Recovery and Discovery under Article 40 of the Qanun-e-Shahadat Order, 1984

Pointation, Joint Recovery, Independent Witnesses and Forensic Linkage (2000–2026)

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Abstract

This paper examines 100 reported judgments on recoveries made on the disclosure or pointation of an accused — 84 of the Supreme Court of Pakistan and 16 of the Peshawar High Court, decided between 2000 and 2026 — collected on the Pakistan Law Site. It covers what Article 40 admits, pointation that leads to no discovery, joint recovery, recoveries from open places, the association of independent witnesses and section 103 Cr.P.C., the disclosure memo, the chain of custody and dispatch to the laboratory, matching and non-matching forensic reports, and the corroborative character of all recovery evidence. The main finding is that a recovery is admissible only where it discloses a fact the accused alone knew (2011 SCMR 670; 2000 SCMR 528), that a joint recovery is inadmissible (2024 SCMR 1839; 2016 SCMR 2123), and that a recovery, however strong, cannot carry a conviction once the direct evidence fails (2026 SCMR 783; 2001 SCMR 308).

Keywords: Article 40 QSO; pointation; discovery; joint recovery; section 103 Cr.P.C.; chain of custody; Forensic Science Laboratory; corroborative evidence.

1. Introduction

A recovery on pointation is the commonest piece of corroboration in a murder, robbery or narcotics trial, and the most frequently attacked. Article 40 of the Qanun-e-Shahadat Order, 1984 lets so much of the information received from an accused in police custody be proved as distinctly relates to the fact thereby discovered. The reported cases show the Supreme Court treating the provision narrowly and testing every recovery for admissibility, reliability and connection with the offence.

2. Sources and Method

All research was done on the Pakistan Law Site only. Keyword searches (pointation; Art. 40 discovery) were run over all years, first in the Supreme Court and then in the Peshawar High Court. The Supreme Court returned 161 results for "pointation"; every result was screened and 84 judgments that decide a point on recovery were kept. The Peshawar High Court returned 307 results; 16 were kept where they add to or apply the Supreme Court's rules. For every judgment kept, the reported text was opened on the site to take the bench, case number and date of decision. Every proposition in Parts 3 to 5 is taken from these judgments and carries its citation. Where the report itself prints a date that conflicts with a companion report, the date is given "as printed in the report".

The judgments that settle the law on each point are marked ✓ *Mother judgment* in Annexure A: 2011 SCMR 670 and 2000 SCMR 528 (what Article 40 admits), 2024 SCMR 1839 and 2016 SCMR 2123 (joint recovery), 2025 SCMR 1442 and 2026 SCMR 1255 (open places), 2006 SCMR 672 (police

witnesses), 2024 SCMR 1773 (unrecorded disclosure), 2024 SCMR 1191 (dispatch of empties), and 2026 SCMR 783 and 2001 SCMR 308 (recovery is corroborative only).

3. The Law in Phases

3.1 What Article 40 admits: discovery of a fact within the accused's exclusive knowledge

The lead provided by the accused, his pointation of the place where the victim was killed and the recovery of the dead body are relevant because only the accused had that information (2011 SCMR 670). Information that leads to the discovery of incriminating articles assumes relevance under Article 40 (PLD 2009 SC 709), and a discovery made on information furnished by the accused is admissible (2025 SCMR 1399). Recoveries from places in the accused's exclusive knowledge — a place of killing and a discarded number plate (2004 SCMR 331), a shalwar (2010 SCMR 939), a trunk of narcotics (PLD 2006 SC 265), a weapon (2002 SCMR 294) — carry weight for that reason.

The converse is equally settled. Pointing out a place from which nothing is recovered discovers no fact, falls within the bar of Article 39 and cannot corroborate (2000 SCMR 528). A fact already known to the police is not discovered on the accused's pointation (2021 SCMR 324). The pointation of an accused by sniffer dogs has no basis in the Qanun-e-Shahadat (2017 SCMR 986).

3.2 Joint recovery

A joint recovery of a dead body on the pointation of several accused is inadmissible (2016 SCMR 2123). Where two accused are taken together and weapons are recovered from the same place at the same time, it is a joint recovery for all purposes even if separate memos are prepared, and it has no evidentiary value (2024 SCMR 1839). A joint pointation memo without demarcation of individual responsibility is defective (2026 SCMR 584); a motorcycle recovered on joint pointation could not sustain conviction (2011 SCMR 1142); and the Peshawar High Court has held that the value of a joint recovery with a general role "stands in vacuum" (2025 PCrLJ 690).

3.3 Open and accessible places

A recovery from an open place is not from the accused's exclusive possession and is unsafe (2025 SCMR 1442). Recoveries from a public dustbin cleaned in the interval (2026 SCMR 1255), a thoroughfare (2023 SCMR 566), bushes accessible to everyone (2019 SCMR 872), an open farm (2019 SCMR 844), an open place for a churri (2024 SCMR 1421), a place commonly used by others (2026 YLR 254) and a house in joint possession (2004 SCMR 197) have all failed. By contrast, a concealed place inaccessible to the public and known to the accused supports the recovery even with police witnesses alone (2013 SCMR 547).

3.4 Witnesses to the recovery and section 103 Cr.P.C.

Failure to associate available independent witnesses renders a recovery doubtful (2026 SCMR 891; 2025 SCMR 1742; 2025 SCMR 1408; 2022 SCMR 1515; 2024 SCMR 1146). Non-compliance with section 103 Cr.P.C. and non-production of the recovering officer defeat the recovery (2006 SCMR 1707; 2025 PCrLJ 1584). Recovery-memo witnesses who are close relatives, with particulars added in different handwriting, make the proceedings doubtful (PLD 2021 SC 600; 2016 SCMR 274). The Peshawar High Court applies the same rule to a pointation leading to dead bodies (2026 YLR 1205) and to a recovery from the accused's own room (2026 YLR 1151), and rejects a recovery whose

private witness says he signed a blank paper (2026 YLR 397). Where the accused is in custody, however, a police official is as good a recovery witness as any other person (2006 SCMR 672).

3.5 The disclosure and the record of recovery

Where the information received from the accused is not recorded in writing in the presence of a witness, the prosecution fails to establish a disclosure and the recovery is immaterial (2024 SCMR 1773). The absence of disclosure memos weakens the recovery (2025 SCMR 1742). A recovery of a dead body is not proved without a memo of seizure (PLD 2006 SC 538; 2011 SCMR 951), and an FIR lodged after the body was found that does not mention pointation shows there was none (2003 SCMR 1070). Contradictions about the place of recovery (2025 SCMR 1599; 2019 SCMR 844) and a weapon handed over by the complainant rather than recovered (2025 SCMR 1367) are fatal.

3.6 Custody, dispatch and the forensic link

An unexplained delay in sending empties to the laboratory makes the forensic evidence unsafe (2026 SCMR 1498; 2006 SCMR 1707; 2026 YLR 796), and sending empties after the weapon has been recovered is not warranted (2024 SCMR 1191; 2007 SCMR 525; 2026 PCrLJ 1742). The weight of a matching report lies in the empties having reached the laboratory before the weapon was recovered (2011 SCMR 1148). Safe custody must be proved (2026 SCMR 584), and the chain from recovery to examination must be maintained (2025 SCMR 2018). A positive report loses its value when the recovery itself is unreliable (2025 SCMR 1742; 2026 YLR 1151).

