IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-I EAST-ISLAMABAD.

Before:- RAJA ASIF MAHMOOD.

Case UN No. 17219.

The State through Asad S/O Shehzad Gull.

Versus.

Muhammad Bilal S/O Jameel Zareen.

CASE FIR NO. 798/23, DATED 19.10.2023, UNDER SECTION 376-III PPC, REGISTERED AT POLICE STATION SHEHZAD TOWN, ISLAMABAD.

J U D G M E N T.
29.04.2026.

Present: Accused Bilal produced in custody.

Sami Ullah Shah Advocate, learned counsel for the accused.

Mr. Muhammad Aslam, learned SPP for the State.

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1. The above mentioned accused was sent up to face trial in case FIR No. 798/23, dated 19.10.2023, registered under Section 376-III PPC, at Police Station Shehzad Town, Islamabad with the allegations that on 19.10.2023, he committed rape of minor victim Anum aged about 04 years, hence, charge of commission of offence U/S 376-III PPC was framed against him.

2. Investigation of the instant case was conducted by Munir Ahmed/Inspector (now retired), who on receiving information of the occurrence on 19.10.2023 reached an under construction house situated at Hamdani Town, where Inayat Khan ASI and Beenish/Lady Constable were also present. Muhammad Inayat ASI handed over to him copy of complaint. He conducted spot inspection and prepared un-scaled site plan Ex-PH of the place of occurrence on pointation of

complainant. He collected blood stained soil from earth from the place of occurrence and prepared its sealed parcel bearing stamp of "*MA*" and took into possession through recovery memo Ex-PB, duly signed by attesting witnesses. He also collected yellow color trouser and blood stained green color qameez look like frock and prepared its sealed parcel bearing stamp of "*MA*" and took the same into possession through recovery memo Ex-PA. He recorded statements U/S 161 Cr.P.C of Momin Khan, Mansoor Ahmed, complainant and Khan Wali. He also called CIA team for geo-fencing. Momin Khan ASI drafted application Ex-PJ for medical examination of the victim and took her to polyclinic hospital alongwith lady constable Beenish 9085/C. Doctors of polyclinic conducted formal checkup of the victim and referred her to PIMS hospital. The victim was admitted in PIMS hospital. He came back to police station and handed over the case property to Mohrar Mal Khana. On 20.10.2023, he went to PIMS hospital and obtained feedback of the doctors about health of the victim. On 22.10.2023, he recorded statement U/S 161 Cr.P.C of the victim Anam Asad. On 23.10.2023, he took the suspected persons namely Nakash Munir, Khanzaib and Irfan to polyclinic hospital and submitted three different applications Ex-PK, PK/1 & Ex-PK/2 for collecting their blood samples for DNA analysis. On 25.10.2023, Nadeem constable collected sealed samples parcels of blood of above mentioned suspected persons and handed over to him, which he further handed over to Mohrar Mal Khana. On 26.10.2023, Nadeem constable collected sealed sample parcel of the victim said to contain swabs and blood of the victim bearing stamp of "CMO FGSH" and handed over to him, which he further handed over to Mohrar Mal Khana. On 27.10.2023, Mohrar Mal Khana handed over above

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mentioned all sealed sample parcels to Shafqat Ullah SI alongwith road certificate No. 791/23 for onward transmission to PFSA. After depositing the above mentioned sealed parcels to PFSA, Shafqat Ullah SI handed over to him road certificate bearing acknowledgment receipt on its back, which he further handed over to Mohrar Mal Khana. He recorded statements U/S 161 Cr.P.C of the witnesses. On 03.11.2024, he submitted application Ex-PL for recording statement U/S 164 Cr.P.C of the victim. On same day, he arrested the suspected accused Sadaqat Ali and shifted him to lockup of police station. On 04.11.2023, he obtained blood samples of accused Sadaqat Ali and handed over to Mohrar Mal Khana. Accused was sent to judicial lockup for identification parade. On 05.11.2023, he submitted different applications on different dates before the Executive Magistrate for identification parade of the accused. On 22.11.2023, identification parade of accused Sadaqat was conducted, however, witnesses had not identified the accused Sadqat. On 24.11.2023, accused Sadaqat was produced from Jail and he submitted application for discharge of accused Sadaqat and on same day, he was discharged in the instant case. On 30.12.2023, due to his retirement, he handed over the file for further investigation. Further investigation was conducted by Tanveer Ahmed SI, who on 04.01.2024, arrested accused Bilal from the jurisdiction of Police Station Shahzad Town in another case entrusted to him. He formally arrested the accused. Thereafter, he took the accused to his house, where, accused handed over to him his last worn clothes i.e. white color shalwar qameez P1, which he took into possession after preparing sealed parcel bearing stamp of "AK" through recovery memo Ex-PC. He recorded statements U/S 161 Cr.P.C of the attesting

witnesses. He took the accused to polyclinic hospital for his medical examination and submitted application Ex-PE in this regard. From hospital, he took the accused to police station and handed over the above mentioned sealed sample parcels to Mohrar Mal Khana for safe custody. On 05.01.2024, he produced the accused before the Court of concerned Judicial Magistrate with muffled face and he was sent to judicial lockup for his identification parade. On 08.01.2024, he obtained two brown color envelopes bearing stamp of "FGSH" said to contain sealed sample parcels. He got issued the English docket from the office of SSP. On reaching back to police station, he handed over the sealed sample parcels to Mohrar Mal Khana for safe custody. On 10.01.2024, he went to Adyala Jail, Rawalpindi. Complainant party was also present there. Identification parade of accused Bilal was conducted by the Assistant Commissioner as per law. On same day, he received attested copies of identification parade and made part of record. On 15.01.2024, he received the sealed sample parcels of accused alongwith road certificate No. 30/24 from Mohrar Mal Khana for onward transmission to PFSA. After depositing the above said sealed parcels, he came back to police station and handed over the road certificate to Mohrar Mal Khana alongwith receiving on its back. he recorded statement U/S 161 Cr.P.C of the Mohrar Mal Khana. Thereafter, he transferred from police station Shehzad Town to police station Shalimar and further investigation was conducted by Umer Hayat Inspector. He produced the accused before the Court of concerned Judicial Magistrate and sent him to judicial lockup on judicial remand. Thereafter, he handed over the file to SHO for submission of report U/S 173 Cr.P.C. On 13.03.2024, he received

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report of PFSA from Mohrar and again handed over the file to SHO for submission of report U/S 173 Cr.P.C.

