

**IN THE COURT OF MUHAMMAD ATTA RABBANI
ADDITIONAL SESSIONS JUDGE, SPECIAL COURT GBV
EAST/WEST-ISLAMABAD**

Case No.92/2021

Trial No.340/GBV/2021

The State through Shaukat Ali Muqadam S/O Ismail Taj-ud-Din.

.....Complainant

... Vs ...

1. Zahir Zakir Jaffar S/O Zakir Jaffar, caste Memon aged about 28/29 years R/O House No.07, Street No.60, Sector E-7-4 Islamabad.
2. Zakir Jaffar S/O Abdul Qadir, caste Memon aged about 58/59 years R/O House No.07, Street No.60, Sector E-7-4 Islamabad.
3. Mst.Asmat Zakir Jaffar W/O Zakir Jaffar, caste Memon aged about 54 years R/O House No.07, Street No.60, Sector E-7-4 Islamabad.
4. Muhammad Iftikhar S/O Gohar Zaman aged about 46/47 years R/O Kalan Kundri, P.O Chakoti, Tehsil and District Batiyan Bala, Azad Kashmir.
5. Jamil Ahmad S/O Ali Aksar, aged about 22/23 R/O Lasan Nawab Khalyan Tehsil and District Mansehra.
6. Muhammad Jan S/O Khan Muhammad, caste Awan aged about 47 years R/O Village Banda Dheeri Nambardaran, Tehsil and District Mansehra.
7. Tahir Zahoor S/O Akbar Khan aged about 73 years R/O House No.313/B, Hills side road, Sector E-7 Islamabad.
8. Dileep Kumar S/O Santosh Kumar, caste Hindu, aged about 29/30 years R/O Pindo Mohalla Arman colony District Tharparkar.
9. Wamiq Riaz S/O Riaz Waraich, caste Jutt Waraich aged about 34/35 years R/O House No.386/A, Street No.05, Behria Town Islamabad.
10. Samar Abbas S/O Shah Nawaz Khan aged about 35 years R/O Mohalla Panch Marla, Scheme District Layyah Punjab.
11. Abdul Haq S/O Saad Ullah, caste Marfani, aged about 30/31 years R/O Line Jodher Sadhiyala city, Tehsil and District Shikarpur.
12. Amjad Mahmood S/O Muhammad Ashraf aged about 21/22 years R/O Jabi Ghamnawan Tehsil and District Haripur.

.....Accused

FIR No.380/2021, dated 20.07.2021

U/S 302/376/364/368/201/511/109/176/118 P.P.C, P.S. Kohsar
Islamabad.

JUDGMENT

24.02.2022

The prosecution after investigation of the case sent up report u/s

173 Cr.P.C against the accused persons namely Zahir Zakir Jaffar, Zakir Jaffar, Mst.Asmat Zakir Jaffar, Muhammad Iftikhar, Jamil Ahmad, Muhammad Jan, Tahir Zahoor, Dileep Kumar, Wamiq Riaz, Samar Abbas, Abdul Haq and Amjad Mahmood for facing trial u/s 302/376/364/368/201/511/109/176/118

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P.P.C, in the above mentioned criminal case registered with Police Station Kohsar Islamabad.

2. Briefly stated, complainant Shaukat Ali Muqadam being father of Mst.Noor Muqadam (deceased) reported the matter to the police P.S Kohsar vide statement Ex.P-A duly recorded by Muhammad Zubair Mazhar ASI (PW-15) stating that on 19.07.2021 at afternoon he went to Gulraiz, Rawalpindi to purchase goat for sacrifice, whereas his wife went to tailor at F-10 Islamabad. When he came back to home at Magrib prayer time, his daughter Noor Muqadam aged about 27/28 years was not present at home. His wife made telephonic call to Noor Muqadam on her cell number which was found switched off. They started searching their daughter and approached to her friends, then his daughter made telephonic call and informed that she was going to Lahore with her friends, will come back within 1-2 days. On 20.07.2021, at noon time Zahir Zakir with whose family the complainant had acquaintance, telephonically informed that Noor Muqadam is not with him. On same day at 10:00pm the complainant received information from Police Station Kohsar about the murder of his daughter, then he rushed to Police Station Kohsar. The police took him to the house of Zakir Jaffar bearing No.07, Street No.60, Sector F-7/4 Islamabad, where he saw his daughter was done to death brutally with sharp edge weapon by separating her head from the body. Upon said complaint initially the FIR Ex.P-A/1 was lodged u/s 302 P.P.C by Raza Muhammad S.I (PW-1) against the accused Zahir Jaffar. During course of investigation the complainant made supplementary statement and nominated the parents of the accused and others. The complainant made supplementary statement on 24.07.2021 in light of disclosure of accused Zahir Zakir Jaffar and nominated the accused namely Dileep Kumar, Wamiq Riaz, Samar Abbas, Amjad Mahmood, Abdul Haq as well.

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The police added the sections 176/109/201/511 P.P.C and again after receiving the DNA report added sections 118/376/364/368 P.P.C.


3. After securing the attendance of the accused persons namely Zahir Zakir Jaffar, Zakir Jaffar, Mst.Asmat Zakir Jaffar, Muhammad Iftikhar, Jamil Ahmad, Muhammad Jan, Tahir Zahoor, Dileep Kumar, Wamiq Riaz, Samar Abbas, Abdul Haq and Amjad Mahmood were charged on 14.10.2021 u/s 302/376/364/368/201/511/109/176/118 P.P.C to which they pleaded not guilty and claimed trial, thereafter prosecution was directed to produce its evidence and the prosecution produced its evidence as under:

PW-1 Raza Muhammad S.I, deposed that on 20.07.2021, he was posted in Police Station Kohsar and was present in Police Station, at about 11:00pm, Muhammad Abid Latif 80/LHC brought the complaint Ex.P-A to the Police Station duly drafted by Muhammad Zubair ASI for registration of case, upon said complaint he chalked out the FIR No.380/2021, u/s 302 P.P.C Ex.P-A/1. FIR is in his handwriting and bears his signature. He sent the original complaint and copy of FIR through Muhammad Abid Latif/LHC to SHIU for further proceedings.

PW-2 Abid Latif 81/LHC, deposed that on 20.07.2021, he was posted in Police Station Kohsar Islamabad, on same day he alongwith Muhammad Zubair ASI and other police officials proceeded to House No.07, Street No.60, Sector F-7/4 Islamabad. After sometime the complainant of this case namely Shaukat Muqaddam came to the said place and Zubair ASI recorded the statement of complainant. He handed over the said statement/complaint to him. He went to the Police Station for registration of case. He handed over the said statement to Raza Muhammad S.I who chalked out the FIR and he handed over the copy of FIR and complaint to him. He proceeded to the place of occurrence and he handed over the copy of FIR and complaint to Abdul Sattar Inspector. The I.O recorded his statement u/s 161 Cr.P.C.

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PW-3

Basharat Rehman ASI, deposed that on 20.07.2021, he was posted in Rescue 15 Islamabad, on same day after receiving information of the occurrence, he reached House No.07, Street No.60, F-7/4 Islamabad. The I.O was present there. He obtained the finger prints of both the hands of accused Zahir Zakir S/O Zakir Jafar. The I.O prepared the two cards of finger prints and prepared the parcels. The I.O recorded his statement u/s 161 Cr.P.C.

PW-4

Aqsa Rani 1884/LC, deposed that on 20.07.2021, he was posted in Police Station Women Islamabad, on same day he alongwith Misbah SHO P.S Women reached to the House No.07 Street No.60, sector F-7/4 Islamabad. At the place of occurrence she assisted the I.O in order to examination of dead body of deceased. The I.O prepared inquest report. The I.O prepared the application to keep the dead body in mortuary. He alongwith Dost Muhammad and I.O reached to the poly clinic hospital alongwith dead body. After post mortem examination the dead body was handed over to the I.O and the I.O handed over the dead body to the father of the deceased. MLO handed over the blood stained white color brazier P-1, blood stained blue color underwear P-2 and T-shirt gray color P-3 to the I.O who took into possession vide recovery memo Ex.P-B which bears her signature. The I.O recorded her statement u/s 161 Cr.P.C.

PW-5

Malik Amir Shahzad Draftsman, deposed that on 22.07.2021, he alongwith I.O Abdul Sattar Inspector proceeded to place of occurrence i.e. F-7/4 Islamabad. On pointation of the complainant he inspected the spot and made rough notes. On 28.07.2021, he prepared the scaled site plan Ex.P-C and handed over to the I.O. The I.O recorded his statement on same day. The notes in black ink are in his handwriting and bear his signature.

PW-6

Muhammad Riaz ASI, deposed that on 21.07.2021, he was posted as Moharrar in Police Station Kohsar Islamabad, on same day I.O Abdul Sattar Inspector handed over to him one parcel of laptop to keep it in safe custody of Malkhana. He kept it in Malkhana. On 21.07.2021, Inspector Abdul Sattar I.O also handed over to him sealed parcels of material taken from the nails of deceased, one

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buccal swab and one parcel of offence weapon, one parcel of knuckle, one parcel of cigarettes butts, one parcel of finger prints of the accused all with seal of NFSA, one parcel of blood stain cotton, one parcel of last worn clothes of deceased, one parcel of shirt of the accused, one parcel of DVR, one parcels of hard-disk sealed with MG to keep them in safe custody of Malkhana and he kept the said in safe custody of Malkhana intact. On 23.07.2021, Inspector Abdul Sattar I.O handed over to him three parcels in a khaki envelope said to contain the swabs of deceased and one parcel said to contain the blood/swab of the accused sealed with CMO of FGSB to keep them in safe custody of Malkhana. On 24.07.2021, Inspector Abdul Sattar I.O handed over to him one sealed parcels of mobile phone of Mst.Noor Muqadam to keep it in Malkhana. He kept the said in safe custody of Malkhana. On 27.07.2021, Inspector Abdul Sattar I.O also handed over to him one sealed parcel of mobile phone of accused Zahir Zakir to keep it in safe custody of Malkhana. He kept the same in Malkhana. On 29.07.2021, Inspector Abdul Sattar I.O handed over to him letter No.1838 and he handed over the road certificate No.392 to Sikandar 5804 alongwith above said three parcels for onward deposit to cyber-crime FIA. He deposited the parcels in cyber-crime FIA and came back to Police Station, he handed over the road certificate alongwith receiving to him and he annexed the same with the register No.21. Nobody tempered the parcels during his custody. On 30.07.2021, Inspector Abdul Sattar I.O got issued the letters for onward transmission to PFSA Lahore, he issued road certificates No.397, 398, 399 and 400 and he handed over seventeen parcels to the I.O for onward transmission to the PFSA Lahore. The accused Zahir Zakir was also sent to PFSA Lahore with the I.O. I.O after depositing the parcels to the PFSA came to Police Station and he handed over the road certificates alongwith receiving to him. He annexed the road certificates with register. Nobody tempered the parcels during his custody.

PW-7

Farasat Faheem 7345/HC, deposed that on 20.07.2021, he was posted as Moharrar in Police Station Kohsar Islamabad, he

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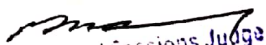
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proceeded on leave from 21.07.2021 to 30.07.2021. On 03.08.2021, he handed over one sealed parcel said to contain pistol 9mm and one sealed parcel of finger prints of accused Zahir Zakir to Sikandar Hayat 5804/C for onward transmission to NFSA Islamabad. On same day he deposited the said two parcels in NFSA Islamabad and he handed over to him acknowledgment receipt. Nobody tempered the said parcels so as long remained in his custody. On 16.08.2021, Abdul Sattar Inspector/I.O handed over to him nine sealed parcels bearing seal of CMO of polyclinic hospital to keep them in safe custody of Malkhana. He kept them in Malkhana. On 17.08.2021, he handed over the said nine parcels to Abdul Sattar Inspector/I.O vide road certificate No 458 for onward transmission in PFSA Lahore. He came back to Police Station after depositing the said parcels and he handed over to him acknowledgment receipt to him. Nobody tempered the parcels while remained in his custody.

PW-8

Muhammad Imran, crime scene officer, National Forensic Science Agency (NFSA), deposed that on 20.07.2021, he received information of the occurrence. Upon said information he proceeded to the house situated at F-7/4. The I.O Abdul Sattar and his team were already present there. They proceeded to the room situated at first floor where the crime scene was occurred. They entered into the room in upper portion and dead body of female was lying in the room beheaded. The crime scene was intact till that time. He took the under nails swabs of the dead body of both hands and he prepared the separate sealed parcels. He collected the buccal swab from the mouth of the deceased and he prepared its sealed parcels. A swiss knife (weapon) was lying on the shelf of window which he collected, prepared a sealed parcel of the same. He collected the iron knuckle from the table lying in the room and he prepared a sealed parcel of the same. A pistol alongwith magazine was also lying on the same table which he collected and prepared a sealed parcel of the same. Another magazine was lying in the other table and he made it into sealed parcel. He collected four cigarettes butts from the dustbin in the said room and he prepared a sealed parcel

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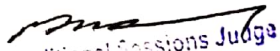
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PW-9

of the same. He handed all the said parcels to the I.O. I.O recorded his statement u/s 161 Cr.P.C.