A negative or non-matching report makes the recovery inconsequential (2024 SCMR 1608; 2022 SCMR 1567; 2026 YLR 2334; 2025 YLR 2298), and a report showing all empties fired from one weapon can belie a story of two firers (2025 YLR 233). A weapon without a forensic report (2024 SCMR 1427; 2019 SCMR 872), a recovery with no crime empty from the spot (2026 SCMR 1085; 2024 SCMR 1579; 2018 SCMR 313; 2019 SCMR 301), and a weapon not blood-stained or not examined (2025 SCMR 1616; 2022 SCMR 1515) do not advance the case. Matching reports, on the other hand, are repeatedly treated as strong corroboration (2024 SCMR 1413; 2024 SCMR 1474; 2016 SCMR 1766; 2013 SCMR 771; PLD 2008 SC 416).

3.7 Recovery is corroborative only

Mere recovery is not sufficient to hold an accused guilty (2001 SCMR 308); recoveries are corroborative pieces of evidence (2018 SCMR 2092; 2010 SCMR 1039). Circumstantial evidence derives its weight only in conjunction with reliable direct evidence, and once the ocular account is disbelieved, a recovery with a positive report cannot sustain a capital conviction (2026 SCMR 783; 2026 SCMR 1498; 2026 MLD 637; 2025 PCrLJ 1584; 2026 YLR 254). Where the cause of death is asphyxia, weapons recovered do not help (2019 SCMR 1220).

4. Where the Authorities Conflict or Leave a Gap

Police witnesses. The Supreme Court accepts police officials as recovery witnesses where the accused is in custody (2006 SCMR 672) or where no inhabitant lives near a concealed place (2013 SCMR 547), but treats the non-association of available members of the public as a defect (2026 SCMR 891; 2025 SCMR 1442). The reported cases decide the point on availability of private persons, not on a fixed rule.

Bail stage. A recovery on pointation is treated as independent incriminating material that defeats bail (2025 SCMR 1967; 2024 SCMR 1576), yet its value may be left to the trial where the accused is not named (2020 SCMR 423). In narcotics cases each accused carries only what is recovered from him or on his pointation (2026 SCMR 115).

Dates in the reports. 2019 SCMR 872 prints a decision date of 26 March 2018, while its companion report 2019 SCMR 844, in the same accused's case before the same bench, prints 26 March 2019. Counsel citing either should check the certified copy.

5. Practical Guide

For the defence. Ask whether the information was recorded before the recovery (2024 SCMR 1773); whether the place was open or in joint use (2025 SCMR 1442; 2004 SCMR 197); whether the recovery was joint (2024 SCMR 1839); who witnessed it and whether private persons were available (2026 SCMR 891); when the empties went to the laboratory, and whether before or after the weapon (2024 SCMR 1191); whether the report matches (2024 SCMR 1608); and whether the ocular account stands, since without it the recovery cannot (2026 SCMR 783).

For the prosecution. Record the disclosure in writing before a witness; associate independent persons where available; prepare individual memos and individual pointations; seal and mark the article at the spot; send the empties to the laboratory promptly and before the weapon is recovered; prove the malkhana and dispatch entries; and lead a matching report (2025 SCMR 2018; 2011 SCMR 1148; 2026 SCMR 584).

6. Conclusion

The Supreme Court admits a recovery under Article 40 only where it discovers a fact within the accused's exclusive knowledge, rejects joint and open-place recoveries, insists on independent witnesses where available, a written disclosure and an unbroken forensic chain, and in every case treats the recovery as corroboration that falls with the direct evidence. The Peshawar High Court applies these rules strictly, particularly on delayed dispatch and non-association of independent witnesses.

Annexure A — The Judgments in Question and Answer Form

All 100 judgments relied on, Supreme Court first and then the Peshawar High Court, newest first within each court. Each entry gives the citation, parties, bench, case number and date of decision as reported on the Pakistan Law Site, followed by the question decided and the answer.

Supreme Court of Pakistan (84)

1. 2026 SCMR 1989 — Ali Raza Siyal v. The State

Before: Muhammad Hashim Khan Kakar and Salahuddin Panhwar, JJ; Jail Petition No. 384 of 2023, decided 16 September 2026

Q. What is the value of a dagger recovered on the accused's pointation where the ocular account is consistent and the medical evidence agrees?

A. It corroborates a trustworthy ocular account. The dagger was recovered from the petitioner's house on his pointation; minor discrepancies did not touch the core of the case. Leave refused.

2. 2026 SCMR 1498 — Munir Ahmad v. The State

Before: Muhammad Hashim Khan Kakar, Salahuddin Panhwar and Ishtiaq Ibrahim, JJ; Criminal Appeals Nos. 11-L and 12-L of 2021 and Criminal Petition No. 394-L of 2017, decided 7 January 2026

Q. What is the effect of an unexplained delay in sending crime empties to the Forensic Science Agency?

A. The forensic evidence becomes delayed, unsafe and doubtful; the empties were sent three days after the arrest of the accused without explanation. Such corroborative evidence cannot by itself bring home the charge without reliable direct evidence. Appeal allowed.

3. 2026 SCMR 1395 — Gul Muhammad v. The State

Before: Muhammad Hashim Khan Kakar, Ishtiaq Ibrahim and Ali Baqar Najafi, JJ; Jail Petition No. 375 of 2023, decided 15 September 2025

Q. Can a rear-seat passenger be convicted for narcotics found near the feet of the occupants of the front seats?

A. No. Nothing was recovered from her direct possession or on her pointation, and no evidence showed her knowledge of or nexus with the narcotics. Recovery from the vehicle, without linkage to conscious possession, was not enough. Her appeal was allowed.

4. 2026 SCMR 1255 — Muhammad Shadeed v. The State ✓ *Mother judgment*

Before: Jamal Khan Mandokhail, Irfan Saadat Khan and Muhammad Shafi Siddiqui, JJ; Criminal Petition No. 77-K of 2022, decided 22 December 2025

Q. When does a recovery on pointation under Article 40 become doubtful?

A. When it is delayed, made from an open place accessible to all, and not connected to the accused by forensic evidence. The weapon was recovered twelve days later from a public dustbin that had been cleaned meanwhile; no blood matching or fingerprinting was done. The petitioner was acquitted.

5. 2026 SCMR 1085 — Muhammad Mumtaz v. The State

Before: Muhammad Hashim Khan Kakar, Salahuddin Panhwar and Ishtiaq Ibrahim, JJ; Jail Petition No. 348 of 2024, decided 3 February 2026

Q. Does a weapon recovered on pointation, reported to be in working condition, corroborate the charge where no crime empties were recovered?

A. No. The recovery was inconsequential because no crime empties were recovered from the place of occurrence. Conviction maintained on other evidence; death sentence commuted to imprisonment for life on mitigating circumstances.

6. 2026 SCMR 891 — Iftikhar alias Puppi v. The State

Before: Athar Minallah, Irfan Saadat Khan and Malik Shahzad Ahmad Khan, JJ; Jail Petition No. 473 of 2018, decided 10 September 2025

Q. What is the effect of not associating independent witnesses with a recovery when members of the public were present?

A. It renders the recovery doubtful. A crowd and forest department staff were present at the arrest, yet only interested and given-up witnesses attested the recoveries. Recovery alone could not sustain the conviction. Appeal allowed.

7. 2026 SCMR 783 — Muhammad Siddique v. The State ✓ *Mother judgment*

Before: Muhammad Hashim Khan Kakar, Salahuddin Panhwar and Ishtiaq Ibrahim, JJ; Criminal Petitions Nos. 346 and 417 of 2020, decided 25 November 2025

Q. Can a recovery with a positive forensic report sustain a conviction once the ocular account is disbelieved?

A. No. Circumstantial evidence derives its weight only in conjunction with reliable direct evidence. The Kalashnikov recovered on pointation and the positive report could not, by themselves, sustain a capital conviction. The accused was acquitted.

