



## The Role of Identification Parade in the Criminal Justice System of Pakistan

### Waqar Azim

Advocate High Court & LL.M Scholar, College of Law, Government College University, Faisalabad  
[waqarazim470@gmail.com](mailto:waqarazim470@gmail.com)

### Asad Ali

Advocate High Court & LL.M Scholar, College of Law, Government College University, Faisalabad  
[asadkhanro375@gmail.com](mailto:asadkhanro375@gmail.com)

### Laiq Ur Rahman

Advocate & LL.M Scholar, College of law, Government College University, Faisalabad  
[laiqurrahman60@gmail.com](mailto:laiqurrahman60@gmail.com)

### Kashif Khan

Assistant Public Prosecutor & LL.M Scholar, College of Law, Government College University, Faisalabad  
[kkhan773858@gmail.com](mailto:kkhan773858@gmail.com)

---

### ABSTRACT

Identification parade is not a new concept it is used in criminal cases for centuries. Article 22 of Q.S.O 1984 does not define identification parade but introduce identification parade as a relevant fact. The detail procedure of identification parade is been provided in high court rules and some guide line are also provided in police rules 1934. Identification parade cannot be solely based of conviction unless corroborated with other evidence. It is investigation tools the only scope of identification is to nominate the person unknown at the time of F.I.R. and seen by the victim or eye-witness of the occurrence.it is conducted by judicial magistrate at jail or any other place. In criminal case it is not the issue that weather the crime is committed or not but the real challenge for the investigation agency is to find out the real culprit and preparator of the crime. We have a large number of cases in

---

---

which the accused is unknown which make it more important. Over-emphasizing on the identification parade can leads to wrongful conviction. As a tool of investigation its importance cannot be under- estimate. The main object of this article is to analyze the measures to insure the fairness while conducting identification parade, purpose and objective of the identification parade, evidentiary value and admissibility of identification parade, identification parade is a type of evidence, irregularities and its impact while conducting identification parade, effect of delay and different modes of identification, usefulness of identification test in criminal justice system, all these is discuss in light of the superior court decision.in last the article discuss some criticism on identification parade and how can the issues be overcome which the critics highlighted.

**Keywords:** Identification parade, objective and purpose, irregularities, admissibility, modes of identification, criminal justice system,

---

## INTRODUCTION

In accordance with Article 22 of the Q.S.O of 1984, facts that are required to clarify or introduce a fact in dispute or relevant fact, or to support or refute a conclusion drawn from a fact in dispute or relevant fact, or to establish the identity of anything or anyone whose identity is relevant, or to determine the precise time and location at which any fact in dispute or relevant fact occurred, or to demonstrate the relationship between the parties involved in any such fact's transaction, are relevant insofar as they are required for that purpose. During the course of the investigation, the police conduct identification tests in order let witnesses identify the suspect in the crime. In these situations, the prosecution case's outcome frequently depends on how well the identification process goes. The identification parade is a precautionary measure to remove any chance of error; it is not mandated by law. Identification parades are only necessary and unavoidable when a witness claims to have seen the accused briefly and can thus positively identify them (Muhammad Akram Rahi Vs State, 2011 SCMR 877 ). Although holding an identification parade is not legally required, its evidentiary value is vital in cases when the outcome depends on circumstantial evidence. The evidence on file implicating the suspect might lose its evidential value in an identification test if a witness could only prove that he was a suspect (Zulfiqar Vs State, 2002 YLR 302). Identification tests must be conducted when the accused person's name is not included in the FIR (Mursal Kazmi Alias Qamar Shaha Vs State, 2009 SCMR 1410). Identification parades are required by police regulations in addition to being the preferred and authorized form of identifying criminals by the court. In this regard, Rule 26 Point 32 of the Police Rules of 1934 is unequivocal(Mah Gul Vs State, 2009 SCMR 4).

