

JUDGMENT SHEET
THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Appeal No.S-63 of 2021
Criminal Jail Appeal No.S-72 of 2019

Appellants: Dadlo, Zameer Ahmed, Nawab (on bail)and Rab Nawaz in Criminal Appeal No.S-63 of 2021, Mazari and Liaquat in Criminal Jail Appeal No.S-72 of 2019 through M/s. Shamasuddin N.Kobhar and Shabir Ali Bozdar, Advocates.

Respondent: The State through Syed Sardar Ali Shah Additional P.G. Sindh.

Complainant: Sobharo through Mr. Naeemuddin Chachar, Advocate.

Date of hearing: 24.02.2025and 27.02.2025.

Date of Decision: 26.05.2025.

J U D G M E N T

Riazat Ali Sahar, J. Both the above captioned Appeals are filed by appellants, whereby they have assailed the two judgments respectively; however, both the judgments are arising out of one and same crime, as such, this single judgment will dispose of both the appeals. All the appellants were tried in crime No.68 of 2008, for the offence under sections 302, 337-H (ii), 147, 148, 149 PPC registered at Police Station Daharki, District Ghotki.

2. Concisely the background of the proceedings of this case is that initially accused Dadlo, Rab Nawaz, Zameer and Nawab were tried and after full-dressed trial, they were convicted and sentenced to death penalty by learned III-Additional Sessions Judge, Mirpur Mathelo through Judgment dated 24.10.2013 and a Reference for confirmation of death sentence was submitted before this Court as well as Criminal Appeal was preferred by the accused before this Court. However, this Court, vide judgment dated 03.10.2019 has set-aside the aforesaid convictional judgment of

learned trial Court and remanded the case for recording evidence (examination-in-chief and cross examination) of PW-09 Abdul Malik in presence of defence counsel and after recording of statements of accused U/S 342 Cr.P.C decide the case afresh in accordance with law. Accordingly, PW-09 Abdul Malik was examined and statements in terms of section 342 Cr.P.C. of the accused were also recorded by learned trial Court. Then after hearing the learned counsel for the parties as well as State passed the impugned judgment dated 03.08.2021 by the learned Additional Sessions Judge/MCTC, Ubauro whereby convicted and sentenced the appellants Dadlo, Rab Nawaz, Zameer Ahmed and Nawab, which has been impugned through Criminal Appeal No.S-63 of 2021. These appellants were sentenced in the following manner:-

Accused Dadlo, Rabnawaz, Zameer Ahmed and Nawab are convicted for offences punishable U/S: 148 read with section 149 P.P.C for two years and to pay fine of Rs: 20000/- each equally payable to the legal heirs of both deceased and in case of failure thereto they shall suffer further S.I for one month.

Accused namely Dadlo, Rabnawaz, Zameer and Nawab, are also convicted for offences punishable under sections 302 (b) read with section 149 P.P.C, for committing double murder of Muhammad Hayat and Moriro, by caste Kobhar, therefore, they are sentenced to suffer Rigorous imprisonment for life on two counts (for double murder) as Tazir and they shall pay Rs:2000000/- (two million) each to be paid equally (One million rupees by each accused to be paid to the legal heirs of each deceased total amounting two million by each accused for both deceased) to the legal heirs of both the deceased being compensation as required under section 544-A Cr.P.C or to undergo simple imprisonment for six months each in default thereof.

Accused Dadlo is also convicted and sentenced for offence punishable under section 337-H(2) read with section 149 P.P.C, for three months and to pay fine amount of Rs:20000/- to the complainant of this case, in case of his failure thereto he shall suffer further S.I for one month more. The accused are extended benefit of section 382-B Cr.P.C. for the period which they have remained as under trial prisoners in this case.

All sentences of imprisonment awarded to he accused shall run concurrently.

3. So far appellants Mazari, Liaqat are concerned, the charge against them and one Sahib Dino was framed; however

during pendency of case, co-accused Sahib Dino expired, as such, proceedings against him were abated. The appellants Mazari and Liaqat after full-dressed trial were convicted and sentenced through judgment dated 10.05.2019 passed by learned I-Additional Sessions Judge, (MCTC) Ghotki, which has been impugned by them in Criminal Jail Appeal No.S-72 of 2019. They were convicted and sentenced in the following manner:-

Accused Mazari and liaqat are convicted for offence punishable u/s 148, r/w section 149 P.P.C and sentenced to undergo for two years and to pay fine of Rs.2000/= each equally payable to the legal heirs of both deceased and in case of failure thereto they shall suffer further SI for one month more.

