisdiction and void. It reopened proceedings that had attained finality decades earlier, contrary to the doctrine of finality of litigation; it proceeded on an assumption of benami ownership never established by any competent judicial forum; it entertained a revision hopelessly barred by limitation in disregard of paragraph 29 of the Regulation; it was passed by the Chairman acting singly without statutory authority to exercise the revisional jurisdiction vested in the Commission; and, most significantly, it divested the appellants of vested statutory rights without notice or hearing, violating audi alteram partem and Articles 4, 10-A and 25 of the Constitution. Locus standi is not to be decided on a narrow or technical formula, and the tenants, whose accrued rights were prejudiced, were entitled to challenge the order.

LEGAL SIGNIFICANCE

The judgment reaffirms, in the context of agrarian resumption under MLR 115, that an order made in breach of natural justice is a nullity, that concluded revenue proceedings cannot be reopened through belated and jurisdictionally incompetent revisions, and that locus standi must be assessed functionally by reference to whether a person's legal rights or legitimate expectations are adversely affected. It protects the allotment expectancy of Government tenants in possession against reallocation engineered behind their backs.

LEGAL PROPOSITIONS (VERBATIM)

— *a decision rendered in violation of the principles of natural justice is no decision in the eye of law*

— *locus standi is not to be determined on the basis of a narrow or technical formula but with reference to whether the impugned action has adversely affected the legal rights, lawful interests or legitimate expectations of the person invoking the constitutional jurisdiction of the Court*

LEGAL PRINCIPLES EXPOUNDED

An order determining civil rights without notice to and hearing of the affected persons is vitiated regardless of merits; a decision made in violation of natural justice is no decision in the eye of law and, being contrary to Articles 4, 10-A and 25 of the Constitution, is void and of no legal effect.

Source: *a decision rendered in violation of the principles of natural justice is no decision in the eye of law*

Authority: Articles 4, 10-A & 25, Constitution of Pakistan; audi alteram partem; University of Dacca v. Zakir Ahmed (PLD 1965 SC 90)

Proceedings that have attained finality cannot be reopened through a revision that is hopelessly barred by limitation and entertained in disregard of the statutory limitation prescribed by the Regulation.

Source: *it entertained and allowed a revision that was hopelessly barred by limitation in disregard of paragraph 29 of the Land Reforms Regulation, 1972*

Authority: Paragraph 29, Land Reforms Regulation, 1972 (MLR No. 115); doctrine of finality of litigation

Locus standi is to be determined functionally, by reference to whether the impugned action has adversely affected the legal rights, lawful interests or legitimate expectations of the person invoking the Court's jurisdiction, and not on a narrow or technical formula of legal title.

Source: *locus standi is not to be determined on the basis of a narrow or technical formula but with reference to whether the impugned action has adversely affected the legal rights, lawful interests or legitimate expectations of the person invoking the constitutional jurisdiction of the Court*

Authority: Article 199, Constitution of Pakistan

OPERATIVE ORDER

For the reasons recorded, the civil appeals are allowed. The judgments of the Lahore High Court dated 09.10.2008 and 28.01.2008, the order of the Chairman, Federal Land Commission dated 22.08.1996 and the consequential mutation No. 590 dated 29.10.1996 are set aside; the legal position reverts to that existing immediately prior to the order dated 22.08.1996. The appellants' rights as tenants under the Land Reforms Regulation, 1972 remain protected and their entitlement to allotment shall be considered strictly in accordance with law by the competent authority/forum. Pending applications disposed of; no order as to costs. Announced 21.07.2026.