An identification parade must be organized as soon as feasible following the suspect's arrest, but no later than 15 days, in order to prevent erroneous accusations. In cases when the offenders are not named in the F.I.R., the parade becomes required (2008 P.cr.L.J 381). Although it is not an unbreakable rule, identifying each

accused person's role during an identification parade by witnesses is important (Zahid Hussain Vs State, 2008 P.cr.L.J 1423). If a witness's testimony on the accused's identity in court gives rise to trust and the witness is giving false testimony, then the prosecution's case would not be destroyed by the lack of an identification parade (Ghazanfar Ali Pappu Vs State, 2012 SCMR 215). The court of law will always view a delayed identification test with the utmost caution, taking into account both the date of the test and the date the suspect was brought into arrest (Ghulam Nabi Vs Sate 2002, P.cr.L.J 349). In order to enable witnesses to identify the perpetrators from those whose faces they haven't yet seen, the court must set up fresh dummies for each accused identification parade (Ghulam Akabr Vs State, 2007 YLR 1506). Where assailants are known to the complainant conduct of identification parade is illegal (Adrees Vs State 2002 SCMR 1439). When testimony is presented in court and may be relied upon, prosecution witnesses who did not disclose the identity of the accused during the identification parade are nonetheless permitted to do so (Ajab Alia Rajab Vs State, 2004 MLD 180). Identification parade conduct after nomination of accused in the case by way of supplementary statement of complaint would lose its efficacy in such circumstances (Bilal Ahmed Vs Bilali, 2013 P.cr.L.J. 1580). The holding of an identification parade serves as both a deterrent against unfounded accusations and solid proof against the real offenders (Muhammad Yaqoob Alias Goshi Vs State, 2014 YLR 1412).

#### **Responsibility to insure fairness while conducting identification parade**

To guarantee a fairness of the identification parade it would therefore be the prosecution's responsibility to take these steps, making it impossible for an identifying witness to see the accused after the crime was committed until the identification procession was held as soon as the accused were taken into custody. Such identification would become worthless identification parade infirmities accused were charged for committing murder of seven persons and injuring three persons record showed that an identification parade was held on 05.02.1983 for the purpose of the witnesses to identify accused persons identification parade was not held in the prescribed manner four accused were put up for a joint identification along with only four dummies.

Only the complainant identified the four accused, which must not have been difficult as by that time he had many opportunities to see them earlier on 10.02.1983 another identification parade was held in which four other accused were put up for identification by the complainant at that time again a joint identification parade was held but the number of dummies had increased to eight dummies and the accused were both brought by the investigating Officer for the parade description of the dummies was not noted by the Judicial Magistrate, in fact he also admitted that he had not written the names and particulars of the dummies. Judicial magistrate could not confirm that the age, height and other particulars of the dummies were written by him. Said witness also admitted that when the complainant had identified the accused, he had not said a word let alone assigns a role to them. Absolutely no value could be given to such an identification parade. No other witness, who claimed to be

an eye-witness, was brought in to identify the accused they did not know memo that the Judicial Magistrate made after the identification parade became further doubtful when contrary to what the Judicial Magistrate stated at trial i.e. the complainant did not say anything while identifying the accused, the memo recorded that the complainant stated that they were present on the scene even then, no role apart from presence had been attributed to them.

Circumstances established that the prosecution was unable to prove its case against the accused persons. Appeal against conviction was allowed, in circumstances and unreliable if prosecution witnesses had seen the suspect prior to the identification parade and the suspect's contribution was not clarified by the witness during the identification parade. Such evidence is not trustworthy. Identification during an identity parade or in court would be useless unless each Suspect person participation in the crime was identified right away (Taj Mohammad Vs State, 2023 P.cr.L.J 1514). Duty of the witness would not come to an end only by saying that “ it was the man “ but prosecution was to establish that “ it was the man who committed the offense , because the prosecution was always duty bound, not only to prove the happening of the incident, but that it was accused who committed the offence. Such was the object of identification parade because of which it was insisted that witness, claiming to have identified accused, should also specify the role played by such identified person in commission of offence.

### **Purpose and object of identification parade**

There are four purpose of identification parade but it is not a strict rule one might be said that it has six or two

- To enable witnesses to identify persons concerned in the offence who were not previously known to them
- To secure authenticity of identification of real culprit
- To satisfy investigating officers of the bona fide of the witnesses
- To furnish further evidence to corroborate their testimony in court.

An identification parade is always done for two purposes first, to identify the offender and, second, to determine the part he played in committing the crime. The identification parade loses its sacredness if accused is not found to have had any involvement in the crime (Muhammad Sajjad Vs State, 2008 P.Cr.L.J. 831). Evidence of identification parade cannot be relied upon if prosecution witness would not describe the role played by each of the accused at the time of the commission of Eyewitness were not given the chance or occasion to view the offenders prior to the identity test, which lends the test authenticity and power (Ghufranullah Vs State, 2003 YLR 1263). Where a witness had fleeting glimpse of an unknown culprit, then identification test is necessary, but if the eyewitness knows the person charged well or had seen the suspect numerous times or he is ample opportunity to see accused then in such situation such identification test is not required (Ghulam Waris Vs State, 2003 YLR 2273).