8. 2026 SCMR 584 — Raham Gul v. The State

Before: Muhammad Hashim Khan Kakar, Ishtiaq Ibrahim and Ali Baqar Najafi, JJ; Criminal Appeal No. 225 of 2022, decided 19 August 2025

Q. What is the value of a joint pointation memo attributing a recovery collectively to several accused?

A. It is defective without clear demarcation of individual responsibility. Safe custody was also not proved, the malkhana registers were withheld and the complainant acted as Investigating Officer. The presumption under section 29 of the CNSA could not be invoked. Appeal allowed.

9. 2026 SCMR 115 — Muhammad Daud v. The State

Before: Muhammad Hashim Khan Kakar, Aamer Farooq and Ali Baqar Najafi, JJ; Criminal Petitions for Leave to Appeal Nos. 537 and 559 of 2025, decided 19 June 2025

Q. At the bail stage, can each accused be burdened with the total quantity of narcotics recovered from all?

A. No. Each is attributed only the quantity recovered from him or on his pointation, unless there is confidence-inspiring material of knowledge of the others' possession. Bail granted.

10. 2025 SCMR 2018 — Tahseen Ullah v. The State

Before: Muhammad Hashim Khan Kakar, Ishtiaq Ibrahim and Ali Baqar Najafi, JJ; Jail Petition No. 611 of 2022, decided 18 August 2025

Q. When does a recovery on disclosure and pointation support a conviction?

A. When the chain of custody from the recovery of the empties and pistol to their forensic examination is maintained and the report is positive. With the ocular evidence and identification parade, guilt was proved; one death sentence was commuted to imprisonment for life.

11. 2025 SCMR 1967 — Ghazi Arab v. The State

Before: Muhammad Ali Mazhar, Syed Hasan Azhar Rizvi and Aqeel Ahmed Abbasi, JJ; Criminal Petition No. 1425 of 2024, decided 22 July 2025

Q. Does a recovery on pointation count as incriminating material at the bail stage?

A. Yes. The crime weapon and blood-stained cloth recovered on the petitioner's pointation were independent material that prima facie corroborated the co-accused's confession. Bail refused.

12. 2025 SCMR 1742 — Muhammad Ramzan v. The State

Before: Athar Minallah, Naeem Akhter Afghan and Malik Shahzad Ahmad Khan, JJ; Jail Petitions Nos. 213 and 214 of 2024, decided 5 June 2025

Q. Does a positive firearm expert report save a doubtful recovery?

A. No. No disclosure memos were prepared, no independent witnesses attested the recoveries from a cattle shed and the chain of custody was broken. A positive report loses its value when the recovery itself is unreliable. Appeal allowed.

13. 2025 SCMR 1616 — Muhammad Asghar v. The State

Before: Athar Minallah, Irfan Saadat Khan and Malik Shahzad Ahmad Khan, JJ; Jail Petition No. 868 of 2017, decided 22 April 2025

Q. What is needed to link a recovered weapon with the injuries?

A. Forensic verification. The danda recovered on pointation was neither blood-stained nor sent for chemical or serological examination; stripped of scientific support, the recovery did not advance the prosecution case. Appeal allowed.

14. 2025 SCMR 1599 — Khair Muhammad v. The State

Before: Athar Minallah, Irfan Saadat Khan and Malik Shahzad Ahmad Khan, JJ; Criminal Petition No. 132 of 2018 and Jail Petition No. 120 of 2023, decided 30 April 2025

Q. What is the effect of contradictions about the place of recovery?

A. The recovery becomes doubtful. The recovery witness placed the pistol outside and then inside the petitioner's house, while the site map showed it outside; the contradiction could not be reconciled. Appeal allowed.

15. 2025 SCMR 1442 — Usman Ahmed v. The State ✓ *Mother judgment*

Before: Athar Minallah, Irfan Saadat Khan and Malik Shahzad Ahmad Khan, JJ; Criminal Appeals Nos. 566 and 567 of 2020, decided 15 April 2025

Q. Is a recovery from an open place, without associating available members of the public, safe to rely upon?

A. No. The pistol was recovered from bushes at a picnic place where people were always present, and the robbed articles from a house surrounded by neighbours, yet no private person was associated. A recovery from an open place is not from the accused's exclusive possession. Appeal allowed.

16. 2025 SCMR 1408 — Fateh Khan v. The State

Before: Naeem Akhter Afghan, Muhammad Hashim Khan Kakar and Ishtiaq Ibrahim, JJ; Criminal Appeal No. 379 of 2021 in Criminal Petition for Leave to Appeal No. 801 of 2019, decided 4 June 2025

Q. What weakens a Kalashnikov recovery despite a positive Forensic Science Laboratory report?

A. No private witness attested the recovery, and the crime empties were recovered only on the police's second visit to the spot without explanation. Appeal allowed.

17. 2025 SCMR 1399 — Muhammad Wajid v. The State

Before: Muhammad Hashim Khan Kakar, Ishtiaq Ibrahim and Ali Baqar Najafi, JJ; Criminal Appeal No. 212 of 2023, decided 15 May 2025

Q. Is a discovery made on information furnished by the accused admissible?

A. Yes, under Article 40 of the Qanun-e-Shahadat Order, 1984. The deceased's dopatta was recovered on the appellant's pointation from his abandoned house, which lent further credibility to the prosecution. Death sentence commuted; appeal partly allowed.

18. 2025 SCMR 1367 — Ahsin Ali v. The State

Before: Athar Minallah, Irfan Saadat Khan and Malik Shahzad Ahmad Khan, JJ; Jail Petitions Nos. 389 and 549 of 2023, decided 8 May 2025

Q. Can a weapon handed to the police by the complainant be treated as a recovery on the accused's pointation?

A. No. The danda was given to the police by the complainant himself, nothing was recovered from the petitioner, and his role was only that of a 'jappa'. He was acquitted.

19. 2024 SCMR 1968 — Rizwan Rasheed v. The State

Before: Jamal Khan Mandokhail, Syed Hasan Azhar Rizvi and Musarrat Hilali, JJ; Jail Petition No. 193 of 2016, decided 21 March 2024

Q. Does recovery of the dead body on the pointation of the accused support the prosecution?

A. Yes. With last-seen evidence, recovery of the taxi and medical evidence, it proved the case under sections 365-A and 302(b) P.P.C.; the murder charge was then compounded.

20. 2024 SCMR 1839 — Muhammad Riaz v. The State ✓ *Mother judgment*

Before: Jamal Khan Mandokhail, Syed Hasan Azhar Rizvi and Naeem Akhtar Afghan, JJ; Criminal Appeal No. 144-L of 2020 and Civil Petition No. 282-L of 2024, decided 22 May 2024

Q. Does preparing separate memos make a joint recovery admissible?

A. No. Both appellants were taken together and the weapons were recovered from the same place at the same time; it was a joint recovery for all purposes, of no evidentiary value and inadmissible. The weapons also did not match the crime cartridges. Both were acquitted.