Accused Mazari and liaqat are convicted for offence punishable u/s 302 (b) r/w section 149 P.P.C to suffer R.I. for life as Tazir and to pay fine of Rs.200,000/= (Rupees two lacs) each, if the amount is deposited by them, it shall be paid to the legal heirs of both the deceased in shape of compensation as provided u/s 544-A, Cr.P.C, in case of non-payment of fine, the accused shall suffer S.I for 06 months more.

The aforesaid sentences awarded to the accused shall run concurrently, however, benefit of section 382-B Cr.P.C. is also extended to both the accused.

4. The brief facts, as narrated in the FIR, are that the complainant, Sobharo son of Muhammad Bachal Kobhar, lodged the report on 25.03.2008 at about 2000 hours. He stated that earlier that day, at around 07:30 a.m., he along with his brother Sodho and maternal cousin Ghulam Hussain (son of Golo Kobhar) was riding on a motorcycle, while his uncles, Muhammad Hayat and Moriro, were on another motorcycle. They were on route to attend proceedings before the IV-Additional Sessions Court, Mirpur Mathelo. When they reached the new link road leading to Nao Kot near village Ghulamoon Samejo, accused Dadlo, armed with a Kalashnikov, suddenly emerged from a watercourse and intercepted them. He opened direct fire on Muhammad Hayat with the intention to commit his murder, as such, both Hayat and Moriro fell down from their motorcycle. Thereafter, accused Rabnawaz, Sahib Dino, Mazari, Zameer, Liaqat, and Nawab each armed with Kalashnikovs appeared from both sides of the road. Accused

Rabnawaz, Sahib Dino, Mazari, and Zameer fired upon Muhammad Hayat, while accused Liaqat and Nawab fired at Moriro. To impart further fear, accused Dadlo fired aerial shots. Upon hearing cries of "murder" from the complainant party, the accused fled the scene on three motorcycles. After their departure, the complainant discovered that his uncle Muhammad Hayat had sustained firearm injuries to his chest, right side of the neck, right arm, right shoulder, abdomen, thigh and forehead, while Moriro had received firearm injuries on the right cheek, left side of the head, abdomen and neck, with exit wounds from the left shoulder. Both were lying dead at the scene. After the postmortem examination of the deceased, the complainant proceeded to register the FIR against the aforementioned accused persons. The motive behind the incident, as per the FIR, was an ongoing murderous enmity between both parties and the attack was allegedly carried out in furtherance of that vendetta.

5. In the first round of the trial against accused Dadlo, Rab Nawaz, Zameer and Nawab, the learned trial Court / III-Additional Sessions Judge, Mirpur Mathelo at the trial after framing charge against the accused, examined the following witnesses:-

- **PW-01** Complainant Sobharo at Ex.18.
- **PW-02** Sodho at Ex.19.
- **PW-03** Medico Legal Officer Permanand at Ex.24, who produced Lashchakas forms, autopsy reports of deceased Moriro and Muhammad Hayat at Ex.24-A to Ex.24-D.
- **PW-04** HC Bahram at Ex.25 (mashir of arrest & recovery of accused Dadlo) at Ex.25-A.
- **PW-05** Inspector Irshad Ahmed Gabole at Ex.26, who produced memo of injuries at Ex.26-A.
- **PW-06** PC Ghulam Sarwar at Ex.27.
- **PW-07** SIP Sobharo Shaikh at Ex.28.
- **PW-08** Ghulam Nabi (Tapedar) at Ex.29, who produced sketch of place of wardat at Ex.29-A.
- **PW-09** Inspector Abdul Malik at Ex.30.
- **PW-10** Inspector Aftab Hussain at Ex.31, who produced memo of place of wardat at Ex.31-A, Chemical Examiner report at Ex.31-B, F.S.L. report at Ex.31-C, inquest report of Moriro at Ex.31-D, inquest report of Muhammad Hayat at Ex.31-E.