3. After receiving report U/S 173 Cr.P.C against accused Bilal, requisite copies U/S 265 (C) Cr.P.C were delivered to him and charge was framed against him U/S 376-III PPC on 30.05.2024, to which, he pleaded not guilty and demanded trial. Thereafter, the prosecution was directed to produce its evidence, which is as under:

PW-1. Mansoor Ahmed 9391/C, *He deposed that he signed two different recovery memos i.e. recovery memo Ex-PA of last worn clothes of victim including one trouser (pajama type) of yellow color and one blood stained Frock type Qameez of green color and recovery memo Ex-PB of blood stand soil.*

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PW-2. Nadeem Khan 5414/C: *He was with the IO, when accused was taken to his house, where accused handed over his clothes including shalwar qameez of white color and he signed recovery memo Ex-PC in this regard.*

PW-3. Muhammad Imran SI: *He obtained 02 sealed sample parcels from Mohrar Mal Khana and deposited the same to PFSA.*

PW-4. Asad: *He is complainant of the instant case and he deposed that he heard cry of a girl and when he went out to the street, he saw the accused Bilal, who come out from a gray structure house. He also deposed about the whole story of occurrence.*

PW-5. Shafqat Ullah SI: *He received six sealed sample parcels from Mohrar Mal Khana and deposited the same*

to PFSA. He also submitted application Ex-PD for summoning of accused Bilal from Jail.

PW-6. Umar Hayat Inspector: He is among one of the IO of the instant case, he produced the accused before the Court of concerned Judicial Magistrate and sent him to judicial lockup on judicial remand. He also received report of PFSA from Mohrar.

PW-7. Dr. Tanveer Afsar Malik: He after receiving application Ex-PE for medical examination of the accused, referred him to urology department for expert opinion. MLC/MRN 5-365271 Ex-PF also prepared by him.

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PW-8. Anum/victim: She is the victim of instant case and she deposed about the whole story of occurrence committed by the accused with him.

PW-9. Salman 5009/HC: He is Mohrar Mal Khana of P.S Shehzad Town. He deposed about keeping the different sealed sample parcels in malkhana for safe custody and further handing over the same for onward transmission to PFSA.

PW-10. Farhan Ahmed: He was the then Assistant Commissioner and he conducted identification parade proceedings and also prepared identification parade report consisting upon 04 pages Ex-PG/1-4.

PW-11. Munir Ahmed (Inspector retired): He is initial IO of the instant case and he deposed about different steps taken by him during investigation of the case.

PW-12. Dr. Laila Khalid: *She conducted medical examination of the victim and obtained her 04 swabs for DNA analysis. She prepared MLC No. 2883 Ex-PM in this regard.*

PW-13. Tanveer Ahmed SI: *He is also among one of the IOs. He also deposed about different steps taken by him during investigation of the case.*

PW-14. Mumtaz Baig Inspector: *He deposed that he registered FIR No. 798/23 Ex-PN of the instant case.*

PW-15. Muhammad Inayat ASI: *He after receiving call on Rescue 15 about the occurrence, reached to the place of occurrence and recorded statement of the complainant. He also converted the said statement into complaint Ex-PD, which bears his endorsement as Ex-PD/2.*

PW-16. Liaquat Ali 7174/HC: *He deposed that he transmitted the complaint to the police station for registration of FIR and after registration of FIR, he took original complaint alongwith copy of FIR to the place of occurrence and handed over the same to Munir Ahmed Inspector.*

PW-17. Beenish 9085/LC: *She deposed that she was with the victim at the time of her medical examination and she received 04 swabs of the victim from MLO of polyclinic hospital and also handed over the same to Munir Khan Inspector.*

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PW-18. Dr. Noor Un Nisa: *She deposed that she collected blood sample of accused Bilal for DNA analysis. MLC No. 16 Ex-PQ also bears her signatures.*

PW-19. Dr. Hayat Khan: *He deposed that he referred the accused Bilal to Urology Department for expert opinion and for collection of blood sample. MLC No. 16 Ex-PF bearing No. 63502 bears his signatures and stamp.*

PW-20. Mis. Nehel Abdullah: *She received marked application Ex-PL for the purpose of recording statement U/S 164 Cr.P.C of a minor child/victim Mst. Anum. She found that victim was unable to make statement U/S 164 Cr.P.C, therefore, she passed order dated 03.11.2023, which is Ex-PL/1.*

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4. Learned SPP for the State has given up PW Khan Wali as he was untraceable/unreachable and PW Momin Khan ASI being unnecessary. Thereafter, learned SPP for the State closed the prosecution evidence vide his statement record on 15.12.2025.

5. Statement U/S 342 Cr.P.C of the accused Muhammad Bilal was recorded on 09.02.2026 wherein, he refuted the charges leveled against him, however, he did not opt to produce defense evidence or to appear himself as a witness to be examined on oath as witness of his own to be examined on oath under section 340(2) Cr.P.C. While replying to the question that ***"Why the Police registered this case against you and why the PWs deposed against you, what would you say?"*** The accused replied that:-

" The police registered false case against me, just to show efficiency before higher-ups and all the PWs deposed against me falsely and malafidely.