■ [View Full Judgment](#)

Lahore High Court

3 judgments

CR.P.C. SS.22-A(6), 25 & 528; CONSTITUTION ART. 199; PPC S.20 — QUASI-JUDICIAL EX-OFFICIO JUSTICE OF THE PEACE AND JURISDICTION TO TRANSFER PENDING APPLICATIONS

Faisal Manzoor v. Sessions Judge, Okara & others

PETITION PARTLY ALLOWED; TRANSFER OF SECTION 22-A(6) CR.P.C. APPLICATIONS SET ASIDE; TRANSFER OF PRE-ARREST BAIL APPLICATIONS UPHELD

Writ Petition No. 41376/2026 (Criminal Proceedings) · Bench: Farooq Haider, J. · Decided: 20.07.2026 · Uploaded: 21.07.2026

FACTS

Respondent No. 2 applied to the Sessions Judge, Okara for transfer of six applications from the Court of Rana Sohail Tariq, Additional Sessions Judge/Ex-officio Justice of the Peace, Depalpur to another Additional Sessions Judge at Renala Khurd. The applications comprised both applications under Section 22-A(6) Cr.P.C. (pending before the Ex-officio Justice of the Peace) and applications for pre-arrest bail. The Sessions Judge transferred all of them. The petitioner, Faisal Manzoor, challenged that order under Article 199 of the Constitution, the Additional Advocate General conceding that transfer of the Section 22-A(6) applications was without jurisdiction while supporting the transfer of the bail applications.

LEGAL ISSUE

Whether a Sessions Judge possesses jurisdiction to withdraw an application pending under Section 22-A(6) Cr.P.C. before one Ex-officio Justice of the Peace and entrust it to another; and whether the Sessions Judge's power to transfer pre-arrest bail applications under Section 528 Cr.P.C. stands on a different footing.

HOLDING

The functions of an Ex-officio Justice of the Peace under Section 22-A(6) Cr.P.C. are quasi-judicial. Section 528 Cr.P.C. cannot be invoked to transfer a Section 22-A(6) application from one Ex-officio Justice of the Peace to another, and after initial entrustment the Sessions Judge cannot even administratively reassign, withdraw or recall such an application. Where the statute provides no remedy, the High Court's jurisdiction under Article 199 may be invoked. The Sessions Judge, Okara therefore had no jurisdiction to transfer the Section 22-A(6) applications, and that part of the order was set aside. However, the Sessions Judge does have jurisdiction under Section 528 Cr.P.C. to transfer pre-arrest bail applications, and that part of the order, being valid and made so that justice is seen to be done, was upheld.

LEGAL SIGNIFICANCE

The judgment delineates the boundary between the quasi-judicial office of the Ex-officio Justice of the Peace under Section 22-A(6) Cr.P.C. and the administrative/transfer powers of the Sessions Judge under Section 528 Cr.P.C., holding that once a Section 22-A(6) matter is entrusted it cannot be reshuffled between Ex-officio Justices of the Peace, whether judicially or administratively, while ordinary bail applications remain amenable to transfer.

LEGAL PROPOSITIONS (VERBATIM)

— cannot be invoked for transfer of any application filed under Section: 22-A(6) of the Code of Criminal Procedure, 1908 from an Ex-officio Justice of the Peace to another Ex-officio Justice of the Peace

— when there is no remedy available in the statute, then jurisdiction of High Court under Article 199 of the constitution of Islamic Republic of Pakistan, 1973 can be invoked for enforcement of legal rights

LEGAL PRINCIPLES EXPOUNDED

Section 528 Cr.P.C. cannot be invoked to transfer an application filed under Section 22-A(6) Cr.P.C. from one Ex-officio Justice of the Peace to another.

Source: cannot be invoked for transfer of any application filed under Section: 22-A(6) of the Code of Criminal Procedure, 1908 from an Ex-officio Justice of the Peace to another Ex-officio Justice of the Peace

Authority: Sections 22-A(6) & 528 Cr.P.C.; Umer Daraz v. Additional Sessions Judge (2021 MLD 2077); Abid Hussain v. Additional Sessions Judge (PLD 2023 Lahore 86)

Even administratively, once an application under Section 22-A(6) Cr.P.C. has been entrusted to an Ex-officio Justice of the Peace, the Sessions Judge cannot reassign it, that is, he cannot withdraw or recall it and entrust it to another Ex-officio Justice of the Peace.