21. 2024 SCMR 1773 — Zafar Ali Abbasi and another v. Zafar Ali Abbasi and others ✓ *Mother judgment*

Before: Jamal Khan Mandokhail, Syed Hasan Azhar Rizvi and Musarrat Hilali, JJ; Criminal Appeal No. 577 of 2019 and Criminal Petition No. 596 of 2016, decided 13 May 2024

Q. Is a recovery admissible where the disclosure of the accused was not recorded?

A. No. The Investigating Officer did not record the information received from the accused in writing in the presence of a witness; the recovery was immaterial. The dagger was also produced unsealed in a different wrapper. Appeal allowed.

22. 2024 SCMR 1608 — Abid Hussain v. The State

Before: Jamal Khan Mandokhail, Syed Hasan Azhar Rizvi and Musarrat Hilali, JJ; Criminal Appeal No. 46-L of 2020 and Criminal Petition No. 906-L of 2014, decided 26 March 2024

Q. What follows from a negative ballistic report on a pistol recovered on pointation?

A. The recovery is inconsequential; the injuries were shown to have been caused by a pistol other than the one recovered. Appellant acquitted.

23. 2024 SCMR 1600 — Liaqat Hussain v. The State

Before: Jamal Khan Mandokhail, Syed Hasan Azhar Rizvi and Naeem Akhtar Afghan, JJ; Jail Petition No. 269 of 2017, decided 24 May 2024

Q. When does a recovery on pointation corroborate eye-witnesses?

A. When it is supported by a positive report of the Punjab Forensic Science Agency and stands with prompt FIR, injured witness testimony, medical evidence and crime empties. Conviction maintained.

24. 2024 SCMR 1579 — Rafaqat Ali alias Foji v. The State

Before: Jamal Khan Mandokhail, Syed Hasan Azhar Rizvi and Naeem Akhtar Afghan, JJ; Jail Petition No. 234 of 2017 and Criminal Petition No. 596-L of 2017, decided 27 May 2024

Q. Is a report that the recovered rifle was in working condition corroborative where no crime empty was recovered?

A. No. It had been held inconsequential and could not be treated as incriminating evidence. Petitioner acquitted.

25. 2024 SCMR 1576 — Itbar Muhammad v. The State

Before: Jamal Khan Mandokhail, Ayesha A. Malik and Syed Hasan Azhar Rizvi, JJ; Criminal Petition for Leave to Appeal No. 220 of 2024, decided 7 June 2024

Q. How does a recovery on pointation bear on bail in a murder case?

A. Recovery of empties and of a pistol on the petitioner's pointation corroborated the complainant; with a specific role in the FIR, the case fell within the prohibitory clause. Bail refused.

26. 2024 SCMR 1474 — Khalid v. The State

Before: Jamal Khan Mandokhail, Syed Hasan Azhar Rizvi and Naeem Akhtar Afghan, JJ; Criminal Petition No. 668 of 2019, decided 5 June 2024

Q. What corroborates eye-witnesses who are relatives of the deceased?

A. Medical evidence, crime empties, blood stains, the chemical report, and recovery of the .30 bore pistol from the petitioner's house on his pointation with a positive firearm report. Conviction maintained.

27. 2024 SCMR 1427 — Muhammad Hassan v. The State

Before: Jamal Khan Mandokhail, Syed Hasan Azhar Rizvi and Musarrat Hilali, JJ; Jail Petition No. 120 of 2017 and Criminal Petition No. 305-L of 2017, decided 16 May 2024

Q. Can a recovery without a positive firearm expert report be relied upon?

A. No. The High Court rightly disbelieved it; recovery is in any case corroborative and relevant only where the ocular account inspires confidence. Petitioner acquitted.

28. 2024 SCMR 1421 — Muhammad Saeed v. The State

Before: Jamal Khan Mandokhail, Syed Hasan Azhar Rizvi and Naeem Akhtar Afghan, JJ; Criminal Petitions Nos. 968 and 891 of 2017, decided 20 May 2024

Q. What is the fate of a churri recovered on pointation from an open place?

A. It was rightly disbelieved; with the unproved motive and a single stab wound it was treated as a mitigating circumstance. Life sentence maintained; leave refused.

29. 2024 SCMR 1413 — Chanzeb Akhtar v. The State

Before: Jamal Khan Mandokhail, Syed Hasan Azhar Rizvi and Naeem Akhtar Afghan, JJ; Criminal Petitions Nos. 548 and 602 of 2020, decided 21 May 2024

Q. What is the value of a pistol recovered on disclosure that matches the crime cartridges?

A. It connects the accused. The pistol, concealed in an under-construction garage and recovered on his pointation, was found wedded with the crime cartridges. Leave refused.

30. 2024 SCMR 1191 — Muhammad Imtiaz Baig v. The State ✓ *Mother judgment*

Before: Jamal Khan Mandokhail, Syed Hasan Azhar Rizvi and Musarrat Hilali, JJ; Criminal Petitions Nos. 1288-L and 1354-L of 2017, decided 29 March 2024

Q. May crime empties be sent to the laboratory after the weapon has been recovered?

A. No. Empties secured on 28.05.2012 reached the laboratory on 31.07.2012, after the recovery of the pistol; such delayed submission was not warranted under the law. Petitioner acquitted.

31. 2024 SCMR 1146 — Abdul Qadeer v. The State

Before: Syed Hasan Azhar Rizvi, Musarrat Hilali and Naeem Akhtar Afghan, JJ; Jail Petition No. 238 of 2008, decided 20 April 2024

Q. Is a recovery of ransom money on pointation, made long after arrest, reliable?

A. No. The recovery came after more than twenty days of arrest, without any notable or inhabitant of the area, and the notes were identified in the police station without a Magistrate. Accused acquitted.

32. 2023 SCMR 566 — Amir Muhammad Khan v. The State

Before: Sayyed Mazahar Ali Akbar Naqvi, Jamal Khan Mandokhail and Athar Minallah, JJ; Criminal Appeal No. 297 of 2020, decided 18 January 2023

Q. What is the value of a blood-stained hatchet recovered from a thoroughfare?

A. It is inconsequential because the place was easily accessible to everyone. Accused acquitted.

33. 2022 SCMR 1567 — Tajamal Hussain Shah v. The State

Before: Ijaz ul Ahsan, Munib Akhtar and Sayyed Mazahar Ali Akbar Naqvi, JJ; Criminal Petition No. 499 of 2019, decided 21 April 2022

Q. What is the effect of a negative matching report?

A. The recovery of the pistol becomes inconsequential. Accused acquitted.

34. 2022 SCMR 1515 — Kashif Ali alias Kalu v. The State

Before: Ijaz ul Ahsan, Munib Akhtar and Sayyed Mazahar Ali Akbar Naqvi, JJ; Jail Petition No. 403 of 2018, decided 6 June 2022

Q. Can a recovery of gold ornaments witnessed only by police officials, one of whom was given up, be relied upon?

A. No. No independent witness of the locality was associated; and the churri, not sent to the Chemical Examiner, was also inconsequential. Accused acquitted.

35. 2021 SCMR 324 — Atif-ur-Rehman v. The State

Before: Sardar Tariq Masood and Amin-ud-Din Khan, JJ; Criminal Petition No. 1182 of 2020, decided 12 November 2020

Q. Is a fact already known to the police 'discovered' on the accused's pointation?

A. No. The ANF officials already knew of the narcotics in the truck the accused pointed out, so no new fact was discovered on his pointation. Bail granted on further inquiry.