6. Learned SPP for the State opened the arguments and contended that it is a case of forceful rape against a minor girl; that the prosecution has produced total 20 witnesses and documentary evidence to prove the charge against the accused; that the victim Mst. Anum appeared before the Court as PW-8 and she stated before the court about the whole occurrence; that statements of the complainant and victim remained un-shattered and un-impeached which has been further corroborated by the other prosecution witnesses; that report of PFSA is against the accused, which is a clear proof about his involvement in commission of offence; that accused was rightly identified by the witnesses during identification parade proceedings; that prosecution evidence including statement of the complainant and other PWs, the medical evidence coupled with the recoveries and forensic/DNA analysis report are sufficient to prove prosecution's case against the accused beyond any reasonable shadow of doubt; that the defense remained unable to create any major dent in the prosecution evidence which is otherwise, in line with the prosecution story and sufficient to convict the accused. Learned SPP further contended that in rape cases, the solitary statement of the victim is sufficient to award conviction against the accused if such statement is reliable and confidence inspiring in the light of facts and circumstances of the case. He lastly contended that if all the pieces of evidence are put a side, the statement of complainant/victim coupled with the forensic/DNA analysis report are sufficient to prove the charge against the accused upto the hilt. He

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lastly prayed for conviction of the accused and prayed for maximum punishment to the accused for commission of rape.

7. On the other hand, learned counsel for the accused rebutted the arguments advanced by learned SPP for the State. He further contended that false case has been registered against the accused; that story narrated by the alleged victim and the complainant is false and fabricated; that the prosecution evidence is self-contradictory; that the accused has been implicated by the police in connivance with the complainant to fulfill their nefarious desires and to receive illegal gains; that samples were not transmitted to PFSA through safe chain of custody; that statement U/S 164 Cr.P.C of the victim was also not recorded; that all the proceedings were carried out by the IOs while sitting in police station. Lastly he contended that there is no other single piece of evidence against the accused in the basket of prosecution. With these submissions he prayed for acquittal of his client in the instant case.

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08. I have heard arguments and perused the record.

09. Formal charge against the accused Bilal is that on 19.10.2023 at about 04:00 pm, within the territorial jurisdiction of P.S Shehzad Town, he committed rape of minor victim Anum aged about 04 years, hence, he committed offence of rape of minor punishable U/S 376-III PPC.

10. To prove the charge against the accused, prosecution produced 20 witnesses i.e Mansoor Ahmed 9391/C as PW-01, Nadeem Khan 5414/C as PW-02, Muhammad Imran SI as PW-03, Asad/complainant as PW-04, Shafqat Ullah SI as PW-05, Umer Hayat Inspector as PW-06, Dr. Tanveer Afsar Malik as PW-07, Anum/victim as PW-08, Salman 5009/HC as PW-09, Farhan Ahmed as PW-10,

Munir Ahmed (Inspector retired) as PW-11, Dr. Laila Khalid as PW-12, Tanveer Ahmed SI as PW-13, Mumtaz Baig Inspector as PW-14, Muhammad Inayat ASI as PW-15, Liaquat Ali 7174/HC as PW-16, Beenish 9085/LC as PW-17, Dr. Noor Un Nisa as PW-18, Dr. Hayat Khan as PW-19 and Miss. Nehel Abdullah as PW-20.

11. In documentary evidence prosecution brought on record recovery memo of blood stained frock type qameez of green color as **Ex-PA**, sealed parcel of blood stained soil as **Ex-PB**, recovery memo of shalwar qameez of the accused as **Ex-PC**, original complaint as **Ex-PD**, application for summoning of accused Bilal from Jail as **Ex-PD/3**, application for medical examination of the accused as **Ex-PE**, MLC/MRN 5-365271-01 as **Ex-PF**, identification parade proceedings report as **Ex-PG/1-4**, un-scaled site plan as **Ex-PH**, application for medical examination of the victim as **Ex-PJ**, three different applications for collecting blood samples for DNA analysis of suspected persons as **Ex-PK, Ex-PK/1 & Ex-PK/2**, application for recording statement U/S 164 Cr.P.C of the victim as **Ex-PL**, MLC No. 2883 as **Ex-PM**, copy of FIR No. 798/23 as **Ex-PN**, MLC No. 16 as **Ex-PQ**, letter No. F. FGPC.1/1/2024 MLC as **Ex-PR/4**, DNA & forensic Serology analysis report of PFSA as **Ex-PR/1-3**. After that learned SPP for the State closed the prosecution evidence.

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12. The above evidence can be bifurcated as under:-

OCCULAR ACCOUNT/ORAL EVIDENCE/WAJTAKAR.

13. In the instant case prosecution produced 02 witnesses including the complainant Asad as PW-04 and the victim Anum as PW-08 in connection with the ocular account and oral/wajtakar evidenc. The law was set into motion on the application/complaint Ex-PD of the complainant, who also reached the place of occurrence

on hearing hue and cry of the victim and also saw the accused running away from the alleged place of occurrence. He while appearing as PW-04 stated that:- *"On 19.10.2023 at about 04:00/04:30 pm, he was present at his home and his wife Mst. Khushnuma alongwith his daughter/victim Anum had proceeded to attend Quran Khawani at the house of their neighbor. She heard hue and cry of a girl from outside and therefore, he came out in the street. The said hue and cry was being raised inside a gray structure of a house and accused Bilal came out from the said gray structure and ran away. He tried to apprehend him, however, failed to reach him. Then he went inside the gray structure and saw that his daughter/victim Anum was lying naked and smeared in blood. Her clothes were also lying nearby. Other people also gathered there and a neighbor who is a retired Army Personal made a mobile phone call to Rescue 15. Police arrived there and a police official drafted complaint Ex-PD on his statement, which bears his signatures as Ex-PD/1. IO also took into possession the blood stained earth, last worn clothes of his daughter/victim Anum and her shoes and prepared three shoppers/parcels. He alongwith his wife took the victim to PIMS hospital alongwith police officials in their vehicle. The victim remained under treatment at hospital for three days. In January 2024, on the instructions of IO, he alongwith his wife, victim Anum and their neighbor Khan Wali went to Adyala Jail, where he identified the accused Bilal, during identification parade proceedings. The Magistrate also obtained his signatures on the documents of identification parade proceedings".*