Source: after initial entrustment of the application filed under Section: 22-A(6) of the Code of Criminal Procedure, 1908 to an Ex-Officio Justice of the Peace, Sessions Judge cannot reassign the same i.e. he cannot withdraw or recall the same

Authority: Sections 22-A(6) & 25 Cr.P.C.

Where no remedy is available in the statute, the jurisdiction of the High Court under Article 199 of the Constitution can be invoked for the enforcement of legal rights and to remedy their infringement.

Source: when there is no remedy available in the statute, then jurisdiction of High Court under Article 199 of the constitution of Islamic Republic of Pakistan, 1973 can be invoked for enforcement of legal rights

Authority: Article 199, Constitution of Pakistan; Younas Abbas v. Additional Sessions Judge, Chakwal (PLD 2016 SC 581)

OPERATIVE ORDER

Petition accepted to the extent of the order transferring applications under Section 22-A(6) Cr.P.C. (that part being without jurisdiction, recalled and set aside), but dismissed to the extent of the order transferring applications for bail. The connected C.M. No. 01/2026 disposed of as having lost relevance. Order dictated, pronounced and signed on 20.07.2026; approved for reporting.

■ View Full Judgment

CR.P.C. S.497; QANUN-E-SHAHADAT ORDER 1984 ARTS 38 & 39; PPC SS.302 & 34 — BELATED SUPPLEMENTARY STATEMENT, CONFESSION TO POLICE AND POST-ARREST BAIL

Umer Farooq alias Ahtisham v. The State & another

POST-ARREST BAIL GRANTED; PROVINCE-WIDE DIRECTIONS ISSUED TO POLICE

Crl. Misc. No. 39870-B/2026 (2026 LHC 4789) · Bench: Muhammad Tariq Nadeem, J. · Decided: 16.07.2026 · Uploaded: 21.07.2026

FACTS

The petitioner sought post-arrest bail in case FIR No. 2131/2024 registered under Sections 302 and 34 PPC at Police Station Civil Line, Mandi Bahauddin, for the murder of Muhammad Faisal Shahzad. The FIR was lodged against four unknown accused, and no eye-witness nominated anyone in the initial Section 161 Cr.P.C. statements. About nine months later, the complainant's supplementary statement implicated the petitioner on the basis of an undisclosed informer's tip, ascribing him no specific role. The complainant's counsel and the Additional Inspector General (Investigation), Punjab conceded that the supplementary statements did not disclose any plausible source and were insufficient to justify arrest, in disregard of guidelines earlier laid down by the Court.

LEGAL ISSUE

Whether the belated supplementary statement implicating the petitioner, unsupported by any disclosed source and ascribing no specific role, together with an inadmissible alleged confession to the police and a weapon recovery unconnected by independent evidence, made out a case for post-arrest bail as one of

further inquiry under Section 497(2) Cr.P.C.

HOLDING

Where an accused is not named in the FIR and is later implicated through a belated supplementary statement based on an undisclosed or unverified source, the prohibition of Section 497 Cr.P.C. is prima facie bypassed and the case becomes one of further inquiry under Section 497(2). Implication through a supplementary statement without disclosing any plausible source has no evidentiary value. An alleged confession before the police is inadmissible under Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984. Mere recovery of a weapon without independent connecting evidence, involvement in other FIRs absent a proven conviction, and the heinousness of the offence are not grounds to refuse bail. The petitioner having been in custody with investigation complete, bail was granted.

LEGAL SIGNIFICANCE

The judgment consolidates the settled principles governing the evidentiary worth of belated supplementary statements at the bail stage, and couples the grant of relief with a province-wide administrative direction to the police to scrutinize arrests founded solely on such statements, reinforcing the guidelines in *Rashida Bibi v. SHO* (PLJ 2024 Cr.C 700).

LEGAL PROPOSITIONS (VERBATIM)

- *implicating an accused through supplementary statement, without disclosing any plausible source of information, holds no evidentiary value*
- *mere registration of other criminal cases against an accused person is no ground to deprive him from the concession of bail*

LEGAL PRINCIPLES EXPOUNDED

Where an accused is not named in the FIR and is subsequently implicated through a supplementary statement based on an undisclosed or unverified source, the statutory prohibition of Section 497 Cr.P.C. is prima facie bypassed, entitling the accused to bail as a case of further inquiry.