Sikandar Hayat 5804/C, deposed that on 20.07.2021, he was posted at Homicide circle city zone Islamabad, on same day he joined investigation with I.O Abdul Sattar Inspector. After receiving information of the occurrence, he alongwith I.O Abdul Sattar Inspector and Dost Muhammad ASI proceeded to House No.07, Street No.60, F-7/4 Islamabad. The complainant, SHO Kohsar alongwith other police officials and Muhammad Imran of NFSA were also present there. The body of deceased Mst.Noor Muqadam was laying in the room beheaded eastern-western direction. Muhammad Imran/NFSA took the nail scrapping from both hands and prepared the sealed parcels and handed over the parcels to I.O Abdul Sattar Inspector who took the same in possession vide recovery memos Ex.P-D and Ex.P-E duly signed by him. Muhammad Imran/NFSA took the buccal swab from the mouth of dead body of deceased and prepared the sealed parcel which the I.O Abdul Sattar took into possession vide recovery memo Ex.P-F duly signed by him. On 21.07.2021, a swiss knife was lying on the western side of the room which was handed over by Muhammad Imran/NFSA to I.O Abdul Sattar and I.O prepared the sketch of the same, thereafter Muhammad Imran/NFSA prepared the sealed parcel and the I.O took into possession the parcel P-4 vide recovery memo Ex.P-G duly signed by him. A pistol 9mm was lying on the table inside the room, Muhammad Imran/NFSA prepared the sealed parcel of said pistol and I.O took into possession the said parcel P-5 vide recovery memo Ex.P-H duly signed by him. An iron knuckle was also lying on the said table, Muhammad Imran/NFSA prepared the sealed parcel of knuckle and I.O took into possession the said parcel P-6 vide recovery memo Ex.P-J duly signed by him. Another magazine was lying on the table alongwith bullets, Muhammad Adnan/NFSA prepared the sealed parcel P-7 and I.O took into possession vide recovery memo Ex.P-K duly signed by him. Four cigarettes were lying in the dustbin inside the room, Muhammad Imran/NFSA prepared the sealed parcel P-8 and the

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I.O took into possession vide recovery memo Ex.P-L duly signed by him. Inspector Abdul Sattar collected blood with cotton and prepared the its sealed parcel P-9 and into possession vide recovery memo Ex.P-M duly signed by him. A laptop of apple company silver color was lying on another table inside the room which was collected by Abdul Sattar Inspector and prepared sealed P-10 parcel and took into possession vide recovery memo Ex.P-N duly signed by him. A box containing fifty rounds were lying on the said table which the I.O took into possession vide recovery memo Ex.P-Q duly signed by him. Basharat ASI took the finger prints of both the hands of accused Zahir Zakir Jafar and the I.O prepared the sealed parcel P-11/1-2 and took into possession vide recovery memo Ex.P-R duly signed by him. I.O Abdul Sattar took into possession shirt white color of accused Zahir Zakir (blood stained and torn) and prepared the parcel P-12 and took into possession vide recovery memo Ex.P-S duly signed by him. I.O took into possession the DVR from the drawing room and he got the CCTV footage saved in hard disk. The I.O prepared the parcels P-13 and P-14 of DVR and hard disk and the I.O took into possession the parcels vide recovery memo Ex.P-T. On 22.07.2021, he again joined investigation with I.O Abdul Sattar Inspector. The accused Zakir Jafar came to Police Station and handed over his license of 9mm pistol P-15 issued by DC Islamabad which the I.O took into possession vide recovery memo Ex.P-U duly signed by him. On 27.07.2021, he again joined investigation with I.O Abdul Sattar and went to SP city office where the I.O received CDRs of seven cell numbers from Jabir/HC comprising 58 pages and the I.O took into possession vide recovery memo Ex.P-V duly signed by him. On same day, he alongwith Sikandar Ali, Dost Muhammad ASI and Abdul Sattar I.O were present in the investigation room with accused Zahir Zakir and the I.O interrogated him then on disclosure and pointation, the accused Zahir Zakir led the police party to his House No.07, Street No.60, F-7/4, where the accused led them to his room and got recovered his mobile phone Iphone-X P-16 (with broken screen), I.O prepared the parcel of the same and

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the I.O took into possession the parcel vide recovery memo Ex.P-W duly signed by him and Sikandar Ali. On 29.07.2021, I.O Abdul Sattar received laptop, mobile phone of accused Zahir Zakir and mobile phone of deceased Noor Muqadam from Moharrar Malkhana Riaz ASI vide road certificate No.392/2021 and handed over to him which he duly deposited in FIA Cyber-Crime. He came back to Police Station and handed over the road certificate alongwith receiving on same day. On 03.08.2021, I.O Abdul Sattar handed over to him parcels of pistol 9mm and finger prints after taking them from Moharrar Farasat vide road certificate No.415/2021 which he duly deposited in NFSA Islamabad. He came back to Police Station and handed over the receiving on road certificate to Moharrar. I.O recorded his statement u/s 161 Cr.P.C. On 07.08.2021, he went to office of SSP Investigation alongwith I.O Abdul Sattar where I.O received two reports of PFSA Lahore comprising of five pages which the I.O took into possession vide recovery memo Ex.P-X duly signed by him. I.O recorded his statement u/s 161 Cr.P.C. On 08.08.2021, he alongwith Abdul Sattar Inspector went to SP city office where I.O received CDRs of six cell numbers from Jabir/HC which the I.O took into possession vide recovery memo Ex.P-Y duly signed by him. I.O recorded his statement u/s 161 Cr.P.C. On 12.08.2021, he alongwith I.O Abdul Sattar went to the office of SSP investigation where the I.O received two reports one of NFSA and other of PFSA which the I.O took into possession vide recovery memo Ex.P-Z duly signed by him. I.O recorded his statement u/s 161 Cr.P.C. On 26.08.2021, he alongwith Abdul Sattar I.O went to polyclinic hospital where the I.O received two reports of PFSA Lahore which the I.O took into possession vide recovery memo Ex.P-AA duly signed by him. I.O recorded his statement u/s 161 Cr.P.C. On 14.10.2021, he alongwith I.O Abdul Sattar went to the office of SP city office where the I.O received CDR of one cell number comprising of 29 pages from Jabir/HC which the I.O took into possession vide recovery memo Ex.P-AB duly signed by him. I.O recorded his statement u/s 161 Cr.P.C.

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PW-10

Dr. Shazia Nazir MLO, deposed that on 21.07.2021, dead body of deceased Mst. Noor Muqadam was brought by police Dost Muhammad, Abdul Sattar Inspector and Aqsa Rani/LC in emergency department of poly clinic hospital. Dead body was received by Dr. Usman CMO and he confirmed death at 12:10am on 21.07.2021. He also conducted external postmortem.

On presentation, pupil dilated and fixed beheaded. Neck was separated from the body. Dead body was retained in mortuary for detailed postmortem to be conducted by next morning. Postmortem was conducted by the Dr. Sara Ali Assistant MLO on 21.07.2021 at 09:30am.

On external postmortem. Dead body of young female wearing white brazier, gray T-shirt and blue underwear. Height about 5.4 inches. Rigor mortis +, body was stiff.

Findings:

There was laceration over right temple, three lacerations on neck of right side, four stab injuries on left breast. Head was separated from the body. Multiple bruises on thigh and knees. X-ray of whole body was done. Detail post mortem conducted.

Specimens i.e. Heart, lungs, stomach with content, intestine, liver spleen, swabs (vaginal, anal, perineal rectal) and nails scrapping taken for toxicology, histopathology and DNA swabs taken to rule out sexual assault and handed over to the police.

Cranium and spinal cord, skull intact and healthy, vertebra slit at level of vertebra 3, spinal cord severed at vertebra 3 left. Brain intact and healthy. According to radiologist multiple ring shaped artifacts are seen. No bone injury was seen through the vault of skull and provided skeleton.

Thorax: Intact and healthy.

Pleurae: Intact and healthy.

Larynx and trachea: Cut at the level of vertebra 3.

Right lung: Intact and healthy.

Left lung: Intact and healthy.

Pericardium and heart: Intact and healthy.

Blood vessels: Intact and healthy.

Abdominal wall: Intact and healthy.

Mouth, pharynx and Oesophagus: Mouth intact, pharynx intact, Oesophagus cut at level vertebra 3.

Diaphragm: Intact and healthy.

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Stomach and its contents: Intact and healthy. Specimens saved.

Pancreas: Intact and healthy.

Small intestine: Intact and healthy. Specimens saved.

Large intestine: Intact and healthy.

Live spleen and kidneys: Intact and healthy. Specimens saved for toxicology.

Bladder: Intact and healthy.

Organs of generation external and internal: No external marks on genital, DNA swabs taken.

X-Ray of whole body was done. According to radiologist Dr. Maliha all bones and joints were intact and healthy except fracture of vertebra 3.

Final remarks: In her opinion, probable cause of death is lack of blood supply to brain due to separation of head from body.

According to forensic science laboratory report:

Toxicology drug and poison were not detected in liver and stomach content. Histopathology report reveals are branches of cornu patent. The sections of myocardium were unremarkable. The lung section reveals dilated alveoli with presence of focal oedematous fluid suggest labored respiration. DNA profile obtained from sperm fraction item No.1 is mixture of at least two individual Mst.Noor Muqadam and Zahir Zakir Jafar. Item No.S.1 cannot be excluded as being contributor to the DNA mixture profile.

Time between injury and death 5-10 minutes and time between death and postmortem is 9-10 hours. Postmortem report is Ex.P-AC duly signed her and bears her seal. Death certificate is Ex.P-AC/1 prepared by her bears her signature and seal. Inquest report duly endorsed by her is Ex.P-AC/2. Application to keep the dead body in mortuary is Ex.P-AC/3. Application for conducting postmortem is Ex.P-AC/4.

PW-11

Dost Muhammad ASI, deposed that on 20.07.2021, after receiving information he alongwith Sikandar Hayat, Sikandar Ali and Abdul Sattar Inspector went to house of occurrence i.e. House No.07, Street No.60, sector F-7/4 Islamabad. After conducting formal proceeding I.O handed over to him two applications one for keeping the dead body in mortuary and another for conducting the postmortem of dead body. He alongwith lady constable Aqsa Rani took the dead body of deceased Mst.Noor Muqadam to polyclinic hospital. The dead body was kept in mortuary and said applications were

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handed over to the CMO. He came back to the place of occurrence after leaving the lady constable in hospital. On 21.07.2021, received the parcels from Muhammad Imran/NFSA and he signed the exhibits sheet prepared by Muhammad Imran/NFSA. On 23.07.2021, Abdul Sattar Inspector sent him to polyclinic hospital to receive the postmortem report and parcel of deceased and parcel of accused Zahir Zakir. He received the postmortem report, parcels of deceased, parcels of accused Zahir Zakir from the hospital and he handed over the postmortem report and parcels of deceased to the I.O who took into possession vide recovery memo Ex.P-AD and he also handed over the parcels of accused Zahir Zakir who took into possession vide recovery memo Ex.P-AE duly signed by him. I.O recorded his statement. On 24.07.2021, Abdul Sattar Inspector/I.O arrested the accused Zakir Jafar, Asmat Zakir, Muhamamd Iftikhar and Jameel Ahmad and conducted their personal search and SHO conducted the personal search of lady accused Asmat Zakir. Inspector Abdul Sattar recovered mobile phone apple alongwith sim P-17 from the personal search of the accused Zakir Jafar and took into possession vide recovery memo Ex.P-AF duly signed by him. The I.O also recovered the vehicle No.240-ACJ while color corolla Model 2017 which was under use of accused Zakir Jafar vide recovery memo Ex.P-AG. During search of accused Asmat Zakir, from a black color bag, mobile phone white color P-18, cash Rs.59000/- P-19, ladies bag P-20 containing her ID card P-21, black color ladies bag containing her driving license P-22, photocopy of her ID card P-23, international driving license P-24, Four ATM cards of different banks P-25/1-4, PIA award card of Mst.Asmat Zakir P-26 (P-18 to P-26 are on supardari with the accused Mst.Asmat Zakir). Black color wallet containing club card of Zakir Jafar P-27, credit card of Zakir Jafar P-28, two ID cards of Zakir Jafar P-29/1-2, two cards of Al-Habib bank of Zakir Jafar P-30/1-2, card of Al-Faisal bank of Zakir Jafar P-31, card of Standard chartered bank P-32 and the I.O took them in possession vide recovery memo Ex.P-AH duly attested by him. I.O also conducted the personal search of accused Iftikhar and recovered his

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photocopy of ID card P-33, wallet black color P-34, cash Rs.2000/- P-35, one mobile phone P-36 alongwith SIM and the I.O took the said articles in possession vide recovery memo Ex.P-AJ duly signed by him and Sikandar Ali. I.O also conducted the personal search of accused Jameel Ahmad and recovered his mobile phone P-37, Wallet brown color P-38, cash Rs.1550/- P-39, original ID card P-40 (P-37 to P-40 are on supardari with the accused) vide recovery memo Ex.P-AK duly signed by him. I.O recorded my statement u/s 161 Cr.P.C. On 16.08.2021, Abdul Sattar Inspector/I.O sent him to polyclinic hospital to receive the sealed parcels of nine accused. He received nine sealed parcels of accused Muhammad Iftikhar P-41, Jameel Ahmad P-42, Muhammad Jan P-43, Tahir Zahoor P-44, Daleep Kumar P-45, Wamiq Riaz P-46, Samar Abbas P-47, Abdul Haq P-48 and Amjad Mahmood P-49 and handed over to the I.O who took them in possession vide recovery memo Ex.P-AL duly signed by him. I.O recorded his statement u/s 161 Cr.P.C. On 23.08.2021, he alongwith I.O Abdul Sattar went to the office of SP city where Muhammad Jabar/HC handed over the CDR data of accused Jan Muhammad from 15.07.2021 to 27.07.2021 comprising on three pages to the I.O who took into possession vide recovery memo Ex.P-AM duly attested by him. I.O recorded his statement u/s 161 Cr.P.C. On 31.07.2021, he went to NFSA Islamabad and received sealed parcel in Khaki envelop P-50 said to contain CD of the photographs of the crime scene. The I.O took the said parcel in possession vide recovery memo Ex.P-AN. On same day, he received the DNA/PFSA report of accused Muhammad Iftikhar, Jameel, Muhammad Jan, Wamiq Riaz, Daleep Kumar, Samar Abbas, Abdul Haq, Amjad Mahmood and Tahir Zahoor and report of NFSA regarding pistol from Shafqat Mahmood ASI reader of SSP Investigation and handed over them to Abdul Sattar Inspector who took into possession vide recovery memo Ex.P-AQ duly signed by him. I.O recorded his statement u/s 161 Cr.P.C. The vehicle P-51 recovered from the accused Zakir standing outside the parking of the court. On 30.10.2021, I.O sent him to SDPO office of Police Station Kohsar and he received result report of mobile phone

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of Mst.Noor Muqadam, result report of mobile phone of accused Zahir Zakir and laptop from Muhammad Imran ASI reader of SDPO and he handed over them to I.O who took into possession vide recovery memo Ex.P-AR duly signed by him. The I.O recorded his statement u/s 161 Cr.P.C.