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14. He was subjected to cross-examination at length on behalf of learned defense counsel and during cross-examination he

stated that the house where Quran Khawani was held is at a distance of 3/4 houses from their house and the gray structure/place of occurrence falls on the way in the street between their house and between the house where Quran Khawani was held. He further stated that on hearing hue and cry, he came out of his house and when he took the turn toward the alleged place of occurrence, accused ran away from the window of said gray structure. He further stated that he put the last worn clothes, the shoes (جوتے) and blood stained earth in shoppers/parcels under supervision/instruction of the IO. He also stated that they came to know about the arrest of accused in January when they were called to Adyala for identification parade. He was also cross-examined regarding identification parade proceedings, however, he remained consistent and unimpeached as per view of this Court.

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15. The victim Mst. Anum appeared before the Court as PW-08 and before recording her statement, she was asked about, her name, school, age, residence parents and what statement she is going to make. She gave rational answers to all the questions and she was found intelligent enough by this Court to understand as to what statement she is going to depose. As she is a minor having age less than 10 years, therefore, she was not administered oath. She stated before the Court that:- *"On the day of occurrence, she went with her mother for Khatm-E-Quran. Her mother was busy in reciting Holy Quran and She came out from the house started playing with kids. After sometime, the other kids left and the accused present before the Court came there and took her inside a room inside a house (گندا مکان), committed her rape (میرے ساتھ ظلم کیا). She felt pain and she started bleeding (while telling this sentence the victim*

pointed towards her vaginal area/part). She was taken to hospital/doctor for her treatment. She also made statement before police. She also identified the accused after the occurrence, when she was asked to identify the actual accused, many persons.

16. She was also cross-examined by learned defense counsel and during cross-examination, she stated that there were three children, who were playing in the street and when the accused lifted her, nobody else was present there. She further stated that there was no darkness in the alleged house as it was day time. She further stated that when the accused was arrested, she also told about it by her mother. She also stated that there was no shop where she was playing alongwith other children. She stated that the alleged place of occurrence is at a distance of their house. She further stated that her mother had told her that accused has committed her rape, when she came back after the alleged occurrence, however, she categorically denied the suggestion that accused Bilal had not committed her rape, which clearly shows that her answer to the question that who told her about commission of her rape by the accused was about the knowledge of the offence as a minor aged about 4/5 years cannot be considered to have knowledge such like offences own her own.

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17. If the statements of the complainant and the victim are placed in juxta position, there is no reasonable dent or discrepancy among these statements. The complainant not only remained consistent during cross-examination, being an adult he was also expected to mention about the events with more detail as compared to the minor victim. Whereas, we cannot expect from a minor of 4/5 years age to depose in detail and to understand importance of details of the events like the adults.

18. No doubt statement/testimony of the minor is to be considered with care and caution. It is also settled principle of Law by now that in cases related to sexual offences, statement of the victim alone can be sufficient for conviction, if such evidence is found independent unbiased and straight forward. Whereas, in this case statement of the victim is also supported with the statement of the complainant, who reached on the place of occurrence immediately and saw the accused running away from the place of occurrence. Regarding the importance of statement of the victim, reliance is placed upon case reported as ***"Zahid VS The State" (2022 SCMR 50)*** wherein the August Supreme Court of Pakistan was pleased to upheld the conviction of accused with the observations that:-

"---the statement of the victim in isolation is sufficient for conviction if the same reflects that it is independent unbiased and straight forward to establish the acquisition against the accused-"

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Reliance is further placed upon case reported as ***"Atif Zareef & others VS The State" (PLD 2021 SC 550)***, wherein The August Supreme Court was pleased to held that:-

".... Rape is a crime that is usually committed in private, and there is hardly any witness to provide direct evidence of having seen the commission of crime by the accused person. The Courts, therefore, do not insist upon producing direct evidence to corroborate the testimony of the victim if the same is found to be confidence inspiring in the overall particular facts and

circumstances of a case, and considers such a testimony of the victim sufficient for conviction of the accused person. A rape victim stands on a higher pedestal than an injured witness, for an injured witness gets the injury on the physical form while the rape victim suffers psychologically and emotionally..."

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19. So far as the age of the victim is concentered no limit of age has been prescribed under Article 3 of Qanoon-E-Shahdat 1984 and evidence of a child witness is equally reliable if such witness understands about the facts and circumstances of the case and is able to narrate about the occurrence. Reliance in this regard is placed upon case reported as ***"Muhammad Bilal Hussain VS The State" (2022 YLR note 48 Sindh)*** wherein Honorable Sindh High Court was pleased to observe that:-

"Child witness --- Scope --- No age limit has been prescribed under Art. 3 of Qanoon-e-Shahadat, 1984---Evidence of a child witness is also admissible unless the Court considers that a witness is prevented from understanding the questions put to him or from giving rational answers---Trial Courts has to determine as to whether or not a witness is prevented from understanding the questions put to him because of his tender age..."

IDENTIFICATION PARADE.

