

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Muhammad Hashim Khan Kakar
Mr. Justice Salahuddin Panhwar
Mr. Justice Ishtiaq Ibrahim

Jail Petition No.73/2020 and Crl.Petition No.174-L/2020

*(Against the Judgment dated 22.01.2020 passed by the Lahore High Court,
Lahore in Criminal Appeal No.378/2016)*

Abdul Razzaq (in J.P.73/2020)
Muhammad Arif (in Crl.P.L.A.174-L/2020)

...Petitioner(s)

Versus

The State (in J.P.73/2020)
The State, etc. (in Crl.P.L.A.174-L/2020)

...Respondent(s)

For the Petitioner(s): Mr. Javed Imran Ranjha, ASC
(in J.P.73/2020)

Ch. Walayat Ali, ASC
(in Crl.P.L.A.174-L/2020)

For the State: Mr. Hamayoun Aslam, DPG, Punjab

Date of Hearing: 11.08.2026

JUDGMENT

ISHTIAQ IBRAHIM, J.- The prosecution case, as set out in First Information Report ('FIR') No.47 dated 23.04.2014, registered under Section 365-A PPC at Police Station Raiya Khas, District Narowal, on the report of complainant Muhammad Arif (PW.6), is that on 22.04.2014 his son, namely Muhammad Aqib, aged about 13/14 years and a student of 9th Class at Government High School, Arud Afghanan, left home for school but did not return until about 2:00 p.m. Thereafter, the complainant left his house in search of his son and, while he was on his way to the school, Muhammad Razaaq (PW.7), Abdul Sattar, Tanveer Ahmad, and Muhammad Abbas (given up PWs) met him and informed him that accused Abdul Razaaq (petitioner), along with his co-accused, namely Ishaque, Sultan Ahmad, Muhammad Irfan and

Muhammad Zaman (since acquitted), all sons of Muhammad Boota and residents of Gulzar-e-Quaid, Islamabad, had forcibly kidnapped his son and taken him towards Narowal in a car. The motive alleged by the complainant for the occurrence was a pre-existing land dispute between him and the accused persons.

2. Upon arrest of all the accused and completion of investigation, sections 365-A, 148, 149 PPC and section 7 Anti-Terrorism Act, 1997 were added in the case and a report under section 173 Cr.P.C. was submitted against all the accused before the learned Judge Anti-Terrorism Court-II Gujranwala ('Trial Court'). Upon conclusion of trial, the trial Court vide judgment dated 13.02.2026 while acquitting Muhammad Ishaque convicted accused Abdul Razaaq, Muhammad Irfan, Sultan Ahmad and Muhammad Zaman under section 365-A PPC and sentenced them to imprisonment for life each and their whole property was forfeited in favour of the State. Similarly, they were also convicted and sentenced under section 7(e) ATA 1997 and sentenced to imprisonment for life each and their whole property was forfeited in favour of the State. The sentences of the accused/convicts under both the offences were directed to run concurrently and benefit of Section 382-BCr.P.C. was extended to them.

3. The Lahore High Court, Lahore ('the High Court') while partly allowing Criminal Appeal No.378 of 2016, filed by all the convicts, set aside the conviction and sentences of accused-convicts Muhammad Irfan, Sultan Ahmad and Muhammad Zaman and acquitted them of the charge. The learned High Court, however, dismissed the appeal to the extent of convict Abdul Razaaq and upheld his conviction and sentences recorded by the Trial Court vide judgment dated 22.01.2020, which has been impugned before this Court by the petitioner-convict Abdul Razzaq through Jail Petition No.73 of 2020. Conversely, complainant Muhammad Arif has filed Criminal Petition No.174-L of 2020, against acquittal of respondents-accused Sultan Ahmad, Muhammad Irfan and Muhammad Zaman.

4. We have heard the arguments of learned counsel for the parties and the learned Deputy Prosecutor General, Punjab, appearing on behalf of the State and perused the record with their able assistance.