36. 2021 SCMR 69 — Muhammad Imran v. The State

Before: Manzoor Ahmad Malik, Mazhar Alam Khan Miankhel and Qazi Muhammad Amin Ahmed, JJ; Criminal Appeal No. 85 of 2020, decided 29 October 2020

Q. What does a toka stained with human blood, recovered on pointation, add?

A. Additional corroboration, the injuries being consistent with the weapon. Death sentence maintained.

37. PLD 2021 SC 600 — Naveed Asghar v. The State

Before: Manzoor Ahmad Malik, Mazhar Alam Khan Miankhel and Syed Mansoor Ali Shah, JJ; Jail Petition No. 147 of 2016, decided 7 December 2020

Q. What defects make recoveries on pointation useless as links in circumstantial evidence?

A. Stolen items not identified or forensically examined; contradictions between the Investigating Officer and the recovery memos; knives without a blood match; recovery witnesses who were close relatives with particulars added later in different handwriting; and no person from nearby shops and villages associated. Accused acquitted.

38. 2020 SCMR 423 — Hidayat Khan v. The State

Before: Manzoor Ahmad Malik and Mazhar Alam Khan Miankhel, JJ; Criminal Petition No. 1088 of 2019, decided 18 November 2019

Q. Does a pistol recovered on pointation with a positive report defeat bail where the accused is not named in the FIR?

A. No. The evidentiary value of the report was for the Trial Court; the case called for further inquiry. Bail granted.

39. 2020 SCMR 178 — Abdul Khalique v. The State

Before: Manzoor Ahmad Malik and Munib Akhtar, JJ; Criminal Petition No. 707 of 2019, decided 22 August 2019

Q. What is the value of a blood-stained dagger recovered on the accused's pointation?

A. With consistent eye-witnesses and supporting medical evidence, it formed part of proof beyond reasonable doubt. Leave refused.

40. 2019 SCMR 1224 — Iftikhar Ahmad v. The State

Before: Manzoor Ahmad Malik, Syed Mansoor Ali Shah and Qazi Muhammad Amin Ahmed, JJ; Criminal Appeal No. 122-L of 2017, decided 16 May 2019

Q. How strong is the recovery of the victim's belongings on pointation?

A. It is a strong piece of evidence. The school bag and stationery of the victim were recovered on the accused's pointation, alongside last-seen and cell-phone evidence. Conviction maintained.

41. 2019 SCMR 1220 — Sadi Ahmad v. The State

Before: Manzoor Ahmad Malik, Syed Mansoor Ali Shah and Qazi Muhammad Amin Ahmed, JJ; Criminal Appeal No. 107-L of 2017, decided 23 May 2019

Q. Do weapons recovered on pointation help where the cause of death was asphyxia?

A. No. They did not advance the prosecution case. Accused acquitted.

42. 2019 SCMR 872 — Sajjan Solangi v. The State

Before: Manzoor Ahmad Malik and Sardar Tariq Masood, JJ; Jail Petition No. 380 of 2017, decided 26 March 2018 (as printed in the report)

Q. Is a weapon recovered from bushes on pointation, not sent to the laboratory, of any value?

A. No. Without a forensic report it is inconsequential; the place was accessible to everyone, and only police officials were made witnesses though private persons were present. Accused acquitted.

43. 2019 SCMR 844 — Sajjan Solangi v. The State

Before: Manzoor Ahmad Malik and Sardar Tariq Masood, JJ; Jail Petition No. 379 of 2017, decided 26 March 2019

Q. Can a conviction under section 25 of the Sindh Arms Act rest on a weapon recovered on pointation from an open farm?

A. No. The farm was accessible to everyone and not in his possession; the owner and villagers were not associated; the witnesses described an olive garden against a guava farm in the memo; the weapon was not exhibited and no expert report was produced. Accused acquitted.

44. 2019 SCMR 301 — Majeed alias Majeedi v. The State

Before: Asif Saeed Khan Khosa, Maqbool Baqar and Mazhar Alam Khan Miankhel, JJ; Criminal Appeal No. 105-L of 2017 and Criminal Petitions Nos. 923-L of 2014 and 91-L of 2018, decided 6 December 2018

Q. Do recoveries of cash and a pistol help where neither is connected to the crime?

A. No. The cash was never connected with the robbed amount and, no crime empty having been secured, the pistol was of little avail. Accused acquitted.

45. 2018 SCMR 2092 — Hayatullah v. The State

Before: Mushir Alam, Manzoor Ahmad Malik, Sardar Tariq Masood, Dr. Muhammad Al-Ghazali and Dr. Muhammad Khalid Masood (Shariat Appellate Bench); Criminal Shariat Appeal No. 7 of 2017, decided 24 September 2018

Q. Are a weapon recovered on pointation and empties from the spot sufficient for conviction?

A. No. Such recoveries alone are not sufficient; they are corroborative pieces of evidence.

46. 2018 SCMR 313 — Ulfat Husain v. The State

Before: Manzoor Ahmad Malik, Sardar Tariq Masood and Mazhar Alam Khan Miankhel, JJ; Criminal Appeal No. 267 of 2014, decided 15 June 2017

Q. Does a firearm recovered on pointation matter if no empty was secured from the spot?

A. No; it is inconsequential. Conviction under section 302(b) was set aside.

47. 2017 SCMR 1668 — Sardar Muhammad v. Athar Zahoor

Before: Manzoor Ahmad Malik, Sardar Tariq Masood and Mazhar Alam Khan Miankhel, JJ; Criminal Appeals Nos. 290-L and 291-L of 2009, decided 10 May 2017

Q. What does matching of the recovered weapon with the empty add?

A. It is a further circumstance establishing the accused's involvement alongside the ocular account. Appeal dismissed.

48. 2017 SCMR 986 — Hashim Qasim v. The State

Before: Asif Saeed Khan Khosa, Dost Muhammad Khan and Manzoor Ahmad Malik, JJ; Criminal Appeals Nos. 115 and 116 and Criminal Petition No. 161 of 2013, decided 12 April 2017

Q. Is the 'pointation' of an accused by sniffer dogs admissible?

A. No. No provision of the Qanun-e-Shahadat endorses it, the dogs' training was not shown, and no pointation memo was prepared. Accused acquitted.

49. 2016 SCMR 2123 — Muhammad Mushtaq v. Mustansar Hussain ✓ *Mother judgment*

Before: Asif Saeed Khan Khosa, Iqbal Hameedur Rahman and Sardar Tariq Masood, JJ; Criminal Appeals Nos. 209-L and 210-L of 2009, decided 13 January 2016

Q. Is a joint recovery of a dead body on the pointation of several accused admissible?

A. No. Such recovery is inadmissible in evidence.

50. 2016 SCMR 1766 — Rafaqat Ali v. The State

Before: Anwar Zaheer Jamali, C.J., Amir Hani Muslim and Faisal Arab, JJ; Criminal Miscellaneous Application No. 1290 of 2015 in Criminal Appeal No. 167 of 2010, decided 2 June 2016

Q. When do recoveries on disclosures of several accused support the case?

A. When the weapons recovered on their pointation wed with the empties from the place of occurrence in the Forensic Science Laboratory report. Appeal dismissed.

51. 2016 SCMR 274 — Azeem Khan v. Mujahid Khan

Before: Asif Saeed Khan Khosa, Mushir Alam and Dost Muhammad Khan, JJ; Criminal Appeals Nos. 497 and 496 of 2009, decided 15 October 2015

Q. What is the effect of interested recovery witnesses and a mismatch in recovered bones?

A. The recovery is unreliable. The attesting witnesses were relatives of the deceased and the bones recovered on pointation did not match the number sent for analysis. Convictions set aside.