20. Three PWs are important in connection with the identification parade including the minor victim PW-8, the complainant PW-04 and the Magistrate/Assistant Commissioner Mr. Farhan Ahmed PW-10. So far as the statements of complainant and the victim, I have already discussed their statements, therefore, there is no need to discuss the said statements again, whereas, the learned Assistant Commissioner, who conducted identification Parade appeared before the Court as PW-10 and stated on oath that:- *"On 10.01.2024, his posting was as Assistant Commissioner (City), Islamabad. Direction regarding identification parade was received from the Additional Deputy Commissioner, General, who issued robkar for Superintendent Adyala Jail, Rawalpindi to arrange test identification parade and marked to conduct the identification parade to him, as he was present as Duty Magistrate. On 10.01.2024 at about 12:00 pm, test identification parade was arranged in the community hall of Adyala Jail. As per relevant High Court Rules and the judgments of August Supreme Court of Pakistan, the conduct of test identification was initiated. 9 persons of similar height and outlook were made to stand in a straight line including the accused. The accused was offered to change his place in the line and he changed his position accordingly to serial No. 3. Firstly, witness namely Anum Asad was called in the community hall through jail warden to identify the accused, upon which, the witness correctly identified the accused Bilal. The witness started weeping on seeing the accused Bilal and she became traumatized. The witness was guided to leave the hall from the second door. After this, accused was*

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asked for his objection on the conduct of identification parade, he raised no objection. Then witness namely Asad S/O Shehzad Gull was called in the community hall through jail warden to identify the accused, upon which, the witness correctly identified the accused Bilal. The witness was guided to leave the hall from the second door. After this, accused was asked for his objection on the conduct of identification parade, he raised no objection. Identification parade proceedings against accused Bilal consisting upon 04 pages Ex-PG/1-4, which bears his signatures and stamp."

21. He was also subjected to cross-examination by the learned defense counsel and during said cross-examination he stated that he perused the FIR of the instant case before identification parade proceedings. He further stated that when he entered into community hall, accused and dummies were aligned in a row and said row of dummies and accused were arranged by the jail staff. He further stated that he had no personal involvement in selection of dummies for identification parade, however, they were having similar features. He further stated that it is not mentioned in identification parade proceedings that *"victim correctly identified"* the accused, however it is mentioned that victim started weeping on seeing the accused.

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22. From the testimony of PW-10, it has been established that necessary precautions were taken to ensure similarity of appearance by the Magistrate, which is the core requirement for a fair identification parade. As regards the stance of learned counsel for the accused that the proceedings do not specifically record that the victim "correctly identified" the accused, the same is not fatal. The identification report clearly shows that the victim, upon seeing the

accused, reacted emotionally and started weeping. Such spontaneous conduct is a natural and strong indicator of recognition and cannot be ignored merely due to the absence of a specific phrase in the proceedings. As per view of this Court, apparently, the identification parade appears to have been conducted in accordance with established procedure, therefore, the prosecution has successfully established through the identification parade proceedings that the witnesses rightly identified the accused during identification parade and no apparent irregularity has been proved which could impair its evidentiary value. Even otherwise, identification parade is a corroboratory piece of evidence and its supplements the other evidence available on record and it is not to be singularly relied for conviction or acquittal as a substantial piece of evidence.

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STATEMENT U/S 164 Cr.P.C.

23. On 03.11.2023, the victim was produced before Miss. Nehel Abdullah for recording her statement U/S 164 Cr.P.C, however, Miss. Nehel Abdullah found that victim Anum was unable to make statement U/S 164 Cr.P.C, therefore, she passed order dated 03.11.2023 Ex-PL/1 in this regard.

RECOVERIES.

24. In this case Munir Ahmed (Inspector) while conducting spot inspection, collected blood stained soil/earth from the place of occurrence and prepared its sealed parcel bearing stamp of "***MA***" and took into possession through recovery memo Ex-PB. He also collected yellow color trouser and blood stained green color qameez/frock of the victim, prepared its sealed parcel bearing stamp of "***MA***" and took

the said parcel into possession through recovery memo Ex-PA. Tanveer Ahmed SI arrested the accused on 04.01.2024 and took him to his house, where, accused handed over to him his last worn clothes i.e. white color shalwar qameez. Tanveer Ahmed SI prepared its sealed parcel P1 bearing stamp of "AK" and took the same into possession through recovery memo Ex-PC. The recoveries from the place of occurrence have also played an important role to prove the charge against the accused as the DNA profile obtained from the fractions of the trouser and qameez/frock of the victim have matched with the DNA of the accused Muhammad Bilal in addition to the matching of DNA with the DNA found on the vaginal swabs of the victim.

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MEDICAL EVIDENCE:-

25. Prosecution produced Dr. Laila Khalid as PW- 12, Dr. Hayat Khan as PW-19, Dr. Noor Un Nisa as PW-18, Dr. Tanveer Afsar Malik as PW-07. Dr. Tanveer Afsar Malik/PW-7 referred the accused Bilal to Urology department for expert opinion, whereas, Dr. Noor Un Nisa collected blood samples of the accused for DNA analysis. Dr. Laila Khalid conducted medical examination of the victim, therefore, being most important witness among the doctors, I will take up and reproduce her statement. She appeared before the Court as PW-12 and stated on oath that:- *"On 19.10.2023, her posting was at polyclinic hospital as Medical Officer. On same day, at about 06:23 pm, victim Mst. Anum D/O Asad Khan brought by police to labor room with her mother Khushnuma. The victim was wearing baby pink clothes, her pulse rate was 96 per minute. She was conscious oriented. According to mother, Anum was found in naked condition,*

crying wand blood stains on legs at 04:00 pm. She conducted medical examination of the victim and her findings are hereunder:-

On medical examination:-

Her abdomen was soft non-tender.