PW-12

Muhammad Jabar 6721/HC, deposed that on 27.07.2021, he was posted at SP city office and performing his duty as computer operator. On same day he handed over the CDR of seven mobile phones of Zahir Zakir, Zakir Jaffar, Asmat Zakir, Ittikhar, Jameel, Shoukat Muqadam and Noor Muqadam comprising of 58 pages P-52/1-58 to the I.O Abdul Sattar Inspector. On 08.08.2021, he handed over the CDR of six telephone numbers of Tahir Zahoor, Daleep Kumar, Amjad, Abdul Haq, Samar Abbas and Wamiq Riaz, comprising of 58 pages P-53/1-58 to the I.O Abdul Sattar Inspector. On 23.08.2021, he handed over the CDR of one telephone number of Muhammad Jan comprising of 01 page P-54 to the I.O Abdul Sattar Inspector. On 14.10.2021, he handed over the CDR of one telephone number of Zakir Jaffar comprising of 29 pages P-55/1-29 to the I.O Abdul Sattar Inspector. I.O recorded his statements u/s 161 Cr.P.C.

PW-13

Dr.Hammad Hussain MO, deposed that on 23.07.2021, at about 09:50am, Accused Zahir Zakir was produced before him by Abdul Sattar Inspector for potency test of the accused. As per his examination, young adult male brought by police with both handcuffs with fully developed secondary sexual characteristics. Cremesteric reflects was bilaterally intact. In his opinion this person was medically fit to perform sexual act. He collected blood sample for DNA and handed over to the police. His opinion is Ex.P-AS signed by him and application moved by the I.O duly endorsed by him is Ex.P-AS/1.

PW-14

Dr.Anum Shahzadi MO, deposed that on 14.08.2021, she was on duty at polyclinic hospital Islamabad, on same day Muhammad Jan was produced under police custody before her. She collected his blood sample and buccal swab for DNA. Her prescription bearing No.1914 bears her signature is Ex.P-AT.

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On 15.08.2021, Amjad, Daleep Kumar, Samar Abbas, Abdul Haq, Tahir Zahoor and Wamiq Riaz were produced under police custody before her. She collected their blood samples and buccal swabs for DNA. Her prescription bearing No.1931, No.1932, No.1933, No.1934, No.1935 and 1936 bears her signature is Ex.P-AU, Ex.P-AV, Ex.P-AW, Ex.P-AX, Ex.P-AY and Ex.P-AZ respectively. On 16.08.2021, Muhammad Istikhar and Jameel were produced under police custody before her. She collected their blood samples and buccal swabs for DNA. Her prescription bearing No.1954 and No.1955 bears her signature is Ex.P-BA and Ex.P-BB respectively.

PW-15

Muhammad Zubair Mazhar ASI, deposed that on 20.07.2021, he was posted in Police Station Kohsar Islamabad, on same day, at about 09:30pm, he received information through telephone about some issues in House No.07, Street No.60, F-7/4 Islamabad. On said information he alongwith Abid 81/C, Aitzaz/HC went to the said place. They entered in house No.07, where some people were present in a room upper portion of said house. He and Aitzaz entered in the said room where a beheaded dead body of a girl was lying in the said room. 4-5 peoples apprehended the accused Zahir Zakir. The said persons left the place after seeing them and they apprehended the accused Zahir Zakir. The accused disclosed his name as Zahir Zakir and name of the girl as Noor Muqadam D/O Shaukat. The accused Zahir informed telephone number of Shaukat the father of deceased girl. He informed the SHO about the event through telephone. At about 10:50pm, Shaukat Muqadam and after some time Abdul Sattar Inspector alongwith his team reached to the said room. Shaukat Muqadam identified the dead body of his daughter and he made his statement, he recorded his statement. He drafted the complaint Ex.P-A and transmitted to Police Station through constable Abid 81/C for registration of the case. In the meantime, Imran crime scene officer of NFSA alongwith his team reached there. Before reaching the Imran, SHO Police Station women alongwith her team reached there. Imran collected the swab of the both hands of dead body of Noor Muqadam and

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prepared the separate parcels. Abdul Sattar Inspector took the said parcels in possession vide recovery memo Ex.P-D and Ex.P-E duly signed by him and Sikandar Hayat. Imran collected the buccal swab of dead body of Noor Muqadam which the Abdul Sattar took into possession vide recovery memo Ex.P-F duly signed by him and Sikandar Hayat. The dead body was shifted to PIMS through Aqsa/LC and Dost Muhammad ASI. On 21.07.2021, after 12:00am, Abdul Sattar Inspector collected the blood through cotton from the floor and prepared the parcel (P-9) with seal of MG and took into possession vide recovery memo Ex.P-M duly signed him. Imran of NFSA collected blood stained knife from the shelf of window and Abdul Sattar prepared the sketch of the said knife. The parcel of said knife (P-4) was prepared by Imran and I.O took the said parcel in possession vide recovery memo Ex.P-G duly signed by him and Sikandar Hayat. Imran of NFSA also collected a magazine of pistol carrying the bullets lying on table and he prepared the parcel (P-7) and the I.O took into possession vide recovery memo Ex.P-K duly signed by him and Sikandar Hayat. Imran of NFSA also collected four butts of cigarettes lying in the dust bin and prepared the parcel (P-8) which Abdul Sattar Inspector took into possession vide recovery memo Ex.P-L duly signed by him and Sikandar Hayat. Imran also collected Iron knuckle lying on the table and he prepared the parcel (P-6), I.O took the said parcel in possession vide recovery memo Ex.P-J duly signed by him and Sikandar Hayat. Imran also collected pistol 9mm lying on another table and I.O prepared the sketch of said pistol. Imran prepared the parcel of pistol and he handed over it to I.O who took the said parcel (P-5) in possession vide recovery memo Ex.P-H duly signed by him and Sikandar Hayat. Abdul Sattar collected laptop silver color lying on other table in the said room and he prepared the parcel (P-10). He took the said parcel in possession vide recovery memo Ex.P-N duly signed by him and Sikandar Hayat. Abdul Sattar Inspector/I.O also took 50 bullets of 9mm pistol lying in a box on another table and he took the said in possession vide recovery memo Ex.P-Q duly

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signed by him and Sikandar Hayat. I.O recorded his statements on 20.07.2021 and on 21.07.2021 u/s 161 Cr.P.C.

PW-16

Dr.Sara Ali Hashmi Assistant MLO, deposed that on 21.07.2021, she conducted postmortem of deceased Noor Muqadam at 09:30am and postmortem report Ex.P-AC was prepared by her. The external postmortem was done by Dr.Usman. Dead body of young female wearing white braziers, gray T-shirt and blue underwear, height about 5 feet 4 inches. Rigor mortis was positive. Body was stiff. There were lacerations over right temple. Three lacerations were on the nape on the neck on right side. Multiple four stab wounds on left breast. Head was separated from the body. Multiple bruises on thighs and knees. X-ray of whole body was done. Detailed postmortem was done. Specimens were taken. DNA swabs were taken to rule of sexual assault and handed over to the police.

Scalp, skull and vertebrae

Skull intact and healthy, vertebrae slit at vertebra 3rd.

Report

Multiple ring shaped artefacts were seen. No bony injury seen through the vault of skull in the provided skeleton

Brain membrane and spinal cord

Brain intact and healthy. Spinal cord severed at vertebra 3rd.

THORAX

Walls, ribs and cartilages

Intact and healthy.

Pleurae

Intact and healthy.

Larynx and tracheae

Cut at the level of vertebra 3rd.

Right lung

Intact and healthy.

Left lung

Intact and healthy.

Pericardium and heard

Intact and healthy.

Blood vessels

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Intact and healthy.

ABDOMEN

Walls

Intact and healthy.

Peritoneum

Intact and healthy.

Mouth, pharynx and Oesophagus

Mouth intact, pharynx intact and Oesophagus cut at vertebra 3rd

Diaphragm

Intact and healthy.

Stomach and its contents

Intact and healthy, specimen saved.

Pancreas

Intact and healthy.

Small intestines and their contents

Intact and healthy, specimen saved.

Large intestines and their contents

Intact and healthy, specimen saved.

Liver

Intact and healthy, specimen saved.

Spleen

Intact and healthy, specimen saved.

Kidney

Intact and healthy.

Bladder

Intact and healthy.

Organs of generation external and internal

Swab of DNA taken to rule of sexual assault. No external marks on genitals.

X-ray of whole body was done. X-ray reports were done by radiologist Dr.Maliha.

Muscle, Bones and Joints

Injury	Disease of deformity	Fracture	Dislocation
X-ray of whole body done. Reporting of X-	All bones and joints were intact and	Fracture of vertebra 3 rd .	None.

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ray done by radiologist Dr.Maliha	healthy except vertebra 3 rd .		
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REMARKS

Probable cause of death is lack of blood supply to brain due to separation of head from body.

Time between injury and death was about 5-10 minutes.

Time between death and postmortem about 9-10 hours.

PW-17

Mudassar Alim 3923/C/Computer Operator, deposed that on 21.07.2021, he was posted in Police Station Kohsar and performing his duty as computer operator. On direction of Abdul Sattar inspector he proceeded to house No.07, street No.60, F-7/4 Islamabad. In TV lounge of 1st floor of said house there was a DVR installed. He checked the said system and showed the CCTV footage/video to the Abdul Sattar Inspector and other police, police officials and other people who joined the investigation. Abdul Sattar Inspector arranged the hard disk. He converted the video clips related to the occurrence in said hard disk. Thereafter, he handed over the said DVR and hard disk to Abdul Sattar Inspector. Abdul Sattar Inspector prepared separate parcels of DVR (P-13) and hard disk (P-14) and he took the said parcels in possession vide recovery memo. The I.O recorded his statement u/s 161 Cr.P.C.

PW-18

Shaukat Ali Muqadam S/O Ismail Taj-ud-Din Muqadam, deposed that on 19 July 2021 at after noon time, he went to Gulraiz Rawalpindi, to purchase a goat for sacrifice (qurbani), his wife went to F-10 markaz to a tailoring shop to receive her clothes. He came back to his home at about Magrib time after purchasing a goat. His daughter Noor Muqadam aged about 27/28 years was not present in the house, in the meantime his wife also returned to home. His wife made telephonic call at cell No.0333-3345059 of his daughter Noor Muqadam, her phone was found switched off, whereupon they worried and searched her. They contacted her friends. In the meantime, they connected with their daughter on her telephone, whereupon she informed that she is going to Lahore with her friends and would come back after 1 or 2 days and don't worry. On

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20 July 2021, accused Zahir Zakir made telephonic call to him on his telephone No.0334-9245668, 0335-0344909 at noon time from his No.0321-5171315 and he informed that Noor Muqadam is not with him. On 20.07.2021 at about 10:00pm a telephonic call was received from Police Station Kohsar informing, that Noor Muqadam has been murdered and asked him to reach in Police Station Kohsar. He went to Police Station Kohsar and police took him to House No.07, Street No.60, F-7/4 Islamabad belonging to accused Zakir Jafar. He went inside the house and saw that his daughter Noor Muqadam done to death with a sharp edge weapon by separating her neck from her body. He identified dead body of his daughter. Accused Zahir Zakir committed brutal murder of his daughter. Zubair Mazhar recorded his statement Ex.P-A. I.O prepared the inquest report Ex.P-AC/2 which bears his signature and signature of Jawad Jahan. On 21 July 2021, he alongwith Jawad Jahan went to poly clinic hospital where they identified the dead body of Noor Muqadam at the time of post mortem examination. Dr.Shazia Nazir conducted the post mortem examination and he and Jawad Jahan received the dead body after post mortem examination vide receipt Ex.P-BC which bears his signature and signature of Jawad Jahan. On 23 July 2021, he made supplementary statement stating that the mobile phone with sim No.0333-3345059 of his daughter is not traced and requested to trace the mobile phone of his daughter. On 24 July 2021, at about 10:00pm, he and Jawad Jahan went to Police Station Kohsar where the investigation of accused Zahir Zakir was in progress in our presence. The accused Zahir Zakir informed that he snatched the mobile phone of Noor Muqadam which he kept and he could get it recovered. On disclosure of accused he led the police to his house No.07, Street No.60, F-7/4 and he alongwith Jawad Jahan accompanied. The accused Zahir Zakir took them to first floor of his house and he got recovered the mobile phone (P-56) from the wooden almirah of the eastern wall of south east room of said room and he produced before the I.O. He and Jawad Jahan identified the said mobile phone vide identification memo Ex.P-BD. The I.O prepared the recovery memo of said mobile phone and

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took into possession vide recovery memo Ex.P-BE. On same day, he made written application Ex.P-BF to the police by nominating the accused Daleep Kumar, Wamiq Riaz, Samar Abbas, Amjid Ali, Abdul Haq, Zakir Jafar (Father of Zahir Zakir), Asmat Jafar (Mother of Zahir Zakir), Iftikhar Ahmad (Chowkidar) and Jamil (Cook) which bears his signature.