### **Admissibility of identification parade**

Conducting of identification parade is essential only in situations where the eyewitness has never seen the suspect before. If the accused is known to the witnesses previously or the witness has met the accused, there is no need to hold such parade. Case against accused was of doubtful nature because identification parade was not held in jail, but was held in police station which had no evidentiary value and was inadmissible in evidence. Recovery of rifle from the accused at a much belated stage was also of no avail to prosecution. The trial court's recorded verdict and punishment upon the person charged were overturned, and he was declared innocent and freed (Shah Nawaz Vs State, 2005 MLD 669). Accused were already arrested in some other case and both the eye-witnesses being the police employees, possibility could not be ruled out that they had seen the accused before identification parade. Identification parade, in circumstances could hardly be counted on to uphold the offender's punishment. The suspects were granted the benefit of the doubt and were acquitted after the prosecution was unable to prove its case against them beyond a reasonable doubt (Muhammad Usman Vs State, 2003 PCr.LJ 1346).

### **Evidentiary value of identification parade**

Identification parade is a corroborative piece of evidence and not a substantive piece of evidence in which a conviction can be based. Since the culprit not appears to have fired a shot, the discovery of the weapon did not imply that the accused was the one who has stolen it at the time of the incident. The identification parade proceedings did not specify the function each accused person. Seven days had passed since the accused's arrest, casting doubt on the identification parade. A joint identification procession for the two suspects was held. Although eyewitnesses claimed to have recognized the culprits throughout the identification process, they did not elaborate on the specific role each accused person played in the incident. Identification parades that weren't carried out according to the guidelines were disregarded since they were no longer useful as evidence (Waqar Ahamad Vs State, 2012 PCrLj 170). While in bail stage deeper merits like evidentiary value of identification parade, could not be considered at bail stage (Amir Ali Vs State, 2007 MLD 605).

The purpose of the identification test during the investigation was just to gather material for the case for the investigating officer; it had no evidentiary significance. Unless corroborated during trial (Zeeshan Vs State, 2012 MLD 1840). Appellants was residing in same village with the complainant and were known to each other. Record showed that complainant and prosecution witnesses had seen the accused person in the moonlight from the distance of a few pces. Complainant and eye-witnesses were close relative of accused and co-accused, as such there was no question of mistaken identity of accused. Under these conditions, the appeal against the conviction was denied (Abdul Sattar Vs State, 2018 YLRN 5,6). Evidentiary value when no role ascribed to accused it's become a waste paper (Waqar Shah Vs State, 2012 PCrLJ 866). After around ten days after the accused's detention, an

identification parade was held. No explanation had come on record about such an inordinate delay in conducting the identification parade. Long delay in conducting the identification parade was fatal in the absence of any plausible explanation. Delay might be a factor, which had afforded an opportunity to the prosecution witnesses to see the accused while in police custody and when produce in the court for obtaining remand. Such events cast suspicion on the validity of the prosecution's case, the advantage of which resolved in favor of the person charged. The appeal was granted, and the conviction and sentence imposed by the trial court were reversed (Zafeer Ahmad Vs State, 2017 PCrLJ 662).

Conviction of the accused was based on evidence of eye – witnesses who were found reliable and was not based on identification parade such conviction held could not be set aside on the ground that identification was not reliable as witness had seen the accused in police lock up . When witness had admitted before identification parade that he was acquainted with the accused (Mullagiri Vajram Vs Andhra Pradesh, 1994 SCMR 204). Inability on behalf of eyewitnesses to characterize the function of the accused during the identification parade is an inherent flaw that renders the identification parade worthless and untrustworthy (2011 SCMR 522). Choosing a suspect to be picked out of an identification parade is only confirmatory evidence, not substantial evidence (Sabir Ali Fauji Vs State, 2011 SCMR 563). Old blood feud also existed between the parties, therefore the possibility that accused person were already known to the complainant could not be ruled out yet the accused persons except for one of them nominated in F.I.R were not nominated in the F.I.R. but were picked up by the prosecution witnesses in the identification test. Prosecution has failed to prove its case against the accused person beyond reasonable doubt. Accused person were consequently acquitted of all charges against them by giving them benefit of doubt. Appeal was allowed accordingly (Hakeem Vs State, 2017 SCMR 1546). Identification test taking place after recording of 164 ,Cr.P.C statement take away the entire value of the identification of the accused by the witness and render the same useless (1992 MLD 43). In case title Muhibullah Vs State, it was found by high court that identification parade is a weak piece of evidence. That cannot be used to sentence an accused. The goal of an identification parade is to confirm independent and direct pieces of evidence for the purpose of proving a suspect's guilt.