- Thereafter learned A.D.P.P. for the State has closed the side of prosecution vide statement Ex.32.
- After recording evidence of above prosecution witnesses, learned counsel newly engaged by the accused filed application in terms of section 540 Cr.P.C. for recalling PWs SIO Arshad Ali, PC Ghulam Sarwar, Tapedar Ghulam Nabi, SHO Aftab Hussain Farooque whereas learned State Counsel also preferred similar application under section 540 Cr.P.C. for recalling witness Inspector Abdul Malik Bhutto and others. Both the applications were allowed and the witnesses Tapedar Ghulam Nabi, PC Ghulam Sarwar and SIP Aftab Hussain were recalled and re-examined.
- **PW-11** Doctor Zaffar Ali who examined injured arrested accused was examined at Ex.36, who produced medical certificate at Ex.36/A.
- **PW-12** ASI Barkat Ali who arrested accused Zameer Ahmed was examined at Ex.37, who produced attested copy of mashirnama of arrest and recovery at Ex.37/A.
- **PW-13** ASI Muhammad Ashraf was examined at Ex.38, who also produced mashirnama of arrest and recovery of accused Rabnawaz at Ex.38/A.
- Counsel for pauper accused persons made statement at Ex.39 that he does not want to cross-examine SIP Irshad Ahmed Gabole.
- Thereafter State Counsel closed the side of prosecution vide statement Ex.40.

6. The statements of the aforementioned four accused persons were recorded at Ex.41 to Ex.44, respectively, in terms of Section 342 Cr.P.C. Accused Dadlo denied the allegations but neither examined himself on oath nor produced any evidence in his defence. However, he produced a photocopy of the certified copy of the order dated 23.12.2009 passed in S.C. No.344/2009, which was exhibited as Ex.41/A. On the other hand, accused Rabnawaz, Zameer, and Nawab refused to answer the questions put to them under Section 342 Cr.P.C., and all the accused refused to affix their signatures on their statements. The statement of the learned

counsel for the accused regarding the same is placed on record at Ex.45.

7. Learned trial court / III-Additional Sessions Judge, Mirpur Mathelo, in the first round, convicted and sentenced the aforementioned four accused persons through judgment dated 24.10.2013, whereby they were awarded the death penalty as stated above. Upon setting aside of the said judgment in appeal on 03.10.2019 as mentioned earlier, in the second round, on 11.11.2020 the evidence of Inspector Abdul Malik (PW-09) was recorded in the presence of defence counsel. Thereafter, the learned A.D.P.P. for the State closed the prosecution side through statement Ex.50. Statements of the accused persons under Section 342 Cr.P.C. were recorded at Ex.51 to Ex.54, respectively, wherein they denied the allegations brought on record. Accused Dadlo produced various documents in his defence, including:

- Certified true copy of challan in Crime No.149/2005 of PS Daharki under Sections 302 and 324 PPC at Ex.51/A,
- Certified true copy of case diary dated 25.03.2008 of learned IV-Additional Sessions Judge, Mirpur Mathelo at Ex.51/B,
- Certified true copies of depositions of complainant Sobharo, PWs Sodho, Allah Bux, Aftab Hussain, Irshad Ahmed, Dr. Parmanand, and Sobharo Shaikh recorded on 22.04.2019, and deposition of PW Niaz Hussain recorded on 24.04.2019 before the I-Additional Sessions Judge/MCTC Ghotki at Ex.51/C to Ex.51/J,
- Photostat copies of entries dated 25.03.2008 to 26.03.2008 at Ex.51/K.
- However, the accused did not examine themselves on oath but examined W.H.C. Allah Bux of PS Daharki as Defence Witness No.1, who was examined at Ex.55. He produced attested Photostat copies of daily diary entries dated 25.03.2008 and 26.03.2008 at Ex.55/A.
- The defence counsel then closed the side of defence evidence through statement at Ex.56. After hearing the learned counsel for the parties, the learned trial

court passed the impugned judgment dated 03.08.2021, whereby the appellants were convicted and sentenced as stated above.