On 08 August 2021, he made statement before the I.O that he had seen CCTV footage of the house of occurrence and Noor Muqadam was trying to go out from the house by jumping, the gardener Jan Muhammad was present in the house who did not opened the door and kept it close and did not allow her go out. As per CDR record accused Asmat Zakir and Zakir Jafar remained in touch with the accused Tahir Zahoor on the day of occurrence and he also nominated the accused Jan Muhammad and Tahir Zahoor.

PW-19

Abdul Sattar Inspector, deposed that on 20.07.2021, he was posted as Incharge Investigation in SHIU City Zone Islamabad. On same day at about 10:00pm, he received information about the occurrence which took place at the House No.07, Street No.60, F-7/4 Islamabad. After receiving said information he alongwith his team proceeded to place of occurrence. When he reached at place of occurrence, Zubair Mazhar ASI alongwith other police officials, complainant and lady police officials were present at the spot. Accused Iftikhar and Jamil were also present at that house. The accused Zahir Zakir was arrested by the police officials present at the place of occurrence. Zubair Mazhar ASI recorded the statement of complainant and prepared complaint Ex.P-A which he sent to Police Station for registration of FIR. In the meanwhile, Muhammad Imran crime scene expert of NFSA alongwith his team and Basharat ASI of R.15 also reached at the spot. The beheaded dead body of deceased Noor Muqadam was present in the south western room situated at 1st floor of House No.07. Beheaded dead body was lying in east western direction in the said room. Muhammad Imran took the under nail swabs of both the hands of dead body and prepared the parcel of same and handed it over to him. He took the said parcels of nail swabs into possession vide

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recovery memos Ex.P-D and Ex.P-E duly signed by Sikandar Hayat/C and Zubair Mazhar ASI. Muhammad Imran also collected buccal swab from the mouth of the dead body and prepared the parcel of same and handed it over to him. He took the said parcel into possession vide recovery memo Ex.P-F duly signed by Sikandar Hayat/C and Zubair Mazhar ASI. He inspected the dead body through lady constable Aqsa Rani/LC and prepared inquest report Ex.AC/2 and took the signatures of complainant Shaukat Muqadam and Jawad Jahan as witnesses. He drafted the application for keeping the dead body in mortuary Ex.P-AC/3 and application for conducting the post mortem Ex.P-AC/4. Thereafter, he sent the dead body of deceased to Poly Clinic Hospital in custody of Dost Muhammad ASI and Aqsa Rani/LC after handing them over the inquest report, application for keeping the dead body in mortuary Ex.P-AC/3 and application for conducting the post mortem Ex.P-AC/4 through ambulance. He also recorded the statements u/s 161 Cr.P.C of Zubair Mazhar ASI and Sikandar Hayat/C. On 21.07.2021, the constable who took the complaint Ex.P-A to the Police Station brought back the complaint and copy of FIR Ex.P-A/1 to the spot and handed it over to him. He conducted spot inspection on pointation of complainant and in the presence of accused. He prepared the un-scaled plan Ex.P-BG of the place of occurrence. He collected the blood on the floor through cotton and he prepared the parcel of the same and he took the said parcel of blooded cotton into possession vide recovery memo Ex.P-M duly signed by Zubair Mazhar ASI and Sikandar Hayat/C. Muhammad Imran collected the swiss knife (P-4) from the shelf on western wall of the said room and handed it over to him. He prepared the sketch of said swiss knife. Thereafter, Muhammad Imran prepared the parcel of the said swiss knife and he took the said parcel into possession vide recovery memo Ex.P-G duly signed by Zubair Mazhar ASI and Sikandar Hayat/C. Muhammad Imran took a magazine (P-7) of 9mm pistol placed at a table inside the room and prepared the parcel of the same and he took the said parcel into possession vide recovery memo Ex.P-K duly signed by

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Zubair Mazhar ASI and Sikandar Hayat/C. Muhammad Imran collected four cigarettes butts present inside the dustbin placed in the room and prepared the parcel (P-8) of the same and he took the said parcel into possession vide recovery memo Ex.P-L. Muhammad Imran took the iron knuckle (P-6) placed on another table inside the room and prepared the parcel of the same. He took the said parcel into possession vide recovery memo Ex.P-J duly signed by Zubair Mazhar ASI and Sikandar Hayat/C. Muhammad Imran also took the pistol 9mm from the same table and prepared the parcel of the same and he took the said parcel in possession vide recovery memo Ex.P-H duly signed by Zubair Mazhar ASI and Sikandar Hayat/C. He took a box containing 50 bullets placed on a table near southern wall of the room and took into possession vide recovery Ex.P-Q duly signed by Zubair Mazhar ASI and Sikandar Hayat/C. He took a laptop (P-10) present inside the said room and prepared the parcel of same. He took the parcel into possession vide recovery memo Ex.P-N duly signed by Zubair Mazhar ASI and Sikandar Hayat/C. He recorded the statements u/s 161 Cr.P.C of Zubair Mazhar ASI, Sikandar Hayat/C, Muhammad Imran/NFSA and Abid Latif/C. Thereafter, he took the custody of accused Zahir Zakir from Zubair Mazhar ASI. He took his shirt (P-12) into possession vide recovery memo Ex.P-S duly signed by Sikandar Hayat/C. He interrogated the accused Zahir Zakir and recorded his statement and he formally arrested him. Basharat ASI of SI squad took the finger prints of both hands of accused Zahir Zakir on cards (P-11/1-2) and prepared the parcels of the said two cards and took them into possession vide recovery memo Ex.P-R duly signed by Sikandar Hayat/C. In the meanwhile constable Mudasar (Computer Operator) came to the place of occurrence. There was DVR system installed in the TV lounge of the said house. Mudasar constable played the CCTV footage which was seen by him and other persons who have joined into investigation. The time of CCTV footage was 35 minutes advance from the Pakistan Standard Time. He saw in the CCTV footage that on 18.07.2021 at about 10:18pm (DVR time) Noor Muqadam

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(deceased) entered in the said house and Iftikhar (watchman) is present at the main gate. He saw on CCTV footage that on 19.07.2021 at about 02:39am (DVR time) Zahir Zakir and Noor Muqadam are moving out of the said house having luggage bags and boarded in the car present in front of main gate, and again at about 02:40am (DVR time) both came back to the said house. He further saw in the CCTV footage that at about 02:41am (DVR time) Noor Muqadam tried to rush outside of the house bare footed and in the condition of stress and it was seen apparently that her clothes were torn, and accused Iftikhar (watchman) was seen closing the main gate, in the meanwhile accused Zahir Zakir was also seen rushing outside towards Noor Muqadam and he apprehended her upon which Noor Muqadam beseeched him to let her go, but the accused Zahir Zakir forcibly took her inside the room of the said house. He also saw on the CCTV footage that at about 02:46am (DVR time) Noor Muqadam and Zahir Zakir came out of the house and on board on the vehicle present outside the said house and went somewhere, and again on 02:52am (DVR time) Noor Muqadam and Zahir Zakir entered back inside the said house with the luggage bags where the Iftikhar (watchman) was also seen present near the main gate and there was also a black color dog present in courtyard. He also saw that on 20.07.2021 at about 07:12pm (DVR time) Noor Muqadam jumped from the room situated at 1st floor from the window of washroom and falls at the grill at the ground floor and she then limped towards the main gate to escape having the mobile phone in her hand and it was also seen that Iftikhar (watchman) and Muhammad Jan (gardener) was present at the main gate of the said house who closed the main gate and Iftikhar (watchman) proceeded to basement through stairs while Muhammad Jan (gardener) remained present at the main gate and when Noor Muqadam tried to open the main gate he did not allow her. Thereafter, accused Zahir Zakir jumps from 1st floor to the ground floor and proceed towards Noor Muqadam and apprehend her and locked her inside the cabin located near main gate inside of said house, in the meanwhile accused Zahir Zakir

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snatched the mobile phone from Noor Muqadam before locking her in the cabin, after sometime accused Zahir Zakir unlocked the cabin and drags Noor Muqadam inside the house. He also saw on the CCTV footage that at about 08:06pm (DVR time) 5/6 persons entered inside the said house who were later on known as Therapy Works team, at about 08:42pm (DVR time) they again seen present in the courtyard and then proceed inside the said house, at about 08:55pm (DVR time) the Therapy Works employees are seen taking out an injured person from inside the said house.

Mudasar constable saved the above said relevant video clips in a hard disk (P-14) and he also uninstalled the DVR (P-13) and handed it over to him. He prepared the parcels of both and took the said parcels into possession vide recovery memo Ex.P-T duly signed by Sikandar Hayat/C. Thereafter, he recorded the statements u/s 161 Cr.P.C of Basharat ASI, Sikandar Hayat/C and Mudasar/C. He alongwith his team took accused Zahir Zakir and the case property to the Police Station where he locked up the accused in police lockup and handed over the case property to Moharrar Malkhana. He alongwith his team proceeded to Poly Clinic Hospital and sent Zubair Mazhar to PIMS Hospital. Lady constable Aqsa Rani, Dost Muhammad, complainant and his relatives were present at Poly Clinic Hospital and in the meanwhile Dr.Shazia Nazir MLO alongwith her team came and conducted the post mortem of deceased Noor Muqadam. After the post mortem the dead body of deceased was identified by the complainant and he handed over the dead body of deceased to the complainant vide receipt Ex.P-BC. Thereafter, the doctor handed over the last worn clothes i.e. blood stained brazier (white P-1), blood stained under wear (blue P-2) and blood stained T-shirt (gray P-3) duly signed by MLO and he prepared the parcel of the same and he took into possession vide recovery Ex.P-B duly signed by Aqsa Rani/LC. He recorded the statements u/s 161 Cr.P.C of Shaukat Muqadam, Jawad Jahan and Aqsa Rani/LC. He alongwith his team came back to Police Station Kohsar and handed over the case property to Moharrar Malkhana. On 21.07.2021, he produced the accused

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before learned Area Magistrate and obtained the physical remand of three days. He came back to Police Station and locked up the accused in police lockup. On 22.07.2021, he went to PIMS hospital where the injured Amjad was got admitted and was unable to make his statement. On the same day, he alongwith other police officials and complainant took the draughtsman Amir Shahzad to the place of occurrence where he prepared notes on his and complainant's pointation. On the same day accused Zakir Jafar came to Police Station and produced the license (P-15) of pistol 9mm recovered from the spot and he took the said license into possession vide recovery memo Ex.P-U duly signed by Sikandar Hayat/C. He handed over the case property to Moharrar Malkhana. He requested the CDR data of all the relevant persons. He recorded the statement u/s 161 Cr.P.C of Sikandar Hayat/C. On 23.07.2021, he produced the accused Zahir Zakir before MLO Poly Clinic Hospital and moved an application for medical examination of accused Zahir Zakir, upon which the doctor conducted the medical examination. The doctor handed over to him blood sample and buccal swab of accused Zahir Zakir. He took the accused in Police Station and locked him. Dost Muhammad ASI brought four parcels, three containing samples of Noor Muqadam and one containing sample of accused Zahir Zakir and post mortem report. He took the parcels into possession vide recovery memo Ex.P-AD and Ex.P-AE. On the same day complainant came to Police Station and he recorded his statement regarding the recovery of mobile phone. He also recorded the statement u/s 161 Cr.P.C of Dost Muhammad ASI. On 24.07.2021, he again produced the accused Zahir Zakir before Area Magistrate and obtained his two days physical remand. He came back to Police Station and complainant and Jawad Jahan also came to Police Station. In the meanwhile accused Zahir Zakir made disclosure regarding the recovery of mobile phone Noor Muqadam. Upon the said disclosure, he alongwith Dost Muhammad ASI, Sikandar Ali/HC, complainant and Jawad Jahan took the accused Zahir Zakir to House No.07 where the accused Zahir Zakir himself got recovered

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the mobile phone (P-56) and handed it over to him. The complainant identified the said mobile phone as the mobile phone of Noor Muqadam vide identification memo Ex.P-BD and he prepared the parcel of said mobile and took the said mobile in possession vide recovery memo Ex.P-BE duly signed by Shaukat Muqadam and Jawad Jahan. He recorded the statements of PWs. He conducted the spot inspection of place of recovery and prepared the site plan Ex.P-BE/1. Thereafter, he came back to Police Station where the complainant presented application Ex.P-BF marked by SHO, P.S Kohsar, whereupon he got recorded the rapt No.1-28 dated 24.07.2021. He also recorded the supplementary statement of complainant and added offences u/s 201/511/118/176 P.P.C. The complainant nominated accused persons namely Zakir Jafar, Asmat Zakir, Iftikhar, Jamil, Daleep Kumar, Wamiq Riaz, Samar Abbas, Abdul Haq and Amjad. Accused Zakir Jafar, Asmat Zakir, Iftikhar, Jamil came to Police Station on summoning and he arrested them. He conducted the separate personal search of accused Zakir Jafar, Iftikhar and Jamil and got conducted personal search of accused Asmat Zakir through Misbah ASI, SHO Women and took the said personal search articles into possession vide recovery memos Ex.P-AF, Ex.P-AH, Ex.P-AJ and Ex.P-AK. He also took the car (P-51) of Zakir into possession vide recovery memo Ex.P-AG. He handed over the case property to Moharrar Malkhana. He recorded the statements u/s 161 Cr.P.C of witnesses. He locked up accused Asmat Zakir in Police Station Women, accused Iftikhar and Jamil in Police Station Aabpara and accused Zakir in Police Station Secretariat. On 25.07.2021, he produced the accused Zakir Jafar, Iftikhar, Jamil and Asmat Zakir before learned Area Magistrate and got physical remand of two days of accused persons. He obtained the permission of investigation of offence u/s 201/511/118/176 P.P.C. On 26.07.2021, he produced the accused Zahir Zakir before learned Area Magistrate and got two days physical remand. On 27.07.2021, he collected the CDR data (P-52/1-58) from the SP office of accused Zahir Zakir, Zakir Jafar, Asmat Zakir, Iftikhar, Jamil, Shaukat Muqadam (complainant) and Noor Muqadam (deceased)