On local examination:-

Posterior vaginal wall and perineal tear extending upto anal verge.

She collected 04 swabs of the victim i.e. perineal, anal, vaginal, vulva swabs, labelled, sealed, signed them and handed over to Beenish Constable. In view of above, she informed Dr. Shazia (Senior Registrar) and Dr. Nirmal (DMS), who advised to refer the patient to a facility with pediatric surgery and pediatric anesthesia due to non-availability of such facility in FGPC. MLC No. 2883 Ex-PM bears her signatures and stamp as Ex-PM/1.".

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26. She was also subjected to cross-examination by the learned defense counsel and during said cross-examination, nothing special could be brought on record by the learned defense counsel except about unawareness of said MLO/witness about maintaining the room temperature. However, from the above evidence of the Dr. Laila Khalid and in the light of MLC No. 2883 Ex-PM, it has been proved that rape of the victim was committed. No doubt the medical examination report cannot itself connect the accused with commission of offence, but it is alone sufficient to prove that rape of the victim has been committed, therefore, as per view of this Court through the medical evidence prosecution remained successful to prove that on the given date and time victim Mst. Anum was subjected to rape, which means that the medical evidence is also in line with the prosecution story and it has been proved through the

statement of the Dr. Laila Khalid specifically that the victim was brutally raped on the given date and time.

DNA ANALYSIS REPORT

27. The DNA and serology analysis report of PFSA is **Ex-PR/1-3** and findings/result of said report is hereunder:-

"Seminal material was found on item No. 6.1, 6.2, 6.3, 6.5 and 7.1.

Trace number of spermatozoa were identified on item No. 1 and 6.4.

Human blood was identified on item No. 5.

Blood was not detected on item No. 14.1, 15.1 and 15.2. This conclusion is based on a negative presumptive test. Insufficient quality and/or quantity of biological material may affect the ability to detect blood.

No seminal material was found on item No. 2, 3, 4 and 7.2; therefore no further DNA analysis (Short Tandem Repeat profiling) was conducted on these items.

The DNA profile obtained from the sperm fractions of item No. 6.1, 6.2, 6.3, 6.4, 6.5, 7.1, epithelial fractions of item No. 6.1 and 7.1 matches the DNA profile of Muhammad Bilal (item No. 13). The probability of finding an unrelated individual at random in the population as being a source of DNA obtained from these items is approximately one in 2.6 sextillion in Caucasians.

The DNA profile obtained from the sperm fraction of item No. 1 is a mixture of at least two individuals. Anam Asad (item No. 12) and Muhammad Bilal (item No. 13) cannot be excluded as being contributors to this DNA mixture profile.

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The possible contribution to the DNA obtained from sperm fraction of item No. 1 by Muhammad Bilal (item No. 13) is approximately 13.6 quintillion times more likely as compared to an unrelated Caucasian individual.

The DNA profile obtained from the epithelial fraction of item No. 6.2 is a mixture of at least three individuals. Anam Asad (item No. 12) and Muhammad Bilal (item No. 13) cannot be excluded as being contributors to this DNA mixture profile. Due to limited allelic information, no reliable interpretation can be made regarding the identity of the third individual to the mixture DNA profile obtained from this item.

The possible contribution to the DNA obtained from epithelial fraction of item No. 6.2 by Muhammad Bilal (item No. 13) is approximately 15.1 quintillion times more likely as compared to an unrelated Caucasian individual.

The DNA profile obtained from the epithelial fraction of item No. 6.3 is a mixture of at least three individuals. Anam Asad (item No. 12) and Muhammad Bilal (item No. 13) cannot be excluded as being contributors to this DNA mixture profile. Due to limited allelic information, no reliable interpretation can be made regarding the identity of the third individual to the mixture DNA profile obtained from this item.

The possible contribution to the DNA obtained from epithelial fraction of item No. 6.3 by Muhammad Bilal (item No. 13) is approximately 1.2 quintillion times more likely as compared to an unrelated Caucasian individual.

The DNA profile obtained from the epithelial fraction of item No. 6.4 is a mixture of at least two individuals. Anam Asad (item

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No. 12) and Muhammad Bilal (item No. 13) cannot be excluded as being contributors to this DNA mixture profile.

The possible contribution to the DNA obtained from epithelial fraction of item No. 6.4 by Muhammad Bilal (item No. 13) is approximately 15 quintillion times more likely as compared to an unrelated Caucasian individual.

The DNA profile obtained from the epithelial fraction of item No. 6.5 is a mixture of at least two individuals. Anam Asad (item No. 12) and Muhammad Bilal (item No. 13) cannot be excluded as being contributors to this DNA mixture profile.

The possible contribution to the DNA obtained from epithelial fraction of item No. 6.5 by Muhammad Bilal (item No. 13) is approximately 15.1 quintillion times more likely as compared to an unrelated Caucasian individual.

The DNA profile obtained from the epithelial fraction of item No. 1 matches the DNA profile of Anam Asad (item No. 12).

The DNA profiles of Irfan (item No. 8), Naqash Munir (item No. 9), Khan Zeb (item No. 10) and Sadaqat Ali (item No. 11) were compared against all interpretable DNA profiles obtained from aforementioned tested evidence items and were found not match.

NIST Caucasian population database was used for the frequency calculations".