8. In the intervening period of passing first judgment dated 24.10.2013 and setting aside of the same in appeal on 03.10.2019, the accused Mazari and Liaqat who were absconders were arrested and joined the trial but during trial, the accused Sahib Dino had died, therefore, proceedings against accused Sahib Dino were abated, hence, case was proceeded against the remaining two accused, namely, Mazari and Liaqat. Again the charge against the accused was framed by the court of learned III-Additional Sessions Judge, Mirpur Mathelo on 16.03.2017, wherein they pleaded not guilty and claimed to be tried. In order to establish its case, the prosecution examined the following witnesses:-

- PW-01 complainant Sobharo at Ex.12, who verified the F.I.R, already produced in his evidence at Ex.07-A.
- PW-02 Sodho at Ex.13.
- PW-03 author of FIR, SIP Sobharo Khan at Ex.14, who verified the FIR at Ex.7-A.
- PW-04 corpse bearer PC Allah Bux at Ex.15.
- PW-05 I.O. Inspector Aftab Hussain Farooqui at Ex.16. He verified Danistnamas at Ex.31-D, 31-E, Mashirnama of place of wardat at Ex.31-A, positive chemical examiner report at Ex.31-B, Ballistic Expert report at Ex.31-C.
- PW-06 IO Inspector Irshad Ahmed Gabole at Ex.17.
- PW-07 ASI Hakim Ali at Ex.18, he produced Mashirnama of arrest of accused Liaqat Kobhar at Ex.18-A.
- PW-08 PC Mashir Abdul Ghaffar at Ex.19, he verified Mashirnama already produced in evidence at Ex.18-A.
- P.W-9 Dr. Parmanand at Ex.20, he verified “Lash Chakas form” of deceased Moriro at Ex.24-A, “Lash Chakas form” of deceased Muhammad Hayat at Ex.24-B, postmortem report of deceased Moriro at Ex.24-C, x-ray films at Ex.24-D to 24-I, and postmortem report of deceased Muhammad Hayat at Ex.24-J.

- PW-10 Supervising Tapedar Niaz Hussain examined, being well conversant with the signature and handwriting of late Tapedar Ghulam Nabi, at Ex.23 and PW-11 ASI Sahib Dino examined at Ex.24, he produced Mashirnama of arrest of accused Mazari at Ex.24-A. The learned state counsel has given up Mashir PC Sardar Ahmed at Ex.25.
- Thereafter, the learned DDPP for the state has closed the side of prosecution vide his statement dated 26.04.2019 at Ex.26.

9. The statements of the aforementioned two accused Mazari and Liaqat were recorded at Ex.27 and Ex.28, respectively, in terms of Section 342 Cr.P.C. Both accused denied the allegations. Accused Mazari produced several documents in his defence, including:

- Previous deposition of complainant Sobharo dated 21.11.2012 at Ex.27-A,
- Deposition of PW Sodho dated 21.11.2012 at Ex.27-B,
- Deposition of complainant Sobharo dated 21.09.2011 at Ex.27-C,
- Deposition of PW Sodho dated 24.12.2011 at Ex.27-D,
- Photostat copy of challan in Crime No.149/2005 of PS Daharki under Sections 302, 324, 114, and 34 PPC at Ex.27-E,
- Case diaries dated 25.03.2008 at Ex.27-F.

10. However, the accused did not examine them on oath but examined both the accused at DW-1 W.H.C Taj Muhammad at Ex.29. The defence counsel thereafter closed the side of defence evidence through statement at Ex.30. After hearing the learned counsel for the parties, the learned trial court passed the impugned judgment dated 10.05.2019, whereby the appellants were convicted and sentenced as stated above.

11. Learned counsel for the appellants contended that the appellants have been falsely implicated due to long-standing enmity between the parties, specifically prior cases involving murder accusations. They argued that no independent witnesses were cited despite the incident occurring in broad daylight, which casts doubt on the prosecution's case. It was emphasized that the FIR was

lodged with a delay of over 12 hours without plausible explanation, which creates suspicion regarding consultation and deliberation before naming the accused. The complainant and other prosecution witnesses are all closely related and interested, and their testimonies suffer from contradictions and improvements compared to earlier statements. There was no recovery of weapons at the instance of the accused directly linking them to the crime, nor any forensic linkage like fingerprints. Moreover, they argued that medical evidence contradicts the ocular account on key points, including number and location of injuries. They claimed that alleged recoveries, including blood-stained clothes, were doubtful and not supported by chemical analysis. Further, it was urged that the accused did not flee the area after the incident, suggesting innocence. Lastly, it was emphasized that the accused had produced defense evidence and documentary material establishing reasonable doubt, and thus the benefit should go to the accused under settled legal principles.

