

Zahid Rehman v. The State

PLD 2015 SC 77 · Research Reference Copy

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Case identification

Court: Supreme Court of Pakistan, Appellate Jurisdiction

Case: Criminal Appeal No. 126 of 2012, with connected Criminal Appeal No. 80 of 2001 and Criminal Petition No. 568 of 2011

Citation: PLD 2015 SC 77

Decision announced: 15 January 2015

Bench: Asif Saeed Khan Khosa, Ejaz Afzal Khan, Ijaz Ahmed Chaudhry, Dost Muhammad Khan and Qazi Faez Isa, JJ.

Disposition on the legal issue: Majority view, three to two; connected matters were then to be fixed before appropriate benches on their individual merits.

Question addressed by the larger Bench

The larger Bench resolved a conflict in the authorities about whether the Qisas-specific provisions in sections 306, 307 and 308 of the Pakistan Penal Code, and the discretionary punishment in section 311, could operate where qatl-i-amd was punishable as Ta'zir.

Majority holding

The majority held that Qisas and Ta'zir are distinct and mutually exclusive legal regimes. A case reaches the Qisas regime only through the statutory routes identified in section 304 PPC: a voluntary and true confession before a competent court, or proof through the Article 17 Qanun-e-Shahadat standard together with Tazkiya-tul-Shahood. If those requirements are not met, the case is dealt with as Ta'zir.

On that analysis, the latitude or alternative consequences created by sections 306, 307 and 308 PPC are confined to Qisas cases. Section 311 is likewise relevant after waiver or compounding of the right of Qisas, not in a Ta'zir case. Compromise in Ta'zir matters must instead be examined under the applicable criminal-procedure and statutory provisions.

How to use this authority

- Classify the alleged qatl-i-amd first. Do not treat a sentencing concession under the Qisas framework as automatically available in Ta'zir.
- When relying on waiver or compounding, identify whether the asserted right is a right of Qisas or a procedural compromise in a Ta'zir case.
- Read the decision alongside the current text of the PPC, Article 17 of the Qanun-e-Shahadat Order, and later case law. The judgment did not finally resolve every question concerning section 302(c) PPC.
- Do not infer an individual merits outcome from this larger-Bench ruling alone. It declared the governing legal position and left the connected matters for merits consideration by the appropriate benches.

Separate opinions

Justice Asif Saeed Khan Khosa authored the principal majority opinion. Justices Dost Muhammad Khan and Qazi Faez Isa concurred with separate opinions. Justices Ejaz Afzal Khan and Ijaz Ahmed Chaudhry disagreed with the majority's approach. The reported majority position is the ratio to be applied, subject to current legislation and later binding authority.

Current-law caution

The Criminal Law (Amendment) (Offences in the Name or on Pretext of Honour) Act, 2016 later amended parts of the relevant statutory framework. This reference sheet states the 2015 decision's issue-specific distinction between Qisas and Ta'zir; it should not be used as a substitute for checking the current text of the PPC and any subsequent authority on the point in issue.

Editorial verification record

A court-hosted historic PDF for this 2015 decision could not be located in the public Supreme Court archive during editorial verification on 6 August 2026. The case name, citation, Bench, date, split, and holding were checked against a publicly available full-text mirror and corroborated against the Asian Development Bank Law and Policy Reform case resource. The full-text mirror is linked below for independent verification.

Sources

- Public full-text mirror of PLD 2015 SC 77:
<https://www.scribd.com/document/733066860/P-L-D-2015-Supreme-Court-77>
- Asian Development Bank Law and Policy Reform case resource:
<https://lpr.adb.org/resource/zahid-rehman-vs-state-pld-2015-sc-77-pakistan>
- Pakistan Penal Code, 1860 — Pakistan Code:
<https://pakistancode.gov.pk/english/UY2Fqajw1-apaUY2Fqa-apaUY2Npa5lo-sg-jjjjjjjjjjjj>
- Qanun-e-Shahadat Order, 1984 — Pakistan Code:
<https://pakistancode.gov.pk/english/UY2Fqajw1-apaUY2Fqa-apaUY2Npa5plaw%3D%3D-sg-jjjjjjjjjjjj>
- Criminal Law (Amendment) (Offences in the Name or on Pretext of Honour) Act, 2016 — National Assembly: https://na.gov.pk/uploads/documents/1475762285_283.pdf

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