Source: accused is not named in FIR and is subsequently implicated through supplementary statement based on an undisclosed or unverified source, the statutory prohibition of Section 497, Cr.P.C. is prima facie bypassed, entitling the accused to bail

Authority: Section 497 Cr.P.C.; *Naeem Akhtar v. The State* (1996 SCMR 511); *Abdul Wahid v. The State* (2022 SCMR 1954); *Abid v. The State* (2026 SCMR 635)

Implicating an accused through a supplementary statement without disclosing any plausible source of information holds no evidentiary value and is not permissible under the law.

Source: implicating an accused through supplementary statement, without disclosing any plausible source of information, holds no evidentiary value

Authority: Section 497 Cr.P.C.; *Rashida Bibi v. Station House Officer* (PLJ 2024 Cr.C 700)

A confession made before or to a police officer is inadmissible in evidence except to the limited extent permitted by law, and cannot by itself be treated as substantive evidence connecting the accused with the offence.

Source: Under the provisions Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984, any confession made before or to a police officer is inadmissible in evidence, except to the limited extent permitted by law

Authority: Articles 38 & 39, Qanun-e-Shahadat Order, 1984; *Akhtar v. Khwas Khan* (2024 SCMR 476)

The mere registration of other criminal cases against an accused, absent a previous conviction established through adjudication, is no ground to deny him the concession of bail.

Source: mere registration of other criminal cases against an accused person is no ground to deprive him from the concession of bail

Authority: Section 497 Cr.P.C.; *Muhammad Amjad Naeem v. The State* (2025 SCMR 1130); *Qurban Ali v. The State* (2017 SCMR 279)

OPERATIVE ORDER

Petition allowed; the petitioner admitted to post-arrest bail subject to furnishing bail bonds of Rs. 10,00,000 with two sureties each in the like amount to the satisfaction of the trial court, the observations being tentative. The Office directed to transmit the order to the Inspector General of Police, Punjab for province-wide circulation, with a compliance report to be submitted through the Deputy Registrar (Judicial) within a fortnight. Announced and signed on 16.07.2026; approved for reporting.

■ View Full Judgment

PPC SS.376(II), 365-A, 392 & 337; ANTI-TERRORISM ACT 1997 S.7; CR.P.C. SS.342, 340(2) & 374; QANUN-E-SHAHADAT ORDER 1984 ART. 2(4) — DNA/SCIENTIFIC EVIDENCE AND CONFIRMATION OF DEATH SENTENCE IN A MOTORWAY GANG-RAPE

Abid Ali v. The State & another (with connected appeals and Capital Sentence Reference)

CONVICTS' APPEALS DISMISSED; CONVICTIONS AND SENTENCES MAINTAINED; DEATH SENTENCES CONFIRMED; STATE'S APPEAL FOR ENHANCEMENT DISMISSED

Crl. Appeal No. 20513/2021 with Crl. Appeals No. 20738/2021 & 26164/2021 and Capital Sentence Reference No. 03-T/2021 (2026 LHC 4772) · Bench: Syed Shahbaz Ali Rizvi, J.; Tariq Mahmood Bajwa, J. (authoring) · Decided: 03.06.2026 · Uploaded: 21.07.2026

FACTS

The two appellants were convicted by the Anti-Terrorism Court-I, Lahore in case FIR No. 1369/2020 under Sections 365-A, 392, 376(ii), 427, 201, 34, 337L(ii) and 337F(i) PPC and Section 7 of the Anti-Terrorism Act, 1997, arising from the abduction at night of a stranded woman (with her minor children) from a broken-down vehicle on the motorway and her gang rape. By judgment dated 20.03.2021 the trial court sentenced both appellants to death under Section 376(ii) PPC, imprisonment for life under Section 365-A PPC, and lesser terms and Daman on the other counts. The convicts appealed; the State appealed seeking enhancement of the Section 365-A sentence to death; and the trial court forwarded a Capital Sentence Reference under Section 374 Cr.P.C. for confirmation. Medical evidence confirmed sexual assault and resistance, and DNA profiling matched sperm fractions from the victim and blood from her vehicle to the appellants.