12. The learned Additional P.G. Sindh, assisted by the complainant's counsel, strongly supported the impugned judgments and argued that the prosecution proved its case beyond reasonable doubt. It was highlighted that the ocular evidence of the complainant and eyewitnesses was consistent, natural, and aligned with medical evidence. Despite being related, their presence at the scene was fully explained as they were en route to court proceedings. Their testimony remained unshaken under cross-examination. The motive for the offence was clearly established—long-standing enmity with previous litigation between the parties. The prosecution also relied on circumstantial evidence including recovery of weapons, blood-stained clothes, and corroborative medical and forensic evidence such as postmortem reports and ballistic analyses. The complainant identified all accused, and their specific roles in the firing were corroborated. Learned counsel further stressed that the trial courts had rightly appreciated the evidence and that minor discrepancies, if any, do not affect the core of the prosecution's case. The defense failed to produce any

convincing evidence to rebut the prosecution's version. Thus, the convictions and sentences are well-founded and require no interference.

13. I have considered the arguments advanced before me by the learned counsel for the parties and perused the material available record including the cases cited at par.

14. The prosecution case is that on 25.03.2008, while PW-01 Sobharo and his relatives were proceeding to court, the accused ambushed them near village Ghulamoon Samejo. Accused Dadlo fired at Muhammad Hayat and other accused, including Rabnawaz, Liaquat, and Nawab, opened fire, killing Muhammad Hayat and Moriro. PW-01 complainant Sobharo and PW-02 Sodho witnessed the incident. The accused were later arrested and weapons were recovered. Medical and forensic evidence confirmed death by firearm injuries consistent with the witnesses' accounts.

15. In the present matter arising out of Crime No.68/2008 of Police Station Daharki, District Ghotki, the prosecution has successfully established its case through consistent, corroborative and credible ocular, medical and forensic evidence. The evidence of all prosecution witnesses, when carefully scrutinized in juxtaposition, clearly demonstrates an unbroken and convincing chain of circumstances that lead to the irresistible conclusion of the guilt of the accused. The chain of events, substantiated by multiple independent and official witnesses, lends powerful credence to the prosecution's narrative.

16. PW-01 Complainant Sobharo deposed that on 25.03.2008 at about 7:30 a.m., he, along with his relatives, including deceased Muhammad Hayat and Moriro, was proceeding to attend court proceedings when the accused trapped them near village Ghulamoon Samejo. He categorically stated that "*...accused Dadlo, armed with a Kalashnikov, emerged from a watercourse and fired directly at Muhammad Hayat, causing him to fall. Rabnawaz, Sahibdino, Mazari, Zameer, Liaquat, and Nawab, all armed,*

emerged from both sides of the road. Rabnawaz and others fired upon Muhammad Hayat, while Liaquat and Nawab fired at Moriro. Both fell and died on the spot." In his cross-examination, the witness maintained consistency, confirming the sequence, identity of assailants, and motive, which he attributed to previous enmity. He did not falter in naming the accused nor in describing the weaponry used. His presence at the scene and the reasons for their travel are undisputed.

17. PW-02, Sodho, an eyewitness and the brother of the complainant, fully corroborated the testimony of PW-01, Sobharo, the complainant, by deposing that: *"We saw accused Dadlo fire at Muhammad Hayat. Thereafter, other accused emerged and fired at Moriro. Accused Nawab and Liaquat specifically fired at Moriro. Dadlo made aerial firing to spread fear."* During cross-examination, he affirmed that both deceased were ahead of them and that he witnessed the incident from a distance of approximately 35–40 paces. The account provided by PW-02, particularly with respect to the identity of the assailants, the sequence of events, the nature and use of weapons, and the location of the occurrence, aligns in all material particulars with the version furnished by PW-01. The consistency and coherence in both depositions, especially concerning critical elements such as the positioning of the victims, the order in which shots were fired, and the conduct of the accused, collectively establish a cogent and credible body of direct evidence that substantively supports the prosecution's case.

18. PW-03 Dr. Parmanand (Medical Officer) who conducted postmortems on both deceased. His findings not only confirm death by firearm injuries but also align with the number and nature of shots fired as described by the eyewitnesses.