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28. The above DNA analysis report clearly shows that seminal material was found on trouser and shalwar of the victim and spermatozoa was identified on the vaginal swab of the victim and one of the stain section of the shalwar of the victim. It is also evident from the above report that the DNA profile obtained from the sperm fractions of all the stain sections matched with the DNA of accused

Muhammad Bilal. Although DNA obtained from the epithelial fractions of some of the stained sections also found a DNA of third unknown person, however, it does not damage the prosecution case because the DNA from epithelial fraction of a third person may be added while handling/taking into possession the said sections. The DNA analysis report is given much importance by the Superior Courts of the Country in rape cases and DNA evidence is considered as a gold standard to establish the identity of accused in such cases. Reliance in this regard placed upon case reported as ***"Ali Haider alias Papoo VS Jameel Hussain" (PLD 2021 SC 362)***, wherein August Supreme Court of Pakistan was pleased to observe that:-



> ***"DNA evidence was considered as a gold standard to establish the identity of accused. DNA test due to its accuracy and conclusiveness was one of the strongest pieces of corroboratory evidence. DNA test with scientific certainty and clarity pointed towards the perpetrator and was therefore, considered as one of the strongest piece of evidence, especially in cases of rape."***

TRANSMISSION AND CHAIN OF CUSTODY OF SWABS AND SAMPLES.

29. So far as chain of custody of the samples and swabs is concerned, first of all Munir Ahmed/Inspector (now retired), while reaching the place of occurrence, collected blood stained soil, prepared its sealed parcel and took the same into possession through recovery memo Ex-PB. He also collected yellow color trouser and blood stained green color qameez/frock of the victim, prepared its

sealed parcel bearing stamp of "MA" and took the said parcels into possession through recovery memo Ex-PA. On 19.10.2023, Dr. Laila Khalid collected 04 swabs of the victim i.e. perineal, anal, vaginal, vulva swabs, labelled, sealed, signed them and handed over to Beenish Constable, who further handed over the same to the IO and IO handed over the same to Mohrar Mal Khana for safe custody. Thereafter, on 26.10.2023, Nadeem constable collected sealed sample parcel of the victim said to contain swabs and blood of the victim bearing stamp of "CMO FGSH" and handed over to the IO, who further handed over the same to Mohrar Mal Khana. On 27.10.2023, Mohrar Mal Khana handed over sealed sample parcels to Shafqat Ullah SI alongwith road certificate No. 791/23 for onward transmission to PFSA. On 16.11.2023, sealed sample parcel of blood of the victim was transmitted to PFSA. Thereafter, Tanveer Ahmed SI arrested the accused Bilal on 04.01.2024 and took the accused to his house, where, accused handed over to him his last worn clothes i.e. white color shalwar qameez P1, which he took into possession after preparing sealed parcel bearing stamp of "AK" through recovery memo Ex-PC. Blood sample of the accused was also collected on same day by the doctors. On 15.01.2024, Tanveer SI received the sealed sample parcels of accused alongwith road certificate No. 30/24 from Mohrar Mal Khana for onward transmission to PFSA.

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30. Dr. Laila Khalid while appearing before the Court as PW-12 stated that she obtained 4 swabs of the victim and handed over to Beenish Lady Constable. Beenish Lady constable appeared as PW-17 and categorically stated that she received 4 swabs from MLO polyclinic and handed over to Munir SI and during his statement the IO Munir

Khan SI although remained silent about it, however, he stated to this extent that he handed over case property to Mohrar Mal Khana. The Mohrar Mal Khana Salman categorically stated that Munir Ahmed SI handed over to him 4 sealed sample parcels bearing stamp of "CMO FGSH" alongwith sealed parcel said to contain blood stained soil and sealed parcel said to contain last worn clothes of the victim, whereas, on 27.10.2023, he handed over the said six sealed sample parcels to Shafqat Ullah SI for onward transmission to PFSA and Shafqat Ullah SI while appearing before the Court as PW-05 also categorically stated that he received said six sealed parcels from Mohrar Mal Khana and submitted to PFSA. The DNA analysis report Ex-PR/1-3 clearly shows that Shafqat Ullah SI submitted the said pieces of evidence to PFSA on 27.10.2023. These were the most important samples/swabs and articles because the swabs were taken and sealed at the hospital by the MLO, whereas, the blood stained earth and last worn clothes of the victim were taken into possession and sealed by the IO at the place of occurrence. After safe transmission of these articles/parcels well in time and much before the arrest of the accused have taken this evidence to highest standards. The blood sample of accused was also sent later on in safe chain of custody. Therefore, it has established before the Court beyond reasonable shadow of doubt that transmission of sealed sample parcels is reliable. Each piece of evidence was properly collected by authorized officials, sealed with specific and identifiable seals and documented through recovery memos and road certificates. Transferred through a clear and traceable sequence of custodians, and ultimately transmitted to the Punjab Forensic Science Agency without any serious break in the chain. There is no indication of tampering,

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substitution, or unexplained delay that could compromise the integrity of the samples, Therefore, the prosecution has successfully established an unbroken chain of custody, rendering the forensic evidence reliable and admissible.

INVESTIGATION:-

31. Investigation of the instant case was conducted by three Investigation Officers i.e. Munir Ahmed Inspector, Tanveer Ahmed SI and Umer Hayat Inspector. Initial investigation of this case was conducted by Munir Ahmed Inspector, whereas, rest of the investigation was conducted by Tanveer Ahmed SI. The third IO Umer Hayat Inspector just sent the accused Bilal to judicial lockup on judicial remand, received report of PFSA from Mohrar Mal Khana and then handed over the case file to SHO for submission of report U/S 173 Cr.P.C. Munir Ahmed Inspector and Tanveer Ahmed SI appeared before the Court as PW-11 & PW-13 and through a lengthy statement corroborated the steps taken by them for completion of investigation. As their statements are part of file therefore, there is no need to reproduce the said statements here. They both were cross-examined on behalf of accused, however, no significant contradiction or dent could be brought on record by the defense during cross-examination upon them. Among the remaining police officials, Mansoor Ahmed 9391/C appeared as PW-1 and deposed about signing two different recovery memos i.e. recovery memo Ex-PA of last worn clothes of victim including one trouser (pajama type) of yellow color and one blood stained Frock type Qameez of green color and recovery memo Ex-PB of blood stand soil/earth. Nadeem Khan 5414/C appeared as PW-2 and deposed that he was with the IO, when accused was taken

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scientific/forensic evidence, which is being considered and relied as substantial evidence for decision of this case.