### **Identification parade as a type of evidence**

Prosecution witnesses had stated that they saw accused person in the head light of police mobile, but certainly the identification on the headlight of the police mobile was weak type of evidence requiring strong corroboration but the same was badly lacking. Judgment of conviction was set aside in circumstances (Sadaruiddin & Sadoro Vs State, 2015 MLD 1259). An identification parade as said earlier is always done for two purposes first, to identify the offender and, second, to determine the part he played in committing the crime. The identification parade loses its sacredness if accused is not found to have had any involvement in the crime If an eyewitness identifies the suspect in the courtroom and his statement inspires confidence; he



remains consistent on all material particulars; and there is nothing in evidence to suggest that he is deposing falsely, then the absence of an identification parade is not harmful to the prosecution case (Ansar Vs State, 2023 SCMR 929). Identity tests are a fairly flimsy kind of evidence that may be readily discarded if there is any reason to believe that the investigating agency's actions were not entirely ethical (Kirir vs State, PLD 1996 Karachi 246) identification parade was the only evidence against the accused which was the weakest type of evidence and even otherwise no sanctity could be attached to it as the same was held in piecemeal (Imamdine Vs Pathan, 2001 PCr.LJ 1892). Intrinsically weak and inherently defective ocular evidence of the prosecution witness could not be improved by evidence of identification parade which too was not free from defects. One poor piece of evidence cannot make another weak piece of evidence better (Muhammad Faisal & Pehlwan Vs State, 2006 MLD 1380). Identification tests are extremely flimsy pieces of evidence, and any questionable situation might completely undermine their admissibility (Taha Vs State, 2003 YLR 166). In Case title Muhammad Ismail Vs State, the high court held that pointing out an accused in an identification parade is not substantial evidence but just corroborative (2023 PCrLJ 1346)

#### **Irregularities in conducting identification parade and its effect**

Accused was arrested and sent to judicial lock-up on the basis of said supplementary statement while conducting identification parade, procedure provided in volume 3 chapter eleven Part c of the high court rules and order read with Article 22 of Q.S.O 1984 was not followed. An identification parade would be staged with two goals in mind: first, to identify the offender and, second, to determine the exact role he played in the commission of the offense. Neither goal was met. The test identification parade's evidentiary value had been lost by the suspect's nomination through additional statement, particularly in cases where the offense had not mentioned any of the attacker's features, including age, height, face, or general appearance, making it difficult to identify a person in such circumstances. The test identification parade had become unreliable and unacceptable in the eyes of the law, therefore it had lost its evidential significance. The accused would be entitled to the benefit of the doubt even in the slightest (Niaz & Jumma Vs State, 2017 MLD 1147). Identification test was held without adopting the legal procedure and taking necessary precautions and having been maneuvered by the investigating officer, could not be relied upon. Accused was acquitted (Muzammal Hussain Vs State, 2007 YLR 1627). Contention that identification parade was defective as no such objection was raised by the defence before the magistrate.

Eye- witness identified accused persons in court and such identification was of much importance which got support from other attending circumstances and other pieces of evidence . Some lapses on part of police would not discredit testimony of eye- witness which otherwise was corroborated by medical evidence. The conviction and the sentence awarded by trial court was maintained (Malik Suhail Vs State, PLD 2003 Karachi 470). Mere fact that witness picked up accused in an identification parade was not in its self-sufficient to connect the accused with

crime. If same was not conducted soon after arrest (Sajid Ali & Sajju Vs State, 2007 PCr.LJ 1139). The identification parade was not carried out in line with the rules and regulations. Impugned judgment appeared to be elaborated and announced after appraisal of evidence and placing reliance on the case –law of superior courts. Counsel for appellant could not demonstrate any illegality gross irregularity or infirmity in the impugned judgment. No occasion to set aside the impugned judgment which was a speaking one. Appeal was dismissed in the circumstances (Jethanand Vs Jumoo, 2014 YLR 2593). Identification parade was not held in accordance with the prescribed rules. Defence had created dents in the prosecution case benefit of which had to be given to the accused. Accused was acquitted in the circumstances (Abdur Rashid Vs State, 2003 PCr.LJ 742). Identification parade had been supervised by an incompetent person wherein no role had been ascribed to the accused by the witnesses and for such reasons the same had lost its sanctity (Mehmood Ahmed Vs State, 1995 SCMR 127).