Injuries on deceased Moriro:

1/A. Punctured wound over right neck (entrance),

1/B. Exit wound over left occipital region (brain exposed),

2/A. Entrance wound over right lumbar,

- 2/B. Exit wound over left lumbar,
- 3/A. Entrance wound over right clavicle,
- 3/B. Exit wounds on right axilla,
- 4/A. Entrance wound over left scapula,
- 4/B. Exit wound over tip of left shoulder.

Cause of death: Shock and hemorrhage due to firearm injuries. All injuries were ante-mortem and sufficient to cause death in the ordinary course of life.

Injuries on deceased Muhammad Hayat:

1/A to 10: Multiple lacerated wounds across chest, abdomen, shoulders, forearms, and thighs, with X-ray confirming bullet presence.

Cause of death: Hemorrhagic shock due to multiple firearm injuries, all ante-mortem and collectively sufficient to cause death.

19. PW-04 HC Bahram deposed about the police encounter leading to the arrest of accused Dadlo and recovery of a KK rifle, bullets and magazines. He confirmed that *"Upon seeing us, the accused fired. We returned fire. Two were arrested including Dadlo who was injured. A KK with bullets was recovered."* His version is corroborated by PW-09 Inspector Abdul Malik and PW-11 Dr. Zaffar Ali. The encounter description remained consistent with injury reports and recovery documents.

20. PW-09 Inspector Abdul Malik corroborated the above and confirmed that the encounter lasted 20-25 minutes and the weapons recovered were sealed under such mashirnama. He further deposed that *"The KK was misree type with a loaded chamber, three magazines containing 65 bullets were found. Dadlo had a back injury consistent with firearm."* These testimonies tie the arrest of Dadlo to an armed confrontation, explaining his injury and validating the seizure of weaponry.

21. PW-10 Inspector Aftab Hussain supported the ocular evidence by recovering 40 spent bullet casings and blood-stained earth from the scene and producing forensic reports:

Chemical Examiner Report: Positive for blood on earth samples.

Ballistics Report: Confirmed weapon use consistent with 7.62 mm KK rounds.

This further substantiates the volume of fire exchanged and situates the firing event at the identified location.

22. PW-05 Inspector Irshad Ahmed handled follow-up investigation, arrest memos, and documentation of injuries to accused Dadlo. He submitted the charge sheet and confirmed the sequence of investigation. His testimony reinforced the procedural veracity of the police work. He ensured that documentary evidence, including injury certificates and case property recovery forms, were appended.

23. PW-06 PC Ghulam Sarwar and PW-07 SIP Sobharo Shaikh both verified the receipt and registration of FIR and corroborated the chain of custody for case property and procedural handling at PS Daharki. Their depositions confirm that the legal machinery was promptly and properly set in motion and that relevant evidence was preserved without contamination.

24. PW-08 Tapedar Ghulam Nabi prepared the site sketch showing positions of the deceased, path of accused, and location of recoveries. His sketch was prepared on the pointation of PW-01 complainant Sobharo and brings into line with the description given by all eyewitnesses. His diagrammatic representation of the scene reinforced the oral accounts, offering visual confirmation of the narrative.

25. PW-11 Dr. Zaffar Ali medically examined injured accused Dadlo and confirmed the *"Lacerated punctured wound over left hypochondrium, with exit wound at middle back. Injury*

consistent with firearm and received within two hours." This lends credibility to the encounter narrative, establishing the resistance of Dadlo and injury at the time of arrest. The timing and nature of the injury match with the timeline provided by the police.

26. PW-12 ASI Barkat Ali and PW-13: ASI Muhammad Ashraf confirmed the arrest of accused Zameer and Rabnawaz, each found in possession of unlicensed Kalashnikovs. Though the accused were acquitted in arms cases, the recoveries still add circumstantial support to their involvement. In this regard, I would like to add that though the accused were acquitted in separate arms recovery cases but it has no bearing on the present murders case as an acquittal in a separate arms case does not ipso facto exonerate the accused from the main case where the evidence has established his involvement independently. Hence, the acquittal in the arms cases does not undermine the otherwise consistent and convincing evidence in the murder trial.

27. The consistent ocular testimony of PW-01 complainant Sobharo and PW-02 Sodho, fully supported by medical findings of PW-03 Dr. Parmanand and PW-11 Dr. Zafar Ali, along with procedural and forensic evidence provided by PWs 04 to 13, leaves no room for doubt. Minor omissions regarding motorcycle details, delay in FIR, or lack of independent witnesses are inconsequential in light of the strong corroborative matrix of evidence.