5. It appears from the record that complainant Muhammad Arif is not eyewitness to the occurrence. According to his own version, while he was proceeding towards the school of his son, Muhammad Aqib, in search of him, Master Abdul Sattar, Tanveer Ahmad, Muhammad Razzaq and Muhammad Abbas met him and informed him that his son had been abducted by the petitioner-convict along with his co-accused, namely Ishaque, Sultan Ahmad, Muhammad Irfan and Muhammad Zaman, all sons of Muhammad Boota. It is an admitted position that all the accused are real brothers. The complainant, both in the FIR and in his statement before the learned Trial Court, candidly admitted the existence of a land dispute between him and the accused. It is important to note that except Muhammad Razzaq (PW.7), none of the persons named by the complainant as having informed him about the alleged abduction came forward to furnish ocular account of the occurrence. The prosecution has primarily relied upon the testimony of Muhammad Razzaq (PW.7) and the alleged abductee Muhammad Aqib (PW.10) in order to prove the guilt of the petitioner-convict. It appears from the record that co-accused Ishaque, to whom a role similar to that attributed to the petitioner-convict had been assigned, was acquitted by the learned Trial Court by disbelieving the ocular account of the occurrence furnished by Muhammad Razzaq (PW.7) and the alleged abductee. The acquittal of accused Ishaque was not challenged before the appellate forum and, consequently, attained finality. Subsequently, the learned High Court/Appellate Court, while allowing the appeal preferred by accused/convicts Sultan Ahmad, Muhammad Irfan and Muhammad Zaman, set-aside their convictions and sentences and acquitted them of the charge.

6. The learned High Court, *inter alia*, found that the roles attributed to accused-convicts Sultan Ahmad, Muhammad Irfan and Muhammad Zaman were identical to that of co-accused

Ishaque, whose acquittal had already attained finality. It was further observed by the learned High Court that none of the said accused had ever demanded or received ransom amount from the complainant for the release of the abductee. It was further observed by the high Court that the acquitted co-accused were allegedly apprehended from a deserted quarter of Pakistan Railways, where the abductee was stated to have been confined. However, the site plan of the place of recovery Exh.PT, showed it to be a barren and deserted quarter, and no material indicative of temporary occupation or residence, such as a cot, bedding or cooking utensils, was found therein. The learned High Court, therefore, found the alleged arrest of the acquitted accused from the said place to be doubtful and observed that the same appeared to have been shown merely with a view to connect them with the commission of the offence. The alleged recovery of an amount of Rs.70,000/- was also found by the learned High Court to be inconsequential, particularly as the recovered currency was not shown to be identifiable or otherwise connected with the alleged ransom amount. The learned High Court observed that, in the circumstances of the case, it could not safely be believed that all the five real brothers would be waiting in a deserted railway quarter along with the abductee so as to conveniently expose themselves to arrest by the police. Such circumstances, according to the learned High Court, rendered the prosecution story regarding their presence and arrest at the alleged place of recovery doubtful. On an overall assessment of the above circumstances, the learned High Court concluded that the acquitted co-accused had been falsely implicated in the case.

7. The learned Courts below have recorded the conviction of petitioner-convict Abdul Razzaq primarily on the premise that the evidence on record establishes that it was he who, through his cellular phone, contacted the complainant and demanded ransom in the sum of Rs.1 crore, coupled with a threat of dire consequences in the event of non-payment. The learned High Court further observed that, after negotiations, an amount of Rs.5,00,000/- was settled as ransom for the release of the