### **Delay in holding identification parade and its impacts**

Delay in conducting the test identification parade accused was charged that he along with his co-accused tried to snatch motorbike from the complainant party, on resistance, accused party made firing upon them, due to which one person died and two persons sustained injuries record showed that the identification parade was held with the delay of ten days after the arrest of the accused said delay created a lot of doubt regarding the identification parade as the witnesses had various opportunities to see the accused person. Prosecution witnesses, even if they were present at the scene of occurrence, were not in a position to identify the accused owing to the darkness of a winter night. Identification parade had no evidentiary value in the eyes of law and it could not be used against the accused as a corroborative piece of evidence (Abdul Majeed & Cheeta Vs State, 2022 YLR 587).

Identification of accused in identification parade by the eye witness without describing their role in the occurrence was of no value. Identification parade having been conducted after 24 days of the arrest of accused possibility of the witnesses having seen them could not be excluded. Identification of accused by their build and stature was neither possible, nor the same was safe in electric bulb light at mid night. Identification parade held jointly of all the accused was sufficient for setting aside the conviction of accused, which was not even held according to the prescribed rules. Injuries on the person of the prosecution witness could only confirm his attendance on the scene, it not provide definitive proof of his integrity and veracity. There was no illegality or infirmity in the contested ruling. In these circumstances; the complainant was denied leave to appeal (Nazir Ahmad Vs Muhammad Iqbal, 2011 SCMR 527). Delay in holding identification parade was not inordinate as alleged by accused. Even otherwise the failure to arrange an identification parade was not necessarily fatal to the prosecution's case (Saleem Vs State, 2011 SCMR 1349). Delay, if any in conducting identification parade of accused was not of that nature which could cast doubt on its credibility as it was arranged inside the jail premises and jail superintendent had also endorsed same and it was conducted by



judicial Magistrate. Accused were rightly convicted by trial court (Faqir Muhammad Vs State, 2006 MLD 867).

In case title Muhammad Shahid Alias Bahadur Vs State, it was found by the apex court that even delay of one year is no effect if the witness properly identifies the suspect (2023 YLR 1109). Delay in conducting the test identification parade accused was charged that he along with his co-accused made indiscriminate firing upon Police Party, as a result of which two Police Officials were killed at the spot, while one sustained fire arm injury, however, police party also retaliated in self-defense. In the present case, the eye-witnesses would not have been able to correctly, safely and reliably identify the accused after a lapse of seven and thirteen years respectively of the incident. Conduct of the identification parade became inconsequential, in circumstances (Syed Aijaz Ali Shah Qadri Vs State, 2023 YLR 780).

### **Modes of identification of accused**

There are numbers of modes for the identification of the accused person such as by telephone, voice, dogs, picture, etc we will analyze some ruling of the superior courts in this behalf. Identification of accused through voice on telephone, complainant had claimed that he had identified voice of accused when he demanded ransom money for life of his deceased son on telephone. Complainant never noticed number of caller who had demanded ransom money and F.I.R. and data available on record were silent in that regard. Even otherwise it was not easy to identify a person through his voice on telephone and that type of evidence could not be accepted except with the pinch of salt. The trial court's verdict and punishment were overturned, and the culprit was acquitted by extending him benefit of doubt (Usman Ali, Imran & Billi Vs State, 2006 *PCr.LJ* 1907). The whole accusation was based on the identification of the suspect in courtroom by eyewitnesses without any identification test. Sufficient light at the scene of incident being not available to see the faces of the culprits clearly identification of the accused in the court after one year of the incident was highly doubtful and it could not be made the basis for conviction. Accused were acquitted in circumstances (Asif Jameel Vs State, 2003 MLD 676).