CONCLUSION

32. After going through the above prosecution evidence, this Court has reached to the conclusion that the evidence produced by the prosecution in the shape of oral/ocular/wajtaker account coupled with the strong medical and forensic evidence (DNA analysis report) is confidence inspiring and reliable for conviction of accused as the evidence of minor victim and complainant remained unimpeached. The victim and complainant easily identified the accused during the identification parade proceedings and their testimonies have been corroborated through the medical and forensic evidence.

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33. For what has been discussed above, as per humble view of this Court prosecution has precisely proved its case against the accused Muhammad Bilal up to the hilt for commission of rape with the victim Mst. Anum therefore, I hereby ***convict the accused Muhammad Bilal for commission of offence U/S 376-III PPC and award death sentence. The convict be hanged by his neck till he is declared dead. He is also directed to pay fine of Rs. 100,000/-, failing which, he shall undergo 06 months S.I. Benefit of Section 382-B Cr.PC is also extended to the accused. He is in custody and sent to Jail for completion of his sentence.*** However, the death sentence shall not be executed unless it is confirmed by the Honorable Islamabad High Court, Islamabad. It is further directed that a reference U/S 374 Cr.P.C in this regard be forwarded /submitted to Honorable Islamabad High Court, Islamabad within stipulated period as per Law.

to his house, where accused handed over his clothes including shalwar qameez of white color and he signed recovery memo Ex-PC in this regard. Muhammad Imran SI appeared as PW-3 and deposed that he obtained 02 sealed sample parcels from Mohrar Mal Khana and deposited the same to PFSA. Shafqat Ullah SI appeared as PW-5 and stated that he received six sealed sample parcels from Mohrar Mal Khana and deposited the same to PFSA. He also submitted application Ex-PD for summoning of accused Bilal from Jail. Salman 5009/HC appeared as PW-9 and deposed about keeping the different sealed sample parcels in malkhana for safe custody and further handing over the same for onward transmission to PFSA. Mumtaz Baig Inspector appeared as PW-14 and deposed that he registered FIR No. 798/23 Ex-PN of the instant case. Muhammad Inayat ASI appeared as PW-15 and deposed that he after receiving call on Rescue 15 about the occurrence, reached to the place of occurrence and recorded statement of the complainant. He also converted the said statement into complaint Ex-PD, which bears his endorsement as Ex-PD/2. Liaquat Ali 7174/HC appeared as PW-16 and deposed that he transmitted the complaint to the police station for registration of FIR and after registration of FIR, he took original complaint alongwith copy of FIR to the place of occurrence and handed over the same to Munir Ahmed Inspector. Beenish 9085/LC appeared as PW-17 and deposed that she was with the victim at the time of her medical examination and she received 04 swabs of the victim from MLO of polyclinic hospital and also handed over the same to Munir Khan Inspector. The evidence of above mentioned police officials is always corroboratory in nature, therefore, no need to discuss it in detail in presence of ocular account corroborated by strong medical and

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WARRANT OF COMMITMENT

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-I EAST-ISLAMABAD.

Before:- RAJA ASIF MAHMOOD.

No. _____, dated 29.04.2026.

FIR NO. 798/23, DATED 19.10.2023, UNDER SECTION 376-III PPC, P.S. SHEHZAD TOWN, SLAMABAD.

The State VS Muhammad Bilal.

To

The Superintendent Central Jail,
Adyala, Rawalpindi.

Whereas, the accused ***Muhammad Bilal S/O Jameel Zareen*** *in case registered vide FIR No. 798/23, dated 19.10.2023, under sections 376-III PPC, registered at Police Station Shehzad Town, Islamabad is facing trial before this court and the said accused is hereby convicted for commission of rape of minor U/S 376-III PPC and awarded* ***death sentence****. The convict be hanged by his neck till he is declared dead. He is also directed to pay fine of Rs. 100,000/-, failing which, he shall undergo 06 months S.I. Benefit of Section* ***382-B Cr.PC*** *is also extended to the accused. He is in custody and sent to Jail for completion of his sentence.*

This is to authorize and require you, the said superintendent, to keep the said accused ***Muhammad Bilal S/O Jameel Zareen*** *in your custody in the said jail and there to carry into execution the punishment of imprisonment under the said order/judgment according to law.*

Given under my hand and seal of this Court today on ***29.04.2026****.*

Addl: Distt. & Sessions Judge ★ East Islamabad ★

O/C

(Raja Asif Mahmood)
AD&SJ-I/Judge Special Anti-Rape Court,
East-Islamabad.

34. Warrant of commitment of accused Muhammad Bilal be issued in the name of Superintendent Central Prison Adyala, Rawalpindi, to carry into execution of the above punishment of Death Sentence. under this judgment according to law, subject to confirmation. The case property, if any, be kept intact till the decision of the appeal or revision. Copy of this judgment be also provided to the accused Bilal and his thumb impression/signature in this regard be also obtained on the margin of order sheet. Copy of this judgment be sent to District Prosecutor ICT, Islamabad. Police file be returned along with a copy of this judgment, whereas file of this Court be consigned to the record room after its completion and compilation.

Announced.
29.04.2026

(Raja Asif Mahmood)
AD&SJ/Judge Special Anti-Rape Court
Islamabad (East).

Certified that this Judgment consists of (**31**) pages, each of which has been read, corrected and signed by me.

Dated: 29.04.2026

AD&SJ/Judge Special Anti-Rape Court
Islamabad (East)