
"Evidentiary Value of Crime Weapons: The Necessity of Forensic Corroboration in Criminal Trials"





RESEARCH CENTER, HIGH COURT OF BALUCHISTAN

COURT: HON'BLE MR. JUSTICE SHOUKAT ALI RAKHSHANI
 SUBJECT: CRIMINAL LAW
 DATE: 19TH NOVEMBER 2024.
 BY: WASEEM AHMED RAEES & MUHAMMAD USMAN AGHA, IZHAR AHMED LANGOVE
 CO-RE: NOOR BAKHSH MENGAL & MUHAMMAD ZAKRIA
 R.A MARIA

QUERIES: ***What is the evidentiary value of a bloodstained crime weapon when there is no positive forensic report to link the blood to the victim?***

RESPONSE TO QUERY

In the light of jurisprudence developed by the August Apex Court of Pakistan, in assessing the evidentiary value of the crime weapon, *specifically the blood-stained dagger*, it is imperative to establish a *direct link between the weapon and the victim through forensic analysis*. The absence of a positive report confirming that the blood on the dagger matches that of the victim significantly undermines its worth. *The Hon'ble Supreme Court of Pakistan has consistently emphasized the utility of crime weapon stained with blood as incriminating evidence hinges on the existence of a positive forensic report conclusively matching the blood on the weapon to that of the victim*. Without such a nexus, the recovery of the weapon, while suggestive, becomes speculative and insufficient to satisfy the standard of proof required for criminal conviction.

In *Hamid Nadeem v. State* (2011 SCMR 1233) a five-member Shariat Appellate Bench of the Hon'ble Supreme Court *rejected the recovery of bloodstained clothes of the accused as an incriminating piece of evidence while observing that the bloodstains on the recovered clothes were not got matched with the blood of the deceased*. The Court observed as under:-

15. The crime weapon (pistol) which was recovered from the applicant on 8-7-2001 was handed over to P.W.13 Kaleemullah Constable which he deposited in the office of FSL on 16-7-2001 and, strangely, that too with five live bullets for reasons best known to him. As stated above, the delay and safe custody has also not been explained. Report of FSL, in circumstances, loses sanctity especially in a case, with a capital charge, where abundant precaution is urgently required for safe administration of justice.

16. Regarding recovery of clothes of appellant, allegedly stained with blood of the deceased, it suffices to mention that the same were not matched with the blood of deceased. No positive report regarding that is available on record.

17. In view of the above, we have come to the irresistible conclusion that the case of prosecution is highly doubtful and the appellant is entitled to get the benefit thereof. Therefore, we allow this appeal, set aside conviction and sentences of the appellant and acquit him of the charge. He shall be released forthwith if not wanted in any other case.”

In cases where bloodstained weapons are presented as evidence without corroborating forensic reports, courts have repeatedly highlighted the insufficiency of such recoveries in meeting the requisite standard of proof. In **Naveed Asghar & two others vs. the State** (PLD 2021 Supreme Court 600) the Supreme Court observed that while the recovery of a weapon could support the prosecution's case; its evidentiary value hinges on proper forensic validation. A weapon recovered with bloodstains cannot, on its own, substantiate the accused's guilt unless a forensic report conclusively establishes that the blood matches the victim's. This link is essential for the recovery to be treated as credible corroborative evidence. The Court held that:

“Evidentiary value of a bloodstained alleged weapon of offence without a forensic report matching the blood found thereon with that of the deceased

30. The recovery of bloodstained knives and gloves if presumed to have been made from the petitioners, for the sake of argument, it cannot even then connect them with the commission of murders of the five deceased persons in the present case. This Court observed in the case of *Irfan Ali v. State*²⁷ as to recovery of bloodstained alleged weapon of offence, i.e., dagger, that "when no grouping of the blood was made with the blood stained clothes of the deceased to create a nexus between the two, the same is of no help to the prosecution." Similarly in the case of *Khalid Javed v. State*,²⁸ this Court discarded the prosecution evidence of recovery of bloodstained alleged weapon of offence, i.e., the dagger and knife (Churri), and of bloodstained clothes of the accused persons in absence of matching report of the bloodstains with the blood group of deceased. In *Hamid Nadeem v. State*,²⁹ a five-member Shariat Appellate Bench of this Court rejected the recovery of bloodstained clothes of the accused as an incriminating piece of evidence while observing that the bloodstains on the recovered clothes were not got matched with the blood of the deceased. While, in the case of *Muhammad Asif v. State*,³⁰ this Court deemed it essential to point out that "mere sending the

crime weapons, blood stained, to the chemical examiner and serologist would not serve the purpose of the prosecution nor it will provide any evidence to inter link different articles... unless the blood stained earth or cotton and blood stained clothes of the victim are not sent with the same for opinion of serologist to the effect that it was human blood on the crime weapons and was of the same group which was available on the clothes of the victim and the blood stained earth/cotton, such inconclusive opinion cannot be used as a piece of corroboratory evidence." The legal position may be summed up thus: As in absence of a positive report of Forensic Science Laboratory as to matching of crime empty with the allegedly recovered firearm from an accused person, the recovery of alleged weapon of offence cannot be considered as the corroborative piece of evidence against that accused person,³¹ **so is the legal position regarding recovery of a bloodstained alleged weapon of offence without a positive forensic report matching the blood found thereon with that of the deceased. It can also be not used as a substantive or corroborative piece of evidence against an accused person to connect him with the commission of offence.** Therefore, the prosecution evidence as to recoveries of bloodstained knives (Churri) and gloves that are alleged to have been used for the commission of offence is also not found sufficient to connect the petitioners with the commission of the offences charged"

The August Apex Court, in *Khalid Javid and others vs the State* (2003 SCMR 1419) scrutinized the recovery of bloodstained weapons and the standards required to substantiate their connection to the accused in a murder trial. The Court observed that the recovery of incriminating weapons, even if stained with blood, cannot solely establish guilt unless corroborated by a forensic report definitively linking the blood to the deceased. In this case, no evidence was presented to confirm that the blood matched the victim's. Consequently, the recovery lacked probative value. The Court observed:

"In the absence of evidence that the bloodstains on the recovered weapons matched the blood group of the deceased, it would not be in the interest of justice to connect the accused with the commission of the offense."

In the case of *Muhammad Asif v. State* (2017 SCMR 486) Hon'ble Supreme Court of Pakistan deemed it essential to point out that:

"mere sending the crime weapons, blood stained, to the chemical examiner and serologist would not serve the purpose of the prosecution nor it will provide any evidence to inter link different articles...unless the blood stained earth or cotton and blood stained clothes of the victim are not sent with the same for opinion of serologist to the effect that it was human blood on the crime weapons and was of the same group which was available on the clothes of the victim and the blood stained earth/cotton, such inconclusive opinion cannot be used as a piece of corroboratory evidence."

In conclusion, the jurisprudence established by the Hon'ble Supreme Court of Pakistan consistently reinforces the principle that forensic validation is indispensable for ascertaining the evidentiary value of bloodstained weapons. By requiring a direct nexus between the weapon and the victim, these rulings uphold the integrity of the criminal justice system and minimize the risk of wrongful convictions.

Annexures: Judgements referred.