Witness recognized accused in the court being the same person. Such identification before the court was of less value because accused was not identified by him during course of investigation as required. Confession in the case was made by accused with the delay of four days. Accused was acquitted and was released, in circumstances (Mehmood Ahmed Vs State, 2012 YLR 2314). It was incumbent upon prosecution to have got culprit identified through said witness in an identification test, but investigation officer did not do, so, said witness identified accused in the court to be culprit. Identification of said accused was held after 10 months of the incident. Evidence of third witness with regard to identification of accused in the court alone could not be safely relied upon. Impugned judgment not requiring any inference appeal against acquittal was dismissed (Asif Khan Vs State, PLD 2006 Kar 226). Accused were not known to the witness and no identification parade was held

in the case in the absence of any other evidence, could not possibly be connected with the alleged occurrence. Witnesses in their statements under 161 of Criminal procedure code had not mentioned the features of the accused or any other description like height and weight. Identification of the suspect by the eye - witnesses in the court after about two years in the absence of any identification parade was of no importance. Culprit in the occasion had rightly been extended benefit of doubt by the apex court leave to appeal was refused by superior court to the complainant accordingly (Sohail Abbas Vs Kashif, PLD 2001 SC 546). The accused was charged with the supposed murder of his wife. The police utilized dogs to try and link the accused to the crime, but the court determined that it is insufficient evidence and cannot be relied on this alone. (AIR 1993 SC 1723).

Identification of accused by voice is a weak type of evidence (Ahmad Sher Vs State, PLD 1995 FSC 20). Presence of magistrate is mandatory in cases where the accused person are not known to the prosecution witnesses by name or face (Nadir Khan Vs State, PLD 1992 FSC 390). Medical evidence, on its own, cannot shed any insight on the identity of the offender (Barkat Ali Vs Karam Elahi Zai, 1992 SCMR 1047). Accused stated to have been identified in the light of vehicles may be not already known to the witnesses. Prosecution bound to put him to identification test in order to establish a link between them and the offense's commission. In the absence of holding of identification parade, extra judicial confession is of no legal value (Munir Ahmed Vs State, 2001 YLR 2370). The Supreme Court rejected the practice of numerous accused people participating in a joint identification parade at once (Gulfam Vs State, 2017 SCMR 1189). Article 22 of the Q.S.O. 1984 mandates that an identification parade be used to establish the identity of the accused; mere pictures cannot serve as a suitable alternative for this process (Nadeem Vs State, PLD 2012 Lah 415).

#### **Article 22 Q.S.O police rules 1934 and High court rules and order**

Identification parade means line up of a suspect with the witnesses of the incident previous to the offence with the number of unacquainted persons for the purpose of identification. Identification parade is not only the preferred and approved method of identification of suspects by courts but is also requirements of the police rules as well. Rule 26.32 of the police rules 1934 is explicit in this regard. Under sub rule (1) thereof it has been provided that the rule must be properly followed while questioning detained suspects in front of witnesses who have stated they can identify them and under rule 1(c) it has been made obligatory for the police officer to arrange for identification test of the suspect soon after their arrest Sub rule (2) provides that although it is not the responsibility of the officer supervising them or the independent witnesses to cross-examine the person in question or the identifying witness, they ought to be asked to clarify the circumstances surrounding their encounter with the suspect they are claiming to be (Wahid Iqbal Vs State, 2003 P,Cr.L.J 1928).

In the lack of any supporting evidence, prosecution should have carried out identification parade in accordance with procedure laid down in rule 26.32 of the

police Rules 1934 or guide line laid down by superior court of the country. As per identification report ten dummies were intermingled with two accused in joint identification parade In contrast, nine or ten dummies of the same gender, race, age, and social standing were to be mixed in with one suspect in accordance with Police Rule 26.34 of 1934 but the same was not done by investigating officer . Identifiers also failed to attribute any role to accused at the time of identification parade. The prosecution was unable to prove its case beyond a reasonable doubt (Tota Jan Vs State, 2010 GBLR 249).identification parade not conducted under the supervision of magistrate but in a highly unprofessional and illegal manner a sheer violation of the procedure laid down in high court rules and orders as well as settled principle on that point . Conviction cannot be recorded merely on probabilities (Muhammad Iqbal Vs State, 2010 YLR 258).