52. 2015 SCMR 840 — Irfan Ali v. The State

Before: Anwar Zaheer Jamali, Dost Muhammad Khan and Umar Ata Bandial, JJ; Criminal Appeal No. 349 of 2009, decided 16 March 2015

Q. What if no crime empty matches the weapon recovered on pointation and blood appears planted?

A. The recovery cannot corroborate. The recovery memo omitted blood stains, yet human blood was later reported, showing planting. Death sentence set aside; appeal allowed.

53. 2015 SCMR 155 — Imran alias Dully v. The State

Before: Ejaz Afzal Khan, Dost Muhammad Khan, Umar Ata Bandial, Dr. Muhammad Al-Ghazali and Dr. Muhammad Khalid Masud (Shariat Appellate Bench); Criminal Appeal No. 7(S) of 2011 with Criminal Shariat Appeal No. 26 of 2009, decided 13 November 2014

Q. Is an incriminating article recovered from the accused's house reliable if there was no reason for him to keep it?

A. No. A blood-stained sheet kept for days when the blood could easily be washed away appeared planted and fabricated. Accused acquitted.

54. 2013 SCMR 771 — Malu v. Ali Bakhsh

Before: Nasir-ul-Mulk, Amir Hani Muslim and Muhammad Athar Saeed, JJ; Criminal Appeals Nos. 94 and 95 of 2012, decided 13 March 2013

Q. What is the value of a Kalashnikov recovered from the accused's house that matches empties from the spot?

A. It supports the conviction: nine of sixteen empties matched the weapon recovered on his pointation. Conviction altered to section 302(b) with life sentence.

55. 2013 SCMR 547 — Hakim Khan v. The State

Before: Nasir-ul-Mulk, Tariq Parvez and Amir Hani Muslim, JJ; Criminal Appeal No. 93 of 2011, decided 21 November 2012

Q. Are police witnesses enough for a recovery from a concealed place inaccessible to the public?

A. Yes. The place was within the accused's knowledge, no inhabitant lived nearby, and police witnesses had no reason to depose falsely. Appeal dismissed.

56. 2011 SCMR 1148 — Sh. Muhammad Abid v. The State

Before: Javed Iqbal, Anwar Zaheer Jamali and Khilji Arif Hussain, JJ; Criminal Appeal No. 65 of 2011, decided 5 May 2011

Q. What gives weight to a matching report?

A. The empties were delivered to the laboratory on the day of occurrence, before the pistol was recovered on pointation eleven days later, and five of them matched. Appeal dismissed.

57. 2011 SCMR 1142 — Shabbir Ahmed v. The State

Before: Tariq Parvez (Chairman), Mian Saqib Nisar, Asif Saeed Khan Khosa, Dr. Fida Muhammad Khan and Dr. Muhammad Al-Ghazali (Shariat Appellate Bench); Jail Shariat Petition No. 27 of 2010, decided 29 April 2011

Q. Can a motorcycle recovered on the joint pointation of two accused sustain a conviction?

A. No. The recovery was joint, the house did not belong to the co-accused and no person of the locality was associated. Accused acquitted.

58. 2011 SCMR 1133 — Muhammad Ikram v. The State

Before: Nasir-ul-Mulk, Anwar Zaheer Jamali and Amir Hani Muslim, JJ; Jail Petition No. 582 of 2010 and Criminal Petition No. 642 of 2010, decided 22 April 2011

Q. Does a weapon recovered on pointation with a positive report support natural eye-witnesses?

A. Yes. Crime empties recovered on the day of occurrence matched the weapon later recovered on pointation. Leave refused.

59. 2011 SCMR 951 — Mst. Sultana Bibi alias Rubi v. The State

Before: Khalil-ur-Rehman Ramday, Nasir-ul-Mulk and Anwar Zaheer Jamali, JJ; Criminal Appeal No. 359 of 2002, decided 28 September 2009

Q. Can a recovery of a dead body on pointation be relied upon where no memorandum was prepared?

A. No. No memorandum of recovery was prepared, and letters allegedly recovered from under the floor could not have survived in legible form. Accused acquitted.

60. 2011 SCMR 705 — Khan Muhammad v. The State

Before: Javed Iqbal, Sayed Zahid Hussain and Muhammad Sair Ali, JJ; Criminal Appeal No. 36 of 2005, decided 4 June 2009

Q. What is the value of the discovery of a dead body on pointation corroborated by a matched revolver?

A. With the confessions and medical evidence, it led to the only conclusion of guilt; a lapse of the Investigating Officer did not demolish it. Appeal dismissed.

61. 2011 SCMR 670 — Gul Muhammad v. The State ✓ *Mother judgment*

Before: Zia Perwez, Sarmad Jalal Osmany and Sayed Zahid Hussain, JJ; Criminal Appeal No. 669 of 2006, decided 29 May 2009

Q. What is relevant under Article 40 of the Qanun-e-Shahadat?

A. The lead given by the accused, his pointation of the place where the minor was killed, and the recovery of the dead body, all being information only the accused had. Appeal dismissed.

62. 2010 SCMR 1039 — Ishtiaq Masih v. The State

Before: Mian Shakirullah Jan, Anwar Zaheer Jamali and Rahmat Hussain Jafferi, JJ; Criminal Appeal No. 122 of 2009, decided 10 February 2010

Q. Can a blood-stained chhuri recovered on pointation convict without substantive evidence?

A. No. Being corroborative, it is insufficient in the absence of substantive evidence. Accused acquitted.

63. 2010 SCMR 1029 — Khan Muhammad v. The State

Before: Mian Shakirullah Jan, Anwar Zaheer Jamali and Rahmat Hussain Jafferi, JJ; Criminal Appeal No. 146 of 2009, decided 17 February 2010

Q. What follows when an unidentified body is recovered on pointation and the cause of death is unknown?

A. Murder is not proved; the accused were acquitted under section 302(b), but the accused who got the body recovered was convicted under section 201 P.P.C. for concealing it.

64. 2010 SCMR 939 — Zafar Abbas v. The State

Before: Mian Shakirullah Jan, Rahmat Hussain Jafferi and Tariq Parvez, JJ; Criminal Appeal No. 479 of 2009, decided 29 January 2010

Q. What weight attaches to an article recovered from a place in the exclusive knowledge of the accused?

A. It is an independent piece of evidence. The shalwar of the deceased, recovered on pointation from such a place, with the extra-judicial confession and last-seen evidence, connected the accused. Appeal dismissed.

65. PLD 2009 SC 709 — Muhammad Sharif v. The State

Before: Javed Iqbal, Sayed Zahid Hussain and Muhammad Sair Ali, JJ; Criminal Appeal No. 598 of 2005, decided 12 June 2009

Q. How does information leading to discovery operate in an unseen case?

A. Disclosures that led to the place of occurrence, the dead body and currency notes on the accused's pointation assumed relevance under Article 40 and, with other corroboration, proved guilt. Conviction upheld.

66. 2009 SCMR 1179 — Haji Gul Rehman v. Imran-ud-Din

Before: Zia Perwez, Syed Zawwar Hussain Jaffery and Sarmad Jalal Osmany, JJ; Criminal Petition No. 100-K of 2008, decided 18 May 2009

Q. Can a pointation memo leading to the dead body be ignored at the bail stage?

A. No. With call records and the car tracker, it prima facie connected the accused; the High Court's bail order was recalled.