28. The prosecution has clearly established a strong and plausible motive for the commission of the offence. PW-01 Sobharo, the complainant, specifically deposed that there existed prior enmity between the parties due to a previous incident involving murder, which had created deep-rooted hostility. This motive was neither denied nor seriously challenged during cross-examination and it provides a cogent backdrop for the calculated ambush resulting in the death of Muhammad Hayat and Moriro. The existence of such animosity lends further credibility to the prosecution version, establishing that the attack was not sudden or

mistaken, but a deliberate and targeted act appears to be preplanned.

29. The accused persons attempted to shift the blame by suggesting that the complainant party was actually at odds with some third-party and that the present case was falsely registered due to that unrelated enmity. However, this defense lacks evidentiary support and remains a mere suggestion on record without any concrete proof. On the contrary, the consistent and direct evidence of PW-01 and PW-02, duly supported by medical, forensic and documentary material, clearly and unequivocally implicates the appellants. The defensive plea, thus, stands disproved and does not cast any shadow of doubt upon the solid and convincing case of the prosecution.

30. The prosecution has successfully established its case through a coherent, consistent and corroborated chain of evidence, leaving no room for doubt or speculation. The ocular testimony of key eyewitnesses, particularly PW-01 Sobharo and PW-02 Sodho, was not only direct and trustworthy but also aligned seamlessly with the medical and circumstantial evidence. The postmortem reports prepared by PW-03 Dr. Parmanand confirmed the multiple firearm injuries sustained by both deceased, consistent with the weapons used and the nature of the attack as described by the eyewitnesses. The detailed and prompt preparation of site sketches, mashirnamas, FIRs and recovery memos—along with the arrest of the accused and seizure of firearms—forms a robust structure of documentary evidence which supports the prosecution's version.

31. Furthermore, the Ballistic and Chemical Examiner reports validated that the recovered weapons were indeed used in the incident, confirming the nexus between the accused and the commission of the offence. The chain of custody for all material evidence was duly maintained and the procedural steps taken by Investigating Officers were legally sound and free from material irregularities. The medical examination of accused Dadlo further

corroborated the encounter and his arrest, lending credibility to the investigative process. The testimonies of police officials, medical experts and supporting witnesses have consistently confirmed the prosecution narrative, creating an interlocking evidentiary framework that reinforces the case from multiple independent sources. Reliance placed upon *Sajid Mehmood v. The State 2022 SCMR 1882.*

32. Upon careful examination of the entire body of prosecution evidence—comprising ocular, medical, forensic, and documentary materials—it emerges as a coherent, consistent, and compelling narrative that unequivocally establishes the guilt of the appellants beyond reasonable doubt. The minor discrepancies or omissions highlighted during cross-examination are of a trivial nature, naturally arising from human observation, and do not impinge upon the substance or credibility of the prosecution's case. Reliance placed upon *Imran Mehmood v. The State [2023 SCMR 795.* There is a complete absence of any material indicating false implication or mala fide on the part of the complainant or the investigating agency. Accordingly, the evidence on record is not only trustworthy but also legally sufficient to sustain the findings of the learned trial court. In these circumstances, the appeals are found to be devoid of merit, and thus stand dismissed; the convictions and sentences awarded by the trial court are hereby affirmed.

33. In view of the above facts and circumstances, the learned Trial Court(s) has properly appreciated the evidence and material presented by the prosecution against the appellants. Accordingly, both Criminal Appeal No.S-63 of 2021 and Criminal Jail Appeal No.S-72 of 2019 are devoid of merit and are hereby **dismissed**. The convictions and sentences awarded by the learned trial courts are maintained in their entirety. Appellants namely, Dadlo, Zameer Ahmed, Nawab are on bail. They shall be taken into custody and remanded to Jail to serve their sentence. Their bail bonds stand cancelled and surety discharged.

Note: - In case the appellants namely, Dadlo, Zameer Ahmed, Nawab are called absent on the day of pronouncement of judgment, in such a case, the office shall issue perpetual NBWs against them with direction to the concerned SHO that on their arrest, the said appellants shall be sent to Jail to serve out the conviction and sentence as awarded by the learned trial Court.

JUDGE