### **Usefulness of identification parade in criminal justice system**

Although identification parade is a tool of investigation and it can help the investigation agency to find out the unknown culprit. But the wrongful identification might lead to wrongful conviction of a person.it is rightly said that the escape of many offender does not matter, if one innocent suffer. (William Blackstone).in Islamic law there is maxim (A Zarar Udfao Bqadri Al Imkaan) meaning that harm should be avoided to the possible extent. If the person convicted wrongfully due to wrong identification then there is no remedy available to them by mean of compensation. The only remedy available is under section 250 of c.r.p.c which is on the discretion of the court.

### **CHALLENGES**

Identification parades, entail putting an accused person with other people who look like the person suspected. The culprit is then identified by eyewitness or victims. Identification parades are being used as evidence in criminal cases for a long time, but they have been criticized due to some cogent reasons.

1. Identification parade is directly linked with eye- witness of the occurrence or the victim of the offence. From the above discuss it clear that despite the presence on the spot the witness of the prosecution may make error which may lead to wrongful conviction of a person.
2. Identification parade is although investigation tool but the credibility or reliability of the witness might affect that due to extreme old age, tender age, etc
3. In our criminal justice system there is scattered rules which is not easy to look by the authorities concern which diminish the purpose of the identification parade. Due to scattered rules there is no unanimity in the decision of the courts across the country.
4. Police was duty bound to make arrangements for identification parade as soon as possible but from the decision of the court it is clear that how they override these guidelines.

5. Delay in identification leads to decay of the memory of eye- witnesses which is clear from many decision of the superior courts. As a result the prosecution fails to prove their case behind the shadow of doubt.
6. Identification parade become useless when the suspect person was seeing by the witnesses before the identification parade was held, in the digital era it is quite difficult to hide the accused from social and electronic media discussion.
7. Without specific role given to the accused person identification parade lose its evidentiary value which is impossible for the eyewitness to observe specially in the heinous offences.

### **How to overcome these challenges**

1. Before holding identification parade the SOP,s may be made to test the credibility of witnesses regarding the occurrence of the incident which might be helpful to avoid vexatious and frivolous accusations.
2. The scattered rules shall be made clear and it should be made that no controversies may exist between these rules.
3. The investigation officer which made blunder during investigation by exposing the suspect person to the witness before the identification parade may be punished to avoid any future blunders such as delay.
4. In the digital era the identification may be made through video, audio, and photograph which is subject to forensic test. Due to lack of labs for such test it cause delay in cases. labs be made to overcome these issues
5. There is no unanimity in superior court decision which is the main defect of our criminal justice system. A mechanism may be made to insure the unanimity of the decision because it plays a crucial role in many circumstance among which the one is identification parade.
6. The procedure regarding the identification parade may be included in criminal procedure code for the easement of the investigation agency and courts.
7. Despite the fact that it is an investigation tool and corroborative piece of evidence we cannot over emphasized it because it may lead to wrongful conviction of someone which itself is another crime.

### **CONCLUSION**

To conclude this can be said that identification parade is an investigation tool can be conducted when the accused is unknown at the time F.I.R and the victim or prosecution witness claim that he saw the person committing the offence. Its role in the criminal justice system of Pakistan cannot be ignored because we have a society with dozens of unknown F.I.R lodges every day. Modern devices can play a crucial role in the identification of a person however they are not used or if used then its authenticity needs to be verified from forensic labs which are few in number. Besides these the laws and rules regarding the identification test are scattered which cause delay and complexities the clear procedure may be included in criminal procedure

code to tickle these issues. It is not a substantive piece of evidence but a corroborative piece of evidence which may subject to error and cannot be a solely based of conviction that's why it cannot be overemphasized because it might leads to wrongful conviction of the innocent person which is not the aim of the criminal justice system and unfortunately we still have no laws and mechanism to compensate the person wrongfully convicted.