67. 2009 SCMR 407 — Ibrahim v. The State

Before: Sardar Muhammad Raza Khan, Mian Hamid Farooq and Muhammad Farrukh Mahmud, JJ; Criminal Appeal No. 101 of 2006, decided 13 November 2008

Q. Is a recovery of the deceased's documents from a hotel on pointation reliable without hotel staff or record?

A. No. No staff or record proved the stay, and an assailant would not keep such incriminating items. Accused acquitted.

68. PLD 2008 SC 416 — Muhammad Saeed v. Haq Nawaz Khurram

Before: M. Javed Buttar, Mian Hamid Farooq and Sheikh Hakim Ali, JJ; Criminal Appeals Nos. 459 and 460 of 2002, decided 4 March 2008

Q. What is the value of pistols recovered from the accused that match the empties?

A. Ten of fourteen empties matched three recovered pistols; with the ocular and medical evidence, the case was proved.

69. 2007 SCMR 808 — Ghulam Nabi v. The State

Before: Rana Bhagwandas, Actg. C.J. and Muhammad Nawaz Abbasi, J; Jail Petition No. 364 of 2005, decided 4 August 2006

Q. Does recovery of the dead body and ear-rings on pointation, by independent witnesses, support conviction?

A. Yes. The witnesses of last-seen and recoveries were independent and had no reason to depose falsely. Leave refused.

70. 2007 SCMR 525 — Israr Ali v. The State

Before: Javed Iqbal (Chairman), Sardar Muhammad Raza Khan, Ch. Ijaz Ahmed, Dr. Allama Khalid Mehmood and Allama Rashid Ahmed Jullundhari (Shariat Appellate Bench); Criminal Appeal No. 15(S) of 2003, decided 23 November 2006

Q. What is the effect of a delay in sending the crime empty before the pistol is recovered?

A. The empty was sent nearly a month later and the pistol recovered thereafter; such recovery did not give strong corroboration. Death sentence converted to life imprisonment.

71. PLD 2006 SC 538 — Abdul Mateen v. Sahib Khan

Before: Mian Shakirullah Jan, Ch. Ijaz Ahmed and Syed Jamshed Ali, JJ; Criminal Petition No. 39-Q of 2005, decided 17 April 2006

Q. Is a discovery of a dead body on pointation proved without a seizure memo?

A. No. No memo of seizure of the body on pointation was brought on record; the High Court rightly found it doubtful. Leave refused against acquittal.

72. 2006 SCMR 672 — Maqsood Ahmed v. The State ✓ *Mother judgment*

Before: Qazi Muhammad Farooq, Abdul Hameed Dogar and Tanvir Ahmed Khan, JJ; Criminal Appeal No. 337 of 2002, decided 7 May 2003

Q. Is a police official a competent witness to a recovery made while the accused is in police custody?

A. Yes. A police official is as good a recovery witness as any other person. Appeal dismissed.

73. 2006 SCMR 304 — Ehsanullah v. The State

Before: Abdul Hameed Dogar, Mian Shakirullah Jan and Raja Fayyaz Ahmed, JJ; Jail Petition No. 232 of 2004, decided 22 November 2005

Q. Can a large quantity of opium recovered from the accused's house on his pointation be planted?

A. In ordinary circumstances it could not be planted; the 19 kg recovery was sufficient for conviction. Leave declined.

74. PLD 2006 SC 265 — Sikandar Raza v. The State

Before: Abdul Hameed Dogar, Muhammad Nawaz Abbasi and Raja Fayyaz Ahmed, JJ; Criminal Petition No. 321 of 2004, decided 6 January 2006

Q. What is the significance of narcotics recovered on pointation from a trunk in the accused's exclusive knowledge?

A. It strengthened the case, the trunk and its key being produced at trial. Leave declined.

75. PLD 2006 SC 354 — Khurram Malik v. The State

Before: Iftikhar Muhammad Chaudhry, C.J., Muhammad Nawaz Abbasi and Tassaduq Hussain Jillani, JJ; Criminal Appeals Nos. 122 and 123 of 2000, decided 7 December 2005

Q. Do body pieces recovered on pointation corroborate a confession?

A. Yes; with eye-witnesses and the confession, guilt was established and the death sentence restored.

76. 2006 SCMR 1707 — Muhammad Farooq v. The State

Before: Ch. Ijaz Ahmad and Syed Jamshed Ali, JJ; Criminal Appeal No. 435 of 2002, decided 22 June 2006

Q. What defeats a recovery on pointation?

A. Non-production of the officer who effected the recovery, non-compliance with section 103 Cr.P.C., and undue delay in sending empties. The recovery was disbelieved.

77. 2006 SCMR 1197 — Nadeem v. The State

Before: Abdul Hameed Dogar (Chairman), Mian Shakirullah Jan, Raja Fayyaz Ahmed, Dr. Allama Khalid Mehmood and Allama Rashid Ahmed Jullundhari (Shariat Appellate Bench); Jail Petition No. 37(S) of 2004, decided 16 December 2005

Q. Is a body recovered from a canal on the accused's pointation after his disclosure strong evidence?

A. Yes. It was the strongest factor implicating the accused. Leave refused.

78. 2004 SCMR 796 — Noor Ahmed v. The State

Before: Iftikhar Muhammad Chaudhry, Khalil-ur-Rehman Ramday and Faqir Muhammad Khokhar, JJ; Criminal Petition No. 724-L of 2001, decided 23 May 2002

Q. Does a shot gun recovered on pointation and matching empties corroborate a confession?

A. Yes. The accused was rightly convicted.

79. 2004 SCMR 331 — Khuda Bukhsh v. The State

Before: Qazi Muhammad Farooq (Chairman), Hamid Ali Mirza, Abdul Hameed Dogar, Dr. Allama Khalid Mehmood and Dr. Rashid Ahmed Jullundhari (Shariat Appellate Bench); Shariat Appeal No. 3(S) of 2001, decided 9 April 2003

Q. Is pointation of the place of murder and recovery of a number plate admissible circumstantial evidence?

A. Yes; both places were in the accused's exclusive knowledge and were sufficient incriminating evidence. Appeal dismissed.

80. 2004 SCMR 197 — Muhammad Aslam v. Muhammad Shafique

Before: Tanvir Ahmad Khan and Khalil-ur-Rehman Ramday, JJ; Criminal Petition for Leave to Appeal No. 709-L of 2001, decided 18 April 2002

Q. Does recovery of a body on pointation from a house in joint possession prove murder?

A. No. The house was not in the accused's exclusive possession; conversion of the conviction to section 201 was upheld.

81. 2003 SCMR 1070 — Muhammad Kamran v. The State

Before: Qazi Muhammad Farooq, Syed Deedar Hussain Shah and Abdul Hameed Dogar, JJ; Criminal Appeal No. 176 of 2002, decided 5 March 2003

Q. What if the FIR, lodged after the body was found, does not mention pointation?

A. It shows the body was not recovered on pointation; the extra-judicial confession was neither voluntary nor true. Accused acquitted.

82. 2002 SCMR 294 — Ijaz alias Billa v. The State

Before: Sh. Riaz Ahmed, Mian Muhammad Ajmal and Syed Deedar Hussain Shah, JJ; Criminal Appeal No. 377 of 2000, decided 6 November 2001

Q. Is a recovery from a place in the accused's exclusive knowledge, matching empties, reliable?

A. Yes; proved through reliable evidence, it corroborated the ocular account. Appeal dismissed.

83. 2001 SCMR 308 — The State v. Muhammad Yaqoob ✓ *Mother judgment*

Before: Abdur Rehman Khan, Iftikhar Muhammad Chaudhry and Abdul Hameed Dogar, JJ; Criminal Appeals Nos. 49 of 1999 and 173 of 2000, decided 18 September 2000

Q. Is mere recovery on pointation sufficient to hold an accused guilty?

A. No, in the absence of other incriminating evidence. Appeal against acquittal dismissed.

84. 2000 SCMR 528 — Ziaul Rehman v. The State ✓ *Mother judgment*

Before: Muhammad Bashir Jehangiri, Sh. Ijaz Nisar and Mamoon Kazi, JJ; Criminal Appeal No. 355 of 1994, decided 17 January 2000

Q. Is the accused's pointing out of a place, from which nothing is recovered, admissible?

A. No. It led to no discovery under Article 40 and falls within the bar of Article 39; it cannot corroborate. Conviction set aside.