abductee, out of which Rs.3,00,000/- had allegedly been paid by the petitioner-convict to the complainant in the presence of Naseer Ahmad (PW.8), whereas, at the time of payment of the remaining amount of Rs.2,00,000/-, the complainant informed the police, whereafter the petitioner-convict was allegedly apprehended red-handed at the spot and the said amount was recovered from his possession. We are, however, unable to concur with the above findings of the Courts below. The evidence relied upon by the prosecution requires to be examined in its entirety and not in isolation. The alleged abductee and Muhammad Razzaq (PW.7), who were relied upon as witnesses to the alleged occurrence, had attributed physical presence and participation to the petitioner-convict along with the co-accused in the commission of the offence, who were subsequently acquitted. The prosecution case to the extent of the acquitted co-accused was not found worthy of by the Trial Court and then by the High Court, hence, they earned their acquittal. In such circumstances, the same ocular account, to the extent of the petitioner-convict cannot be accepted without independent and convincing corroboration. The alleged payment of ransom to the petitioner-convict does not furnish an unimpeachable piece of evidence against him. The currency notes allegedly paid to him were not shown to be marked, identifiable or otherwise tainted. Mere recovery of an untainted cash amount, in the circumstances of the case, cannot by itself be treated as conclusive proof of its being ransom money, particularly, when the complainant has a dispute of land with the petitioner-convict. It is true that the call data record of the cellular phone of the petitioner-convict reflects contact between him and the complainant. However, this circumstance, by itself, is of little assistance to the prosecution. It is an admitted position that the petitioner-convict and the complainant were involved in a dispute relating to landed property. In the presence of such admitted background, the mere factum of telephonic contact between the two cannot reasonably be construed, without further corroboration, as establishing that the petitioner-convict was demanding ransom for the release of the abductee. No voice recording of any such conversation allegedly containing a demand for ransom was produced before the learned

Trial Court. Thus, the contents and nature of the alleged telephonic conversations remain unestablished. The alleged recovery of a school bag, school uniform and joggers of the abductee at the pointation of the petitioner-convict also does not advance the prosecution case. These articles are ordinary items of daily use and are readily available in the market. Besides, no identification parade in respect of the said articles was conducted through either the alleged abductee or the complainant. In the absence of any legally confidence-inspiring identification connecting the recovered articles with the abductee, such recovery cannot safely be relied upon as a circumstance incriminating the petitioner-convict.

8. There is yet another circumstance which also make the prosecution case doubtful. The alleged abductee was medically examined on 08.05.2014 at about 12:15 p.m. by Dr. Khalid Mehmood (PW.2), who deposed that, upon examination, he found him, to be in good and healthy condition. The medical officer further observed that the alleged abductee was well oriented, his vital signs were normal and that he was physically and mentally fit. The occurrence, according to the FIR, took place on 22.04.2014, whereas the alleged abductee was recovered on 08.05.2014 and medically examined. Thus, according to the prosecution's own version, a child of about 13 years of age is stated to have remained in illegal confinement for approximately seventeen days. The condition of the alleged abductee, as noted by the medical officer, does not sit well with the prosecution version regarding the manner and place of his alleged confinement. A child of such tender age, if kept in unlawful confinement for a continuous period of seventeen days, particularly in a deserted and barren premises having no apparent facilities for accommodation, as observed by the learned High Court, would ordinarily be expected to exhibit some physical or psychological effects of such prolonged confinement. The complete absence of any injury, wound, physical debility or mental disorientation, coupled with the finding that his vital signs were normal and that he was physically and mentally fit, creates a material circumstance which casts

doubt upon the prosecution's version of his continuous confinement at the alleged place of recovery.

9. Viewed in the above perspective, the findings recorded by the learned Courts below regarding the guilt of the petitioner-convict do not appear to be the result of proper appreciation of the evidence available on the record. The material contradictions, infirmities and circumstances of doubtful nature discussed hereinabove render the prosecution case unsafe for sustaining the conviction. The impugned findings, therefore, being inconsistent with the settled principles governing appreciation of evidence in criminal cases, cannot be allowed to sustain in the eyes of law.

10. Accordingly, Jail petition No.73 of 2020 is converted into an appeal and allowed. The conviction and sentences of the appellant Abdul Razaaq recorded by the Courts below are set aside and he is acquitted of the charge while extending him the benefit of doubt. He shall be released forthwith if not required to be confined in any other case.

11. In view of the acquittal of respondent-convict Abdul Razzaq, Criminal Petition No.174-L of 2020 to his extent has been rendered infructuous while to the extent of the remaining acquitted accused-respondents, the petition is dismissed on merit as their acquittal, having been recorded by the learned High Court after proper and thorough appraisal of the evidence available on the record, calls for no interference. Therefore, leave to appeal is refused.

Judge

Judge

Judge

Lahore, the
11th August, 2026
Not Approved for Reporting
M.Siraj Afridi SPS