LEGAL ISSUE

Whether the conviction resting on ocular, medical and forensic (DNA) evidence was sustainable; whether the appellants' bare denial under Section 342 Cr.P.C., without appearing under Section 340(2) Cr.P.C., could displace it; whether the death sentence should be confirmed on the Capital Sentence Reference; and whether the life sentence under Section 365-A PPC warranted enhancement to death.

HOLDING

The prosecution established its case through trustworthy ocular, medical and scientific evidence. Scientific evidence, being founded on objective analysis rather than fallible human perception, furnished formidable corroboration, the DNA match connecting both appellants with the offence; the standard of proof under Article 2(4) of the Qanun-e-Shahadat Order, 1984 was satisfied. A simple denial under Section 342 Cr.P.C., the appellants having declined to testify under Section 340(2) Cr.P.C., carried little weight. The offence under Section 365-A read with Section 7 ATA was triable by the Anti-Terrorism Court. Considering the gravity and the objectives of sentencing, the sentences were commensurate and warranted no interference; nor was there any compelling circumstance to enhance the Section 365-A life sentence to death.

LEGAL SIGNIFICANCE

The judgment is a considered statement on the corroborative primacy of DNA and forensic evidence in sexual-offence prosecutions, the adverse effect of an accused's failure to enter the witness box under Section 340(2) Cr.P.C., and the sentencing calculus in heinous cases, while confirming a capital sentence on a Section 374 Cr.P.C. reference and declining the State's plea for enhancement.

LEGAL PROPOSITIONS (VERBATIM)

— *Scientific evidence is one of the most dependable tools for the discovery of truth, as it is founded upon objective analysis rather than fallible human perception*

— where the prosecution succeeds in establishing its case through trustworthy ocular, medical, and scientific evidence, a simple denial by the accused, unsupported by any independent evidence, carries little weight and cannot dislodge the prosecution case

LEGAL PRINCIPLES EXPOUNDED

Scientific evidence is among the most dependable tools for the discovery of truth because it rests on objective analysis rather than fallible human perception, and a positive DNA match furnishes strong, independent and highly incriminating corroboration of the prosecution case.

Source: Scientific evidence is one of the most dependable tools for the discovery of truth, as it is founded upon objective analysis rather than fallible human perception

Authority: Article 2(4), Qanun-e-Shahadat Order, 1984; DNA/forensic corroboration

Where the prosecution establishes its case through trustworthy ocular, medical and scientific evidence, a simple denial by the accused, unsupported by independent evidence, carries little weight and cannot dislodge the prosecution case, particularly where the accused declines to testify under Section 340(2) Cr.P.C.

Source: where the prosecution succeeds in establishing its case through trustworthy ocular, medical, and scientific evidence, a simple denial by the accused, unsupported by any independent evidence, carries little weight and cannot dislodge the prosecution case

Authority: Sections 342 & 340(2) Cr.P.C.

In determining the quantum of sentence the Court must weigh not only the aggravating and mitigating circumstances but also the broader objectives of criminal justice, namely deterrence, denunciation of criminal conduct, protection of society and vindication of the rights of victims.

Source: the Court is required to consider not only the aggravating and mitigating circumstances of the case but also the broader objectives of criminal justice i.e. deterrence, denunciation of criminal conduct, protection of society, and vindication of the rights of victims

Authority: Principles of sentencing; Section 374 Cr.P.C. (Capital Sentence Reference)

OPERATIVE ORDER

Criminal Appeals No. 20513/2021 and 20738/2021 filed by the appellants are dismissed and the convictions and sentences maintained. Capital Sentence Reference No. 03-T/2021 under Section 374 Cr.P.C. is answered in the affirmative and the death sentences of the appellants are confirmed. Criminal Appeal No. 26164/2021 filed by the State for enhancement of the Section 365-A PPC sentence to death is dismissed as devoid of merit.

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