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and took the said CDR date in possession vide recovery memo Ex.P-V. He recorded the statement of Sikandar Hayat/C. He produced the accused Zakir Jafar, Asmat Zakir, Iftikhar, Jamil before the learned Area Magistrate and got their judicial remand and dispatched them to Adyala Jail after medical examination. He came back to Police Station and interrogated the accused Zahir Zakir who made disclosure regarding the recovery of his mobile phone and he led them to the house No.07 from where he got recovered his mobile phone and he prepared the parcel of said mobile phone (P-16) and took the said parcel into possession vide recovery memo Ex.P-W. He recorded the statements of PWs. He prepared the site plan of recovery Ex.P-W/1. He moved an application before MLO Poly Clinic Hospital for determination of time of death of deceased. On 28.07.2021, he again produced the accused Zahir Zakir before learned Area Magistrate and got the physical remand of three days. On same day, draughtsman Amir Shahzad handed over to him scaled site plan Ex.P-C and the notes in red ink are in my hands. He recorded his statement u/s 161 Cr.P.C. On 29.07.2021, on his instructions Sikandar Hayat/C took the parcels of laptop, mobile of Zahir and mobile of Noor Muqadam from Moharrar Malkhana and submitted in FIA, Cyber Crime wing. He recorded the statement of Sikandar and Moharrar. On 30.07.2021, he alongwith his team took accused Zahir Zakir and 17 parcels to PFSA Lahore alongwith four road certificates No.397, 398, 399 and 400/21 and went to Lahore. He deposited the parcels in PFSA Lahore. At PFSA the photogrammetry test of accused Zahir Zakir was conducted. Thereafter, he alongwith accused Zahir Zakir and other police officials came back to Police Station and handed over the receiving to Moharrar Malkhana. He recorded the statement of Moharrar Malkhana. On 31.07.2021, he again produced the accused before learned Area Magistrate and got the physical remand of two days. On 02.08.2021, he produced the accused Zahir Zakir and got the judicial remand and dispatched him in Central Jail Adyala. He added section 118 P.P.C against accused Zakir Jafar and Asmat Jafar. On 03.08.2021, upon his

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instruction Sikandar Hayat took the parcels of finger prints and pistol from Moharrar Malkhana and submitted it in NFSA through road certificate No.415/21. He recorded the statement of Sikandar Hayat and Moharrar Malkhana. On 07.08.2021, he received the results relating to parcels of swiss knife, magazine, DVR, hard disk and finger prints and he took the reports of PFSA into possession vide recovery memo Ex.P-X. He recorded the statement of Sikandar Hayat/C. On 08.08.2021, he got the CDR data of Tahir Zahoor, Daleep Kumar, Amjad, Wamiq, Samar and Abdul Haq (P-53/1-58) which he took into possession vide recovery memo Ex.P-Y. The complainant came to Police Station and he recorded his supplementary statement u/s 161 Cr.P.C whereby he nominated the accused Tahir Zahoor and Muhammad Jan. He recorded the statement of Sikandar Hayat/C. On 12.08.2021, he received PFSA report regarding DNA analysis from SP office and a report of NFSA regarding the pistol and finger prints which he took into possession vide recovery memo Ex.P-Z. He obtained the report of MLO in accordance with DNA report and added offence u/s 376 P.P.C against accused Zahir Zakir. On 13.08.2021, he arrested the accused Muhammad Jan and got him medically examined from Poly Clinic Hospital and received the parcels of DNA sample and buccal swab. On next day, he produced the accused Muhammad Jan before learned Area Magistrate and obtained his judicial remand. Accused namely Tahir Zahoor, Wamiq Riaz, Daleep Kumar, Samar Abbas, Amjad and Abdul Haq came to Police Station on summoning and he formally arrested them on 14.08.2021. He added the offences u/s 364/368 P.P.C. On 15.08.2021, he produced the above said six accused persons before learned Area Magistrate and obtained physical remand of one day. Thereafter, he produced the said six accused persons before medical officer of Poly Clinic Hospital and got them medically examined and received their parcels of blood samples and buccal swabs. On 16.08.2021, he got summoned the accused persons namely Iftikhar and Jamil from jail and got them medically examined after getting permission from the court and received

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their parcels of blood samples and buccal swabs. He again produced 8 accused persons before learned Area Magistrate and sent them to jail on judicial remand. On the same day on his direction Dost Muhammad ASI received the parcels of blood samples and buccal swabs from the MO poly clinic and he took the said parcels into possession vide recovery memo Ex.P-AL. He handed over the said parcels to Moharrar and recorded the statement of Dost Muhammad ASI. On 17.08.2021, he took the said nine parcels from Moharrar Malkhana and submitted in PFSA Lahore vide road certificate No.458/21. He recorded the statement of Moharrar Malkhana. On 23.08.2021, he collected the copy of air ticket dated 19.07.2021 of flight No.133 of accused Zahir Zakir from Monal Travel agency Blue Area Islamabad. He recorded the statement of Saqib Izhar of travel agent. He received the CDR data of Muhammad Jan (P-54) from SP office which he took into possession vide recovery memo Ex.P-AM. He recorded the statement of Dost Muhammad ASI. On 24.08.2021, official of FIA demanded of password of mobile phone of deceased whereupon he informed that he did not remember the password. On 26.08.2021, he received two reports of PFSA from Poly Clinic Hospital and took the said reports in possession vide recovery memo Ex.P-AA. He recorded the statement of Sikandar Hayat/C. He handed over the police file to SHO for preparation of report u/s 173 Cr.P.C. On 31.08.2021, he received the report of PFSA regarding the DNA analysis of nine accused persons. On same day, he received the parcel of CD (P-50) containing the photographs of crime scene which he took into possession vide recovery memo Ex.P-AN. He received the forensic report of NFSA regarding the pistol and finger prints which he took into possession vide recovery memo Ex.P-AQ. He recorded the statement u/s 161 Cr.P.C of Dost Muhammad ASI. On 22.09.2021, he recorded the statement u/s 161 Cr.P.C of Muhammad Jabar/HC regarding CDR data. On 24.09.2021, he received the letter of FIA regarding the broken screen of mobile of accused Zahir Zakir. On 06.10.2021, he moved application for repairing of screen before learned Magistrate. On 07.10.2021, he

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received the permission from trial court. On 11.10.2021, he requested for the incoming and outgoing call data of accused Zakir Jafar. On 14.10.2021, after the repairing of mobile phone of Zahir Zakir, FIA requested the password of mobile phone, upon which he obtained the permission from the learned Magistrate for joining the accused Zahir Zakir into investigation, but he did not disclose the password of mobile phone. On same day, he received the CDR data of accused Zakir Jafar (P-55/1-29) and took the same into possession vide recovery memo Ex.P-AB. He recorded the statements of Jabar/HC and Sikandar Hayat/C. On 22.10.2021, he received the parcels of pistol and finger prints from NFSA Islamabad and parcels of two mobile phones and laptop from FIA Cyber Crime Wing. He handed over the said parcels to Moharrar Malkhana. On 25.10.2021, he received 24 parcels from PFSA and handed the said parcels to Moharrar Malkhana. On 30.10.2021, he received the report of FIA regarding the mobile phones and laptop and took the same into possession vide recovery memo Ex.P-AR. He recorded the statement of Dost Muhammad ASI. On 31.10.2021, he again handed over the police file to SHO for preparation of report u/s 173 Cr.P.C.

4. The prosecution gave up PW Sikandar Ali 2928/HC on 17.11.2021, PW Dr.Jahanzeb MLO 22.12.2021 and PW Jawad Jahan being unnecessary on 02.02.2022, thereafter, the prosecution closed its evidence on 02.02.2022 by tendering the Audio Video Analysis Report of PFSA Lahore comprising of two pages as Ex.P-BH, Latent Fingerprint Examination Report of PFSA Lahore comprising of two pages as Ex.P-BJ, Latent Fingerprint Examination Report of NFSA Islamabad comprising of one pages as Ex.P-BK, Forensic DNA and Serology Analysis Report of PFSA Lahore comprising of five pages as Ex.P-BL, Forensic Toxicology Analysis Report of PFSA Lahore comprising of one page as Ex.P-BM, Forensic Histopathology Report of PFSA Lahore comprising of one page as Ex.P-BN, Forensic DNA and Serology Analysis Report (supplementary-I)

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of PFSA Lahore comprising of four pages as Ex.P-BQ and Fire Arms Report of NFSA comprising of one page as Ex.P-BR. After closure of prosecution evidence the accused made their statements u/s 342 Cr.P.C on 09.02.2022 and in reply to the question why the PWs deposed against him then the accused Zahir Zakir replied as under:

"I am innocent. I and deceased were good friends since long and were in living relationship with mutual consent, same was also in the knowledge of both the families. Deceased participated in our family functions like family members and I was also used to attend her family functions and events. Six months prior from alleged occurrence I was not in contact with deceased and suddenly on 18.07.2021 deceased herself established contact with me and asked to arrange a drug party which I refused, but she proceeded to my house in the night of 18.07.2021 with a heavy quantity of drugs and insisted for the party as she wanted to invite her friends also in the party which she did and her friends also visited my house. My ticket for America was confirmed for 19.07.2021 and I left my house on 19.07.2021 for airport, but she insisted to quit the flight and she will also go to America with me. For that purpose she called her contacts and borrowed money for ticked on telephone. She forcibly returned the taxi driver to my home and I could not resist. On 20.07.2021, in the afternoon she also called her friends for drug party, her friends came to my home as I alone was in my home, my parents and other family members were at Karachi for Eid event. When the party started I became under the intoxication of drugs like all others including the deceased. I got out of senses and after the hours when I got senses I was in a tied up condition in the lounge of my house. After sometime, some persons in police uniform and civil dresses rescued me and I came to know that the Noor has been murdered by someone amongst the participants of drug party. Me and my parents are falsely roped in this case because the unfortunate event happened in my house. It will not be out of place to mention here that before the arrival of police and others, complainant and his relatives were also present in my house. He may also know better about the incident, but he has not been interrogated by the police in this context. Due to verbal firework of social media, before the recording the prosecution evidence I have been declared guilty and had badly been castigated because the complainant is an influential person and after this alleged occurrence complainant held a press conference alongwith state minister Mr.Shahbaz Gill and that was repulsive beyond words. State machinery alongwith media have been fully utilized against me for getting "Omnis Indemnatus robe innoxix legi bushabetur" every uncondemn person is regarded by law is innocent. Due to indulgence of state machinery investigating agency falsely roped my

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whole family including me in the present case. At the time of alleged occurrence the sitting SSP Islamabad Mustafa Tanveer visited the place of occurrence and found the belongings/luggage of deceased and found heavy quantity of drugs in the belongings/luggage of deceased. When the said SSP disclosed these facts before the media, under the pressure of state machinery he was instantly removed from his post due to above stated disclosure and same is the reason during the course of investigation and trial before this court no belonging/luggage of deceased has been made property of this case instead of the fact that she was present in my house since 18.07.2021 and was out from her house from the same date. As per prosecution own case she proceeded to Lahore for 2-3 days and her belongings/luggage was with her. I am innocent in this case and falsely roped in this case."

In reply to the question that why this case against him and why the

PWs deposed against him, the accused Zakir Jafar replied as under:

"I have been implicated in this case by the police in connivance with the complainant and there is no evidence against me. And as a matter of fact no PW deposed again me. Even if there is anything in the statement of any witness it is absolutely incorrect, inadmissible and based on malafide."

In reply to the question that why this case against him and why the

PWs deposed against him, the accused Mst.Asmat Zakir replied as under:

"I have been implicated in this case by the police in connivance with the complainant and there is no evidence against me. As a matter of fact no PW deposed again me. Even if there is anything in the statement of any witness it is absolutely incorrect, inadmissible and based on malafide."

In reply to the question that why this case against him and why the

PWs deposed against him, the accused Muhammad Iftikhar replied as under:

"The police implicated all the persons who related to the House NO.07, Street No.60, F-7/4 Islamabad, because I am also employee as watchman in the above said house so after consultation and deliberation with malafide intention I also have been implicated in this case falsely. So far as concern the PWs they are interested PWs and just to strengthen the prosecution case they deposed against me."

In reply to the question that why this case against him and why the

PWs deposed against him, the accused Jamil Ahmad replied as under:

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"The police implicated all the persons who related to the House NO.07, Street No.60, F-7/4 Islamabad, because I am also employee as cook in the above said house so after consultation and deliberation with malafide intention I also have been implicated in this case falsely. So far as concern the PWs they are interested PWs and just to strengthen the prosecution case they deposed against me."

In reply to the question that why this case against him and why the PWs deposed against him, the accused Muhammad Jan replied as under:

"The police implicated all the persons who related to the House NO.07, Street No.60, F-7/4 Islamabad, because I am also employee as gardener in the above said house so after consultation and deliberation with malafide intention I also have been implicated in this case falsely. So far as concern the PWs, they are interested witnesses and just to strengthen the prosecution case they deposed against me."