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85. 2026 YLR 2334 — Sawab Khan v. The State

Before: Sabit Ullah Khan and Salah-ud-Din, JJ; Criminal Appeal No. 158-M of 2025, decided 14 January 2026

Q. What is the value of a pistol recovered on pointation that does not match the crime empty?

A. It is inconsequential; the mode of recovery was also not proved by reliable evidence. Appeal allowed.

86. 2026 YLR 2082 — The State v. Muhammad Shafee

Before: Muhammad Faheem Wali and Syed Mudasser Ameer, JJ; Criminal Appeal No. 200-A of 2023, decided 6 March 2025

Q. Can a crime empty alone, with no weapon recovered, found a conviction?

A. No. Moreover, the Investigating Officer saw the empty and blood-stained earth that night but collected them the next day, raising doubt. Appeal against acquittal dismissed in limine.

87. 2026 YLR 2008 — Zaheer Ahmed v. The State

Before: Sahibzada Asadullah and Dr. Khurshid Iqbal, JJ; Criminal Appeal No. 1708-P of 2023, decided 18 September 2025

Q. What is the value of dead bodies recovered from a river on the accused's pointation after their disclosure?

A. Pursuant to the disclosure, the bodies were recovered with the help of co-villagers; the sequence ruled out mala fides and guilt was proved. Appeal dismissed.

88. 2026 YLR 1854 — Tahir Mehmood v. The State

Before: Syed Mudasser Ameer and Aurangzeb, JJ; Criminal Appeal No. 362-A of 2023, decided 9 July 2025

Q. How do recoveries operate alongside an eye-witness account?

A. As circumstantial and forensic support: a pistol recovered on disclosure and pointation, with empties and blood-stained earth duly preserved and sent to the laboratory. Appeal dismissed.

89. 2026 YLR 1205 — Amjad v. The State

Before: Sadiq Ali and Aurangzeb, JJ; Criminal Appeal No. 279-A with Murder Reference No. 05-A of 2023, decided 3 June 2025

Q. What is the effect of not associating independent witnesses with a pointation leading to dead bodies?

A. The pointation memo loses its efficacy. Only relatives of the deceased were associated, one was not produced, and none from the locality joined though available. Appeal allowed.

90. 2026 YLR 1151 — Muhammad Zubair v. The State

Before: Farah Jamshed and Inam Ullah Khan, JJ; Criminal Appeal No. 66-D of 2024, decided 25 November 2025

Q. Can a Forensic Science Laboratory report be relied upon where the recovery had no independent witness?

A. No. The recovery of the pistol from the appellant's room was highly doubtful, so the report could not sustain conviction. Appeal allowed.

91. 2026 YLR 796 — Usman v. The State

Before: Muhammad Faheem Wali and Dr. Khurshid Iqbal, JJ; Criminal Appeal No. 14-D of 2023, decided 25 May 2023

Q. What is the effect of a sixteen-day delay and contradictions about who sent case property to the laboratory?

A. The belated dispatch is shrouded in mystery, and the report on the empties and the pistol recovered on pointation is of no avail. Appeal allowed.

92. 2026 YLR 397 — Saqib v. The State

Before: Muhammad Faheem Wali and Dr. Khurshid Iqbal, JJ; Criminal Appeal No. 09-D of 2023 with Criminal Miscellaneous No. 05-D of 2023, decided 11 September 2023

Q. What if the private marginal witness says he signed a blank paper?

A. The recovery is not proved. The witness turned hostile and the police versions conflicted; the recovery was highly doubtful and inconsequential. Appeal allowed.

93. 2026 YLR 254 — Ajdar v. Razimand

Before: Muhammad Naeem Anwar and Shahid Khan, JJ; Criminal Appeal No. 01-M of 2015, decided 28 November 2023

Q. Is a weapon recovered from an open place commonly used by others reliable?

A. No. It could not have remained unnoticed so long; a second pistol was produced by the accused's son, not recovered on pointation, and the report did not support the prosecution. Appeal against acquittal dismissed.

94. 2026 PCrLJ 1742 — Abdur Rehman Zahid v. The State

Before: Muhammad Faheem Wali, J; Criminal Appeal No. 213-A of 2020, decided 27 January 2025

Q. Does a positive report survive belated recovery and joint dispatch?

A. No. The empty was recovered in May 2016, the gun in February 2017, and both were sent together; the report lost its efficacy. Appeal against acquittal dismissed.

95. 2026 MLD 637 — Kaleem Ullah v. The State

Before: Farah Jamshed and Inam Ullah Khan, JJ; Criminal Appeal No. 64-D of 2024, decided 25 November 2025

Q. What weight has a positive report on empties where no independent witness joined and no weapon was recovered?

A. None. Recoveries are corroborative and lose efficacy when direct evidence fails. Appeal allowed.

96. 2025 YLR 2298 — Sahib Zaman v. The State

Before: Muhammad Ijaz Khan and Salah-ud-Din, JJ; Criminal Appeals Nos. 399-M of 2023 (with Crl. M. No. 189-M of 2023), 35-M and 08-M of 2024, decided 19 February 2025

Q. What follows when the pistol recovered on pointation and the crime empties do not match?

A. The recovery is of no worth, and the report negated the complainant's stance. Appeal allowed.

97. 2025 YLR 233 — Fazal Khaliq v. The State

Before: Lal Jan Khattak and Sahibzada Asadullah, JJ; Criminal Appeal No. 661-P of 2018, decided 30 December 2022

Q. What if empties collected from two accused's positions are all reported fired from one weapon?

A. The report belies the complainant's story of two firers and shakes the prosecution case. Appeal allowed.

98. 2025 PCrLJ 1584 — Said Naik Amal Shah v. The State

Before: Muhammad Ijaz Khan and Sabit Ullah Khan, JJ; Criminal Appeal No. 248-M of 2022, decided 25 March 2025

Q. Can a churri neither recovered from the accused nor on his pointation support the case?

A. No. There is no link with the accused, and section 103 Cr.P.C. was violated without explanation though neighbours were available. Appeal allowed.

99. 2025 PCrLJ 690 — Aleem Ullah v. Khan Pervez

Before: Muhammad Naeem Anwar and Shahid Khan, JJ; Criminal Appeal No. 182-M of 2020 with Criminal Miscellaneous No. 7-M of 2022, decided 27 February 2024

Q. What is the value of a weapon recovered on the joint pointation of two accused with a general role?

A. Its evidentiary value stands in vacuum. Appeal against acquittal dismissed.

100. 2025 MLD 1773 — Obaid Ullah v. Mst. Gul Meena

Before: Sahibzada Asadullah and Aurangzeb, JJ; Criminal Appeal No. 37-P with Murder Reference No. 01 of 2024, decided 25 March 2025

Q. Can recoveries on pointation support a voluntary judicial confession?

A. Yes. The confession was supported by recoveries made on the appellant's pointation and by other statements. Appeal dismissed.