## REFERENCES

### Books

1. Criminal procedure code 1898
2. Police rules 1934
3. Qanun-e- Shahadat 1984

### Case laws

1. MUHAMMAD AKRAM RAHI VS STATE, 2011 SCMR 877
2. ABDUL MAJEED & CHEETA VS STATE 2022 YLR 587
3. ABDUL SATTAR VS SATE ,2018 YLRN 5
4. ABDUR RASHID VS STATE 2003 PCr.LJ 742
5. ADREES VS STATE 2002 SCMR 1439
6. AHMAD SHER VS STATE PLD 1995 FSC 20
7. AJAB ALIA RAJAB VS STATE 2004 MLD 180
8. AMIR ALI VS STATE 2007 MLD 605
9. ANSAR VS STATE 2023 SCMR 929
10. ASIF JAMEEL VS STATE 2003 MLD 676
11. ASIF KHAN VS STATE PLD 2006 Kar 226
12. BARKAT ALI VS KARAM ELAHI ZAI1992 SCMR 1047
13. BILAL AHMED VS BILALI 2013 P.cr.L.J. 1580
14. FAQIR MUHAMMAD VS STATE 2006 MLD 867
15. GHAZANFAR ALI PAPPU VS STATE 2012 SCMR 215
16. GHUFRANULLAH VS STATE 2003 YLR 1263
17. GHULAM AKABR VS STATE 2007 YLR 1506
18. GHULAM NABI VS SATE 2002 P.cr.L.J 349
19. GHULAM WARIS VS THE SATE 2003 YLR 2273
20. GULFAM VS STATE 2017 SCMR 1189
21. HAKEEM VS STATE 2017 SCMR 1546
22. IMAMDINE VS PATHAN 2001 PCr.LJ 1892
23. JETHANAND VS JUMOO 2014 YLR 2593
24. KIRIR VS STATE PLD 1996 Karachi 246
25. MAH GUL VS STATE 2009 SCMR 4
26. MAH GUL VS STATE 2009 SCMR 4
27. MALIK SUHAIL VS STATE PLD 2003 Karachi 470
28. MEHMOOD AHMED VS STATE 2012 YLR 2314

29. MEHMOOD AHMED VS STATE 1995 SCMR 127
30. MUHAMMAD FAISAL & PEHLAWAN VS STATE 2006 MLD 1380
31. MUHAMMAD IQBAL VS STATE 2010 YLR 258
32. MUHAMMAD SAJJAD VS STATE 2008 P.Gr.L.J. 831
33. MUHAMMAD USMAN VS STATE 2003 PCr.LJ 1346
34. MUHAMMAD YAQOOB ALIAS GOSHI VS STATE 2014 YIR 1412
35. MUHIBULLAH VS STATE 2023 YLR 1094
36. MULLAGIRI VAJRAM VS ANDHRA PRADESH 1994 SCMR 204
37. MUNIR AHMED VS STATE 2001 YLR 2370
38. MURSAL KAZMI ALIAS QAMAR SHAHA VS STATE 2009 SCMR 141
39. MUZAMMAL HUSSAIN VS STATE 2007 YLR 1627
40. NADEEM VS STATE PLD 2012 Lah 415
41. NADIR KHAN VS STATE PLD 1992 FSC 390
42. NAZIR AHMAD VS MUHAMMAD IQBAL 2011 SCMR 527
43. NIAZ & JUMMA VS STATE 2017 MLD 1147
44. SABIR ALI FAUJI VS STATE 2011 SCMR 563
45. SADARUDDIN & SADORO VS STATE 2015 MLD 1259
46. SAJID ALI & SAJJU VS STATE 2007 PCr.LJ 1139
47. SALEEM VS STATE 2011 SCMR 1349
48. SHAH NAWAZ VS STATE 2005 MLD 669
49. SOHAIL ABBAS VS KASHIF PLD 2001 SC 546
50. SYED AIJAZ ALI SHAH QADRI VS STATE 2023 YLR 780
51. TAHA VS STATE 2003 YLR 16
52. TAJ MOHAMMAD VS STATE 2023 P.cr.L.J 1514
53. TOTA JAN VS STATE 2010 GBLR 249
54. USMAN ALI ,IMRAN & BILLI VS STATE 2006 PCr.LJ 1907
55. WAHID IQBAL VS STATE 2003 P, Cr.L.J 1928
56. WAQAR AHAMAD VS STATE 2012 PGrLj 170
57. WAQAR SHAH VS STAE 2012 PCrLJ 866
58. ZAHID HUSSAIN VS STATE 2008 P.cr.L.J 1423
59. ZAHID HUSSAIN VS STATE 2008 P.cr.L.J 1423
60. ZAFEER AHMAD VS STATE 2017 PCrLJ 662
61. ZEESHAN VS STATE 2012 MLD 1840
62. ZEESHAN VS STATE 2012 MLD 1840
63. ZULFIQAR VS STATE, 2002 YLR 302
64. ZULFIQAR VS STATE, 2002 YLR 302