In reply to the question that why this case against him and why the PWs deposed against him, the accused Tahir Zahoor replied as under:

"It is incorrect. None of the PWs have levelled any allegation in their statements recorded before this Court. The Police never registered any case against me and the workers of Therapy Works. The investigating officer joined hands with the complainant and in order to fulfill their malicious designs, firstly implicated the workers of the Therapy works and subsequently another supplementary statement was fabricated and by making deletion and addition introduced my name without any evidence. The PWs have made statements under the influence of the complainant and the Investigating Officer."

In reply to the question that why this case against him and why the PWs deposed against him, the accused Dileep Kumar replied as under:

"It is incorrect. None of the PWs have levelled any allegation in their statements recorded before this Court. The Police never registered any case against me and the workers of Therapy Works. The investigating officer joined hands with the complainant and in order to fulfill their malicious designs, firstly implicated the workers of the Therapy works and subsequently another supplementary statement was fabricated and by making deletion and addition introduced the name of our CEO without any evidence. The PWs have made statements under the influence of the complainant and the Investigating Officer."

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In reply to the question that why this case against him and why the

PWs deposed against him, the accused Wamiq Riaz replied as under:

"It is incorrect. None of the PWs have levelled any allegation in their statements recorded before this Court. The Police never registered any case against me and the workers of Therapy Works. The investigating officer joined hands with the complainant and in order to fulfill their malicious designs, firstly implicated the workers of the Therapy works and subsequently another supplementary statement was fabricated and by making deletion and addition introduced the name of our CEO without any evidence. The PWs have made statements under the influence of the complainant and the Investigating Officer."

In reply to the question that why this case against him and why the

PWs deposed against him, the accused Samar Abbas replied as under:

"It is incorrect. None of the PWs have levelled any allegation in their statements recorded before this Court. The Police never registered any case against me and the workers of Therapy Works. The investigating officer joined hands with the complainant and in order to fulfill their malicious designs, firstly implicated the workers of the Therapy works and subsequently another supplementary statement was fabricated and by making deletion and addition introduced the name of our CEO without any evidence. The PWs have made statements under the influence of the complainant and the Investigating Officer."

In reply to the question that why this case against him and why the

PWs deposed against him, the accused Abdul Haq replied as under:

"It is incorrect. None of the PWs have leveled any allegation in their statements recorded before this Court. The Police never registered any case against me and the workers of Therapy Works. The investigating officer joined hands with the complainant and in order to fulfill their malicious designs, firstly implicated the workers of the Therapy works and subsequently another supplementary statement was fabricated and by making deletion and addition introduced the name of our CEO without any evidence. The PWs have made statements under the influence of the complainant and the Investigating Officer."

In reply to the question that why this case against him and why the

PWs deposed against him, the accused Amjad Mahmood replied as under:

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"It is incorrect. None of the PWs have leveled any allegation in their statements recorded before this Court. The Police never registered any case against me and the workers of Therapy Works. The investigating officer joined hands with the complainant and in order to fulfill their malicious designs, firstly implicated the workers of the Therapy works and subsequently another supplementary statement was fabricated and by making deletion and addition introduced the name of our CEO without any evidence. The PWs have made statements under the influence of the complainant and the Investigating Officer."

5. The defense side during cross-examination of prosecution witnesses confronted statements u/s 161 Cr.P.C of Amir Shahzad as Ex.D-A, statement u/s 161 Cr.P.C of Muhammad Riaz as Ex.D-B, statement u/s 161 Cr.P.C of Faheem Akhtar as Ex.D-C, statement u/s 161 Cr.P.C of Farasat Faheem as Ex.D-D, statement u/s 161 Cr.P.C of Sikandar Hayat as Ex.D-E, statement u/s 161 Cr.P.C of Muhammad Zubair Mazhar ASI as Ex.D-F, statement u/s 161 Cr.P.C of Muhammad Mudasar as Ex.D-G, request form as Ex.D-H. The accused Abdul Haq produced registration card as Ex.D-I in his defense evidence, accused Amjad Mehmood produced written complaint as Ex.D-K, copy of MLC as Ex.D-L, copy of discharge certificate as Ex.D-M, treatment history as Ex.D-N, his picture and pictures of accused Zahir Zakir as Ex.D-Q/1-3, private complaint as Ex.D-R in his defense evidence. Accused Wamiq Riaz produced license of practice as Ex.D-S, accused Zahir Zakir produced copy of report of NR3C (FIA) as Ex.D-T, cop of air ticket of Qatar Airways as Ex.D-U, USB as Ex.D-V and copy of FIR No.360/2021 as Ex.D-W in defense evidence.

6. Since the accused produced their defense evidence and learned defense counsel initiated arguments. Mr.Muhammad Akram Qureshi advocate on behalf of the accused Tahir Zahoor argued that the accused sent his Therapy team for medical intervention. One of member was injured by the main accused Zahir Zakir at the spot. Accused Tahir Zahoor had no knowledge about the commission of murder of Noor Muqadam. There is no evidence against the


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accused Tahir Zahoor and the other workers of Therapy Works team except CDR. There are lot of contradiction in the prosecution evidence creating doubt. PW-8 Muhammad Imran forensic expert reached to the spot at 10:00pm and according to his statement the workers of Therapy Works did not destroy any evidence. Imran PW-8 did not take into possession the laptop from the spot. PW-2, PW-3 and PW-15 made their contradictory statements to the extent of arrival of police officials and complainant at the spot. In fact all the proceedings were conducted while sitting in police station, not at the spot. ExP-A reveals that ID card number and telephone number has subsequently been added. Zubair Mazhar ASI was not legally authorized to record the statement of complainant. The I.O has not mentioned the correct name and belt number of PW-7 in his statement u/s 161 Cr.P.C. In statement u/s 161 Cr.P.C (Ex.D-D) of Farasat Faheem PW-7 there is no mentioned regarding the receiving the parcel. PW-7 Farasat Faheem was on leave that is why he did not receive any parcel on 21.07.2021. The I.O did not prepare the recovery memos even he did not give the reason that why he got the recovery memos prepared from other officials. The prosecutions has failed to prove the save custody of parcels. All the prosecution evidence is contradictory and created doubt regarding arrival of police officers/officials at the spot and all the proceedings are dubious. The I.O conducted dishonest investigation, therefore the prosecution has failed to prove its case beyond any shadow of doubt. The accused be acquitted.

7. Mr.Sikandar Zulqarnain Saleem advocate and Mr.Shehryar Nawaz advocate being state counsel argued that there is no direct evidence of murder of Noor Muqadam. The case is based on circumstantial evidence. The prosecution has failed to complete the chain of circumstantial evidence. The prosecution has failed to prove its version. According to the complaint Ex.P-A the deceased was

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by concern company. The I.O has failed to mention the main gate as well as installation of DVR in his site plan. The prosecution has failed to produce any representative of any company to establish the veracity of CDR. PW-12 took only prints of the CDRs on different dates, he did not prepare the CDR, but his statement u/s 161 Cr.P.C recorded once. The I.O has not mentioned the correct name of PW-7 and his belt number. He is planted witness just to strengthen the case. The accused Zakir Jaffar as per CDR was in contact with the complainant and this fact has been concealed. The prosecution evidence is contradictory and not reliable. Mr.Asad Jamal advocate further added that the prosecution has concealed facts regarding the receiving of information of the occurrence, even the prosecution has not disclosed the actual time of murder of Mst.Noor Muqadam. Similarly, the time of death mentioned in post mortem report Ex.P-AC also created doubt in the prosecution story. The time mentioned in FIR Ex.P-A/1 is 10:00pm which has not been proved by the prosecution through strong evidence. The subsequent application Ex.P-BF dated 24.07.2021 nominating the accused is against the provision of articles 38, 39 and 17 of Qanoon-e-Shahadat 1984. Mst.Asmat Zakir and Zakir Jaffar proceeded to Karachi from Islamabad on 17.07.2021 and they were not at Islamabad. The police department has no authority to tap the telephone of any citizen because it is against the fundamental right of the citizen.

9. Mr.Sajjad Ahmed Bhatti advocate on behalf of the accused Jameel Ahmed, Muhammad Jan, Muhammad Iftikhar argued that the said accused were not nominated in the FIR and no specific role has been attributed to them. They have been nominated on the basis of subsequent application Ex.P-BF which is afterthought with due deliberation. The said application is based on disclosure of under arrest co-accused based on malafide. PW-5 draughtsman did not show the

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measurement of the house and location of the accused in his scaled site plan. He also failed to show the location of the cameras in the site plan. As per statement of PW-6 the articles recovered at the time of personal search of aforesaid accused have not been deposited with the Moharrar. The alleged CDR data does not bears the phone number and companies name. PW-15 stated that the dead body was taken to PIMS whereas other witness stated that dead body was taken to poly clinic hospital. Dr. Usman conducted external post mortem of the body, but he has not been produced as witness. The accused Jameel Ahmed, Muhammad Jan, Muhammad Iftikhar being employees in said house did not commit any offence. They did not abduct or wrongfully confine Mst. Noor Muqadam. The entire evidence of prosecution is contradictory, therefore, benefit of doubt be given to the accused and they be acquitted.

10. Mr. Shahzad Qureshi advocate on behalf of the accused Daleep Kumar, Samar Abbas, Abdul Haq, Wamiq Riaz and Amjad Mehmood argued that according to the DVR they reached to the spot at 08:00pm (PST) for medical intervention. The complainant had watched the DVR on 20.07.2021, but he did not nominate the said accused in the FIR. The complainant nominated the aforesaid accused on 24.07.2021 on disclosure of main accused Zahir Zakir. In the said disclosure the accused raised serious allegations against his parents and workers of Therapy Team, but said disclosure during police custody has no value in eye of law. According to the statement of PW-8 Muhammad Imran of NFSA the worker of Therapy Works did not destroy the evidence. Amjad Mehmood accused received injuries at the hands of accused Zahir Zakir, but the prosecution made the worker of Therapy Works as accused instead of witnesses. The Therapy Works team hold the accused Zahir Zakir for about 25 minutes at the spot, thereafter the police reached to the spot, even then the police did not added offence u/s 324 P.P.C. As per prosecution evidence the DVR and CCTV

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cameras remained intact at their spots of installation and the accused did not try to remove the said DVR and cameras from the spot despite they could do so. They did not commit any offence, therefore, they be acquitted.

The learned defense counsel relied upon 2021 SCMR 522, 2003 SCMR 1419, 2014 SCMR 749, PLD 2016 S.C 951, 2016 SCMR 274, PLD 2020 S.C 523, 2017 SCMR 898, 2018 SCMR 313.

11. On the other hand, Mr.Hassan Abbas ADDP and Mr.Shah Khawar advocate on behalf of the state/complainant argued that the complainant received fresh information during investigation that is why he made supplementary statements. The complainant did not know the names of accused when he reached to the spot first time. The said movement was mournful for him and after burial of his daughter, he went to police station and then he made supplementary statement. The accused have themselves admitted the place of occurrence, arrival of Mst.Noor Muqadam in the house of accused Zahir Zakir as well as arrival of police at the spot in their statements u/s 342 Cr.P.C, therefore minor contradiction in the statements of police officials do not fatal the case of the complainant. CCTV footage/recording is available in the evidence which depicts the time of arrival of police officials, I.O as well as the complainant. The DVR was played in open court and same depicts the role of each accused visible in said DVR. Accused Zakir Jaffar and Mst.Asmar Zakir continuously remained in touch with their son accused Zahir Zakir and co-accused Tahir Zahoor. This fact is very clear from the CDR of the accused. The accused Zakir Jaffar and Mst.Asmar Zakir passed on instructions to the accused Tahir Zahoor and accused Tahir Zahoor instructed his Therapy works team to destroy the evidence while reached at the spot. Fortunately police reached to the spot, otherwise they would have remove the dead body of Noor Muqadam as well as main accused

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Zahir Zakir from the place of occurrence. The reports of PFSA and FIA are positive and supporting the prosecution version. According to article 17 of Qanoon-e-Shahadat Ordinance, 1984 one witness is sufficient to prove the fact. The complainant received the information at 10:04pm from the police station and he was residing at a long distance from the house of occurrence. Thereafter, he reached to the place of occurrence. If the police officials had made contradictory statements to the extent of time of arrival of the complainant at the spot, then such contradiction is not material because documentary evidence in shape of DVR is available in evidence. The PFSA report reveals that the deceased Noor Muqadam did not use any drug and was administered any poison. The accused took summersault in their statements u/s 342 Cr.P.C. The accused Zahir Zakir under the advice of his counsel stated that the drug parties were being arranged in the house of occurrence, even if so the parents of the accused were responsible for allowing their son to do illegal activities in the house. Moharrar PW-6 received the parcels and he handed over the parcel on 29.07.2021 and 30.07.2021 for onward transmission to FIA and PFSA. The statements of the Moharrar of PW-6 were recorded u/s 161 Cr.PC after depositing in parcels in the concern corner, therefore, there is no illegality. PW-12 Jabar being computer operator received the email on computer system and then download the CDR, thereafter, he got the CDR printed. Therefore, he is the concern witness which was produced by the prosecution in the witness box to prove the genuineness of CDR. They further argued that the all the prosecution evidence was recorded in presence of the accused as well as the learned state counsel. On 17.01.2022 the learned senior state counsel conducted cross-examination through online, but before that his associate made different applications which were decided by the court, the accused Zahir Zakir and state counsel Mr. Shehryar Nawaz advocate were present in the court. The accused Zahir Zakir was not feeling well on said

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day and associate of the senior state counsel made application for his medical treatment. Due to this reason he was sent back to the lock up to get treatment. Even then the Zahir Zakir on advice of his state counsel stated that some evidence has been recorded in his absence which is against the ethics. The accused Zahir Zakir is mentally fit person and not mentally disordered. He played different types of drama during trial proceedings. The court dismissed the application for declaring him mentally disordered person vide order dated 05.01.2022 and the said order is intact. The prosecution has produced sufficient, cogent evidence to prove its case beyond any shadow of doubt. The police witnesses are competent witness and their testimony cannot be discarded. They relied upon PLD 2019 S.C 675, PLD 2021 S.C 550, 2008 SCMR 1228, 1998 P.Cr.L.J 114, 1998 SCMR 1778, 2021 SCMR 531 and they prayed for maximum sentence to all the accused.

Arguments heard, record perused.

12. According to the evidence available on record, the complainant Shaukat Ali Muqadam (PW-18) made his oral statement Ex.P-A reduced into writing by Muhammad Zubair Mazhar ASI (PW-15) at the spot i.e. House No.07, Street No.60, Sector F-7/4 Islamabad, where he reached after receiving the information of murder of his daughter Noor Muqadam. As per version of the complainant set forth in statement Ex.P-A and FIR Ex.P-A/1, he went to Gulraiz, Rawalpindi on 19.07.2021 at afternoon to purchase goat for immolating, whereas his wife went to F-10 markaz to collect her clothes from tailor. He came back to his home at Magrib prayer time, but his daughter Noor Muqadam (deceased) aged about 27/28 years was not present in the house. His wife in the meantime, also came back to home who made telephonic call to Noor Muqadam at her cell No.0333-3345059 which was found switched off, whereupon they got worried

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and started searching their daughter. They also contacted to the friends of Noor Muqadam. In the meantime, Noor Muqadam made telephonic call that she is going to Lahore with friends and will come back in 1-2 days. On 20.07.2021, accused Zahir Zakir with whose family the complainant had acquaintance, telephonically informed that Noor Muqadam is not with him. At about 10:00pm the complainant received telephonic information from Police Station Kohsar regarding the murder of his daughter. Careful scrutiny of evidence and record reveals that this is not case of direct evidence, this is case of circumstantial evidence mostly based on modern techniques and forensic evidence. According to the complaint Ex.P-A the complainant when came back to his home on 19.07.2021 from Rawalpindi his daughter was not present in the house. The complainant did not state in his statement Ex.P-A that his daughter was missing from his house on 19.07.2021. During investigation I.O PW-19 recovered DVR from the house of the occurrence and the recording relating to the occurrence was saved in hard disk. The parcel of DVR (P-13) and parcel of hard disk (P-14) was taken into possession by the I.O vide recovery memo Ex.P-T. The DVR connected with eight CCTV cameras, was installed in the house of occurrence bearing No.07, Street No.60, sector F-7/4 Islamabad. The CCTV footage saved in DVR and hard disk was played on the court computer system during cross-examination of I.O PW-19 on request of learned defense counsel. The said house is owned by the accused Mst.Asmat Zakir. The said piece of evidence is modern scientific evidence. The DVR was collected from TV lounge of the house of accused and PW-17 Mudasar Alim saved the CCTV footage relating to the occurrence in hard disk (P-14). The parcels of DVR and hard disk were sent to PFSA Lahore for forensic and photogrammetry test. The accused was also produced in the PFSA Lahore. The report of PFSA Ex.P-BH regarding audio visual analysis is positive which shows the genuineness and authenticity of

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CCTV footage saved in DVR and hard disk. According to the photogrammetry tests the facial features of accused Zahir Zakir matched with the person seen in the video. According to P-13 and P-14, Mst.Noor Muqadam arrived in the house of occurrence on 18.07.2021 alongwith her purse and not with any luggage. The mode of arrival of deceased Mst.Noor Muqadam revealed that she had already acquainted with the accused Zahir Zakir as well as with the said house. Mst.Noor Muqadam (deceased) remained in said house from 18.07.2021 to 20.07.2021 and during this time she went out the house and then came back with the accused Zahir Zakir. At the time and date of murder of Mst.Noor Muqadam the accused Zahir Zakir was present in the room of his house. As per evidence the dead body of Mst.Noor Muqadam was found in the room of accused Zahir Zakir. The place, date and time of occurrence has been proved by the prosecution through modern device and sufficient evidence, even otherwise the date and place of occurrence has not been denied by the accused as well. Muhammad Imran Crime Scene officer NFSA (PW-8) went to the house of occurrence and he proceeded to the room situated in first floor of house of occurrence where the dead body of Mst.Noor Muqadam was lying beheaded. The crime scene was intact till that time and PW-8 took under nails swab of both hands of the dead body, collected buccal swab from the mouth of deceased, collected swiss knife (offence weapon) P-4, iron knuckle from the table, pistol alongwith magazine, four cigarettes butts from the said room and prepared the parcels. Subsequently the said parcels were sent for forensic analysis. The Investigating officer PW-19 also inspected the place and he prepared un-scaled site plan Ex.P-BG and he has shown the place where the dead body of Mst.Noor Muqadam was lying in the room of accused Zahir Zakir, then the police shifted the dead body to hospital for post mortem examination. According to the evidence, on direction of accused

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Tahir Zahoor Therapy Works Team comprising of accused Dildeep Kumar, Wamiq Riaz, Samar Abbas, Abdul Haq and Amjad Mahmood went to the place of occurrence much before the arrival of police. According to the CCTV footage of DVR (PW-13), hard disk (P-14) the Therapy Works team apprehended the accused Zahir Zakir. The accused Zahir Zakir also caused injury to the accused Amjad Mahmood when he entered in the room of accused Zakir Zahir while leading the Therapy Works team. The prosecution evidence makes it clear that the accused Zahir Zakir was found in the room of occurrence alongwith dead body. The accused Zahir Zakir committed murder of Mst.Noor Muqadam in his room situated in upper portion of the house. He committed murder of Mst.Noor Muqadam with swiss knife P-4 by separating her head from the body. The offence weapon was also recovered from the spot. All these aspects establish that the accused Zahir Zakir committed intentional murder of Mst.Noor Muqadam.

13. According to the evidence of prosecution Mst.Noor Muqadam with her own will came to the house of accused Zahir Zakir on 18.07.2021 at about 10:18pm (DVR time which is 35 minutes in advance from Pakistan Standard Time). She left the said house on 19.07.2021 alongwith accused Zahir Zakir having luggage and went away while boarding in a car standing outside the house. Again the accused Zahir Zakir and Mst.Noor Muqadam came back to the said house at about 02:40am (DVR time). Thereafter, Mst.Noor Muqadam went inside the house and she attempted to save her life, but she was not allowed to go out the said house by the accused Iftikhar (watchman). The said watchman was present at the main gate and he closed the main gate. The accused Zahir Zakir overpowered Mst.Noor Muqadam who beseeched him to let her go, but the accused Zahir Zakir forcibly took her inside the room of his house. Mst.Noor Muqadam lastly attempted to save her life on 20.07.2021 at about 07:12pm (DVR time) when she jumped from the room situated at first floor through the window

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of washroom and she fell on the grills at ground floor. She rushed towards the main gate having mobile phone in her hand to save her life, but the accused Muhammad Iftikhar (watchman) and the accused Muhammad Jan (gardener) did not allow her to go outside the house. The accused Muhammad Jan closed the main gate and the accused Muhammad Iftikhar then proceeded to basement. The accused Muhammad Jan (gardener) remained present at the main gate. Mst.Noor Muqadam tried to open the main gate, but he did not allow her. CCTV footage further reveals that accused Zahir Zakir reached there and he overpowered Mst.Noor Muqadam and locked her inside the room/cabin of watchman situated inside the house near the main gate. He also snatched her mobile phone, then the accused Zahir Zakir unlocked the said cabin and forcibly took Mst.Noor Muqadam inside the house. It is made clear that Mst.Noor Muqadam came to the said house with her own consent, but the accused Zahir Zakir overpowered her and did not allow her to leave the house and he forcibly took her to his room in order to murder her. As per law offence of abduction was committed at that time. It is well settled law when a person is forcibly or deceitfully moved even for a one step, then the offence of abduction is made out. The accused Zahir Zakir took Mst.Noor Muqadam forcibly in his room and lastly wrongfully confined her, therefore, as per evidence of prosecution it is proved that the accused Zahir Zakir abducted Mst.Noor Muqadam from main gate and forcibly took her inside the house and then wrongfully confined her in his room and lastly committed her murder. The evidence further reveals that the accused Zahir Zakir kept Mst.Noor Muqadam in his room from 18.07.2021 to 20.07.2021 and during this period she attempted to save her life by making attempts to flee away, but she was overpowered by the accused Zahir Zakir and she was subjected to rape. According to PFSA report Ex.P-BL the seminal material was

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identified on vaginal swab from Mst.Noor Muqadam. The DNA profile obtained from sperm fraction matched with the DNA profile of Zahir Zakir. According to the report of PFSA, it can safely be said that Mst.Noor Muqadam was subjected to rape by the accused Zahir Zakir.

14. It is worth mentioning there that during the trial proceedings the learned state counsel made effort to get the accused Zahir Zakir declared mentally disordered person just to save the accused from legal punishment. The application was moved to declare the accused mentally disordered person which was dismissed on 05.01.2022. Again the learned state counsel moved application on 15.01.2022 for medical treatment of Zahir Zakir and the said original application was sent to superintendent jail with direction to get the accused medically examined from jail hospital. The accused was medically examined in jail hospital and the medical report dated 17.01.2022 was received to the court. As per medical report, the medical officer of jail hospital found the health condition of accused Zahir Zakir as satisfactory. It is further mentioned there that Mr.Shehryar Nawaz advocate was appointed as state counsel, later on Mst.Sikandar Zulqarnain Saleem advocate appeared in the court from Lahore, he was also appointed as state counsel, but he was arranged, managed and produced by the family members of the accused Zahir Zakir who were intouched in pursuing his case. The best reason known to the learned state counsel that why he did not submit the power of attorney on behalf of the accused Zahir Zakir and preferred to opt to be a state counsel. P-13 and P-14 are sufficient to show the mental as well as physical fitness of accused Zahir Zakir at the time of occurrence. The CCTV footage shows the tenor, manner and movement of the accused Zahir Zakir like a healthy and fit person. He looked like a well oriented person. No previous medical history regarding mental health of the accused was produced before the Magistrate and before the trial court. The accused Zahir

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Zakir himself produced a USB in his defense evidence as I.D.V which reveals that the accused was dancing in a party with Mst.Noor Muqadam (deceased). The said video clip produced by the accused shows that he is well oriented having good physical and mental condition.

15. So far as concern to the accused Jamil Ahmad (cook), Muhammad Jan (gardener), Muhammad Iftikhar (watchman), they are not nominated in the FIR. The FIR was lodged promptly after recording the statement of complainant Ex.P-A, when he reached to the spot after receiving the information from police station Kohsar. He received the information at about 10:00pm and thereafter, he reached to the spot. Obviously, when he saw the dead body of his daughter he was in shocking condition. He did not know all the facts and information of the case, later on, he made supplementary statements and he nominated the accused Iftikhar the watchman, Muhammad Jan the gardener and Jamil Ahmad the cook. The said accused were performing job in the house of accused Zahir Zakir. The prosecution has produced modern scientific evidence against them in shape of DVR P-13 and hard disk P-14. According to the evidence of prosecution available on record the accused Muhammad Iftikhar and Muhammad Jan are visible at the house of occurrence. Their roles are also deplet from the said evidence. According to the evidence Mst.Noor Muqadam deceased entered in the house of accused Zahir Zakir on 18.07.2021 at night time and accused Muhammad Iftikhar watchman was present at the main gate of said house. Mst.Noor Muqadam as per CCTV footage tried to go outside the house barefooted in a stress condition on 19.07.2021 and at that time accused Muhammad Iftikhar watchman was present at the main gate who closed the main gate. In the meantime, accused Zahir Zakir rushed towards the Noor Muqadam and he overpowered her. Mst.Noor Muqadam beseeched him to allow her to go, but the accused Zahir

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Zakir took her inside the room. Similarly, on 20.07.2021 Mst.Noor Muqadam attempted her last to save her life by jumping from the window of washroom situated at first floor of said house and she fell on grills on the ground floor. She limped towards the main gate to escape, but the accused Muhammad Iftikhar and Muhammad Jan did not allow her to go outside the main gate and the accused closed the main gate. The accused Muhammad Iftikhar went to the basement and accused Muhammad Jan remained present at the main gate. Mst.Noor Muqadam tried to open the gate, but he did not allow her. In the meantime, accused Zahir Zakir reached there who forcibly took Mst.Noor Muqadam in his room. He abducted her in order to murder her and wrongfully confined in the room. In this scenario the accused Muhammad Iftikhar and Muhammad Jan facilitated the accused Zahir Zakir and abetted him in commission of offence of abduction. The evidence further reveals that the accused Muhammad Iftikhar and Muhammad Jan did not inform the police and concealed this fact. The accused Muhammad Iftikhar and Muhammad Jan had watched the cruel treatment of Zahir Zakir towards Mst.Noor Muqadam, even then they did not bother to inform the police. It was their legal as well as moral duty to inform the police and they omitted to fulfill their legal as well as moral duty. Similarly, they concealed the design to commit the offence subsequently committed by the accused Zahir Zakir. So far as concern to the allegation of abetment of murder, they were servants in the said house and obviously they were not in dominating position as regard to their master. They did not know what was happening inside the room of accused Zahir Zakir, therefore, they have not hatched any conspiracy of murder of Mst.Noor Muqadam and they did not abet the offence of murder. The prosecution has also established the case against the accused Muhammad Iftikhar and Muhammad Jan. But the prosecution has failed to prove that they abetted the offence of murder of

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Mst.Noor Muqadam, therefore charge u/s 109/302 P.P.C is not proved against them and they are not entitled for conviction in the said charge u/s 109/302 P.P.C. So far as concern the objection raised by defense side that the offence u/s 176 P.P.C is not cognizable by the police, it is submitted that the other offences are cognizable by police, therefore, there is no legal bar to chalk out the FIR as well as to investigate the offence u/s 176 P.P.C alongwith other cognizable offences. So far as concern to the accused Jamil Ahmed (cook), there is no evidence against him regarding the commission of offence, he is not visible in the CCTV footage, even he was not performing his duty at main gate. He remained inside the house, but no evidence is on record to sift out his role in commission of the offence. The prosecution has failed to establish that the accused Jamil Ahmad has abetted and facilitated the accused Zahir Zakir for commission of the offence.

16. So far as concern to the accused Zakir Jaffar and Mst.Asmat Zakir they are husband and wife and parents of main accused Zahir Zakir. According to the prosecution evidence Mst.Noor Muqadam came to the house of the accused on night of 18.07.2021 and she remained there till her murder on 20.07.2021. It is an admitted fact that the accused Zakir Jaffar and Mst.Asmat Zakir were not present in the house of occurrence from 18.07.2021 to 20.07.2021 as they had gone to Karachi. The complainant made his supplementary statement and application Ex.P-BF in which he nominated the accused Zakir Jaffar, Mst.Asmat Zakir Jaffar alongwith Muhammad Iftikhar, Jamil Ahmad, Dileep Kumar, Wamiq Riaz, Samar Abbas, Amjad Mahmood and Abdul Haq on 24.07.2021. According to the version of prosecution the accused Zakir Jaffar and Mst.Asmat Zakir had knowledge about the murder plan hatched by their son namely Zahir Zakir and they did not inform the police and facilitated their son. The prosecution to connect them with commission of offence, produced CDR

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data as P-52/1-58, P-55/1-29. No doubt according to the CDR data of accused Zakir Jaffar and Mst.Asmat Zakir they were in Karachi and were in connection with their son Zahir Zakir as well as with the accused Tahir Zahoor. The defense side raised objection regarding said CDR data that the concern representative was not produced before the court. The defense side further objected that the police has no authority to tap the telephone of any citizen, because it is against the fundamental right. It is submitted that the collection of CDR data is quite different from the tapping of telephone of citizens. The learned defense counsel has not followed the difference between the tapping of telephone of any citizen and collecting the CDR data of any person involved in any crime to establish his involvement. It is further submitted that the request was forwarded by the police, whereupon the police received the CDR data of accused through email. PW-12 performed duty as computer operator in SP Islamabad. He downloaded the said CDR data and then printed out. He handed over the aforesaid CDR data to the I.O. There is no text message as well as the transcript of voice call to establish the actual conversation between the main accused and his parents. Mere on the basis of telephonic connection of accused Zakir Jaffar and Mst.Asmat Zakir with their son Zahir Zakir, it cannot be presumed that they passed on the instructions to kill Mst.Noor Muqadam or passed on the direction to Tahir Zahoor to destroy the evidence. Without text message, voice message/conversation it cannot be presumed that the accused Zakir Jaffar and Mst.Asmat Zakir while sitting in Karachi had facilitated and abetted their son in commission of murder, abduction, wrongful confinement. There is no strong and solid evidence to prove that they had knowledge that their son was going to commit murder of Mst.Noor Muqadam. Firstly, it was duty of prosecution to establish that the accused had knowledge of the plan of their son, then the legal burden could not be on the shoulder of the accused to inform the police to save

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the life of Mst.Noor Muqadam. Mere on the basis of simple CDR the court cannot presume that they are involved, participated in any manner in the crime committed by their son. Therefore, prosecution has failed to establish the case against the accused Zakir Jaffar and Mst.Asmat Zakir and they cannot be convicted merely on the basis of CDR data.

17. Now comes to the role of accused Tahir Zahoor and his Therapy Works team comprising of Dileep Kumar, Wamiq Riaz, Samar Abbas, Abdul Haq and Amjad Mahmood. The accused Tahir Zahoor is head of the Therapy Works and as per prosecution version he received instructions from the accused Zakir Jaffar and Mst.Asmat Zakir who were present in Karachi, to go to their house No.07, Street No.60, Sector F-7/4 Islamabad and on instruction of accused Zakir Jaffar and Mst.Asmat Zakir, he sent his Therapy team comprising of Dileep Kumar, Wamiq Riaz, Samar Abbas, Abdul Haq and Amjad Mahmood. As per prosecution version the accused Tahir Zahoor received telephonic information from Zakir Jaffar and Mst.Asmat Zakir regarding murder plan made by main accused Zahir Zakir and he did not inform the police and abetted the offence committed by the accused Zahir Zakir. As per evidence it is an admitted fact that Tahir Zahoor received telephonic instruction from accused Zakir Jaffar and Mst.Asmat Zakir then he send the accused Dileep Kumar, Wamiq Riaz, Samar Abbas, Abdul Haq and Amjad Mahmood to the House No.07, Street No.60, Sector F-7/4 Islamabad. The accused Tahir Zahoor himself did not go to the house of occurrence, whereas other team members went to the house. The evidence against the accused Tahir Zahoor is only based on CDR data P-53/1-58. The prosecution has not produced any text message or voice message, its transcript to establish the conversation between the accused Zakir Jaffar, Mst.Asmat Zakir and the accused Tahir Zahoor. Without such solid evidence it

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cannot be presumed that the accused Tahir Zahoor had information about the murder plan made by the main accused Zahir Zakir. Mere on the basis of CDR, it cannot be said that prosecution has establish that the accused Tahir Zahoor facilitated the accused Zahir Zakir and he failed to provide information to the police regarding the crime of the accused Zahir Zakir. Admittedly the accused Dileep Kumar, Wamiq Riaz, Samar Abbas, Abdul Haq and Amjad Mahmood went to the house of occurrence and their arrival is very much visible from CCTV footage saved in DVR P-13 and hard disk P-14. According to the evidence available on record the accused Amjad Mehmood received injuries and his companions took him in injured condition outside of house of occurrence and shifted to a van standing outside the main gate. According to the statement of Muhammad Imran Crime Scene officer NFSA, the crime scene was intact when he visited the spot. The accused did not remove anything from the crime scene. They shifted the injured Amjad Mahmood outside the said house and did not attempt to cause any disappearance of anything inside the room of occurrence. As per CCTV footage the main accused Zahir Zakir was tied with ropes and piece of cloth and the said accused (members of Therapy Team) also saw the dead body lying in the room. Obviously when the accused Amjad Mahmood received injuries then the members of Therapy team rushed to save the companion, but before the arrival of Therapy Team at the house of occurrence Mst.Noor Muqadam had been done to death by the accused Zahir Zakir. In the worried and shocking condition the members of Therapy Team could not inform the police immediately. In fact, it is the natural phenomenon when a companion had received injuries and the other team members had to save the life of the injured. As per persecution's evidence the Therapy Team did not attempt to cause disappearance or destroy any evidence from the crime scene, therefore, the

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prosecution has failed to establish the case against the accused Tahir Zahoor, Daleep Kumar, Wamiq Riaz, Sammar Abbas, Abdul Haq and Amjad Mehmood.

18. So far as concern of the defense side, many technical objections were raised, but the technical aspects regarding defective investigation has no value in light of the modern device and scientific evidence. The police witnesses made some contradictory statements regarding the time of arrival of the police officials and complainant at the place of occurrence. It is submitted that the oral statement has no value in light of documentary evidence in shape of P-13 and P-14. The CCTV footage P-13 and P-14 made clear all the contradiction pointed out by learned defense counsel. The defense side also pointed the loop-holes and lacunas in the investigation. The court observed that the I.O committed mistakes and left loop-holes during investigation. The I.O got drafted the recovery memos through his colleagues or sub-ordinates without giving reason. The question arises that whether the defective investigation is enough to spoil the case of prosecution/complainant. In this regard it is submitted that the Hon'ble Supreme Court of Pakistan in judgment cited as 2008 SCMR 1228 held that discrepancy reflected on the working and lethargy of the I.O could not cause any harm to the prosecution's case. In the said case the I.O did not take into possession the blood stained clothes of the deceased, blood stained earth, empties from the place of occurrence. Similarly, the Hon'ble High court in judgment cited as 1998 P.Cr.L.J 114 held that procedural defect or irregularity or even illegality in course of investigation shall not demolish the case of prosecution. Broadly speaking the discrepancies and contradiction as pointed out by defense side are not material and such contradiction and discrepancies are not fatal to case of complainant. The procedural defect and irregularity might have been done by the I.O during investigation to give undue favour to the accused

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19. The nutshell result of above said discussion is that the prosecution has succeeded to establish the case against the accused Zahir Zakir, Muhammad Istikhar (watchman) and Muhammad Jan (gardener) only. The prosecution has failed to establish its case against the accused Zakir Jaffar, Mst.Asmat Zakir Jaffar, Tahir Zahoor, Dileep Kumar, Wamiq Riaz, Abdul Haq, Samar Abbas, Jamil Ahmad and Amjad Mahmood, therefore, they are acquitted of the charges

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leveled against them. The case property be disposed off in accordance with law, after period of appeal/revision, if any. The articles recovered from the personal possession of the accused Mst.Asmat Zakir and Jameel Ahmed are already with them. The articles recovered from the other acquitted accused be handed over to them. The vehicle/car No.ACJ-240 ICT, recovered from the accused Zakir Jaffar is on Supardari, therefore, Supardari Namas are discharged. The accused Zakir Jaffar is in jail, superintendent jail be informed accordingly to release him if not required in any criminal case. The accused Mst.Asmat Zakir Jaffar, Tahir Zahoor, Dileep Kumar, Wamiq Riaz, Abdul Haq, Samar Abbas, Jamil Ahmad and Amjad Mahmood are on bail, their surety bonds are discharged and sureties are released from their liabilities.

20. The prosecution has succeeded to establish the guilt of the accused Zahir Zakir that he has committed brutal murder (Qatal-e-Amad) of Mst.Noor Muqadam in the room of his house with sharp edge knife, he forcibly abduct her from the main gate of his house in order to murder her and wrongfully confined her. He also committed rape of Mst.Noor Muqadam. Therefore, the accused Zahir Zakir is hereby convicted:

- i. U/S 302(b) P.P.C and is sentenced to death as Tazir. He be hanged by his neck till he is dead. He is directed to pay Rs.500,000/- (Five lacs) as compensation to the legal heir of the deceased Mst.Noor Muqadam as required U/S 544-A Cr.P.C. In case of non-payment of compensation amount it shall be realized as arrears of land revenue. In case of non-realization of said amount the convict shall have to undergo Six Months (06) S.I. However the death sentence awarded to the convict will be subject to confirmation by the Hon'ble Islamabad High Court, Islamabad. Reference U/S 374 Cr.P.C be immediately submitted to the Hon'ble Islamabad High Court, Islamabad for confirmation of the awarded sentence.

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- ii. U/S 364 P.P.C and is sentenced to Ten years (10) R.I and with fine of Rs.100,000/- (one lac). In default of payment of fine he shall undergo Two months (02) S.I.
 - iii. U/S 342 P.P.C and is sentenced to One year (01) R.I.
 - iv. U/S 376(1) P.P.C and is sentenced to Twenty Five years (25) R.I with fine of Rs.200,000/- (Two lacs). In default of payment of fine he shall undergo three months (03) S.I.

The sentences of Imprisonment shall run concurrently and the accused is granted benefit of section 382(B) Cr.P.C.

21. The prosecution has succeeded to prove the guilt of the accused Muhammad Iftikhar (watchman) and Muhammad Jan (gardener) that they abetted and facilitated the accused Zahir Zakir when he abducted Mst.Noor Muqadam (deceased), they concealed the factum of abduction and not informed to the police, they have concealed the design of abduction. The accused Muhammad Iftikhar and Muhammad Jan are hereby convicted:

- i. U/S 109 P.P.C read with section 364 P.P.C and are sentenced for imprisonment of ten year (10) R.I each with fine of Rs.100,000/- (one lac) each. In default of payment of fine they shall undergo two months (02) S.I each.
- ii. U/S 368 P.P.C and are sentenced for imprisonment of ten year (10) R.I each with fine of Rs.100,000/- (one lac) each. In default of payment of fine they shall undergo two months (02) S.I each.
- iii. U/S 176 P.P.C and are sentenced for imprisonment of One month (01) S.I each.
- iv. U/S 118 P.P.C and are sentenced to Seven year (07) R.I each with fine of Rs.100,000/- (One lac) each. In default of payment of fine they shall undergo two months (02) S.I each.

All the sentences shall run concurrently and accused are granted benefit of section 382(B) Cr.P.C. The accused are behind the bars, jail superintendent jail be informed accordingly through sentence warrants.

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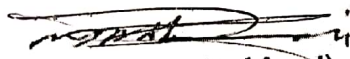
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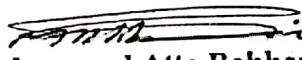
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22. The copies of judgment are delivered to the convicts free of cost. The convict Zahir Zakir by delivering the copy of judgment u/s 371 Cr.P.C is informed that he can prefer appeal against his conviction before Hon'ble Islamabad High Court, Islamabad within seven (07) days. Copy of this judgment also be sent to Incharge Prosecution Branch u/s 373 Cr.P.C. Ahlmad Ansar Salamat is directed to send the reference after due completion and compilation of the record immediately.

Announced
24.02.2022


(Muhammad Atta Rabbani)
Additional Sessions Judge
Islamabad-West/GBV Court East/West

Certified that this judgment consists of Fifty Nine (59) pages. Each page has been dictated, read over, corrected and signed by me.


(Muhammad Atta Rabbani)
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