




Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 4815 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/04/2021	<p>The appeal of Mr. Bilal Hussain resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please</p> <p style="text-align: right;"> REGISTRAR</p>
2-	27/05/21  07.06.2021  Early hearing application was accepted, fixed 02/07/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/06/21</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>The Worthy Chairman is on leave, therefore, case to come up for preliminary hearing on 14.09.2021 before S.B.</p> <p style="text-align: right;"> Reader</p>

4815/2021

Bital Hussain

08.07.2021

Counsel for the appellant present. He states that on partial acceptance of his appeal on 23.06.2021, the appellant has been reinstated in service with immediate effect and his removal from service was converted into forfeiture of approved service for one year. In view of the said development, he requested for withdrawal of instant appeal with permission to file fresh one. Copy of order dated 23.06.2021 placed on file.

Request is accorded. The appeal is dismissed as withdrawn. The appellant is at liberty to file fresh appeal, if so advised, subject to all just and legal objections. File be consigned to the record room.

  
Chairman

ANNOUNCED

08.07.2021

ORDER.

This order will dispose of the departmental appeal preferred by Ex-SI Bilal Hussain No.792/P who was awarded the major punishment of "Dismissal from Service" under PR-1975 by SSP/Operations Peshawar vide order No. 2979-83/PA, dated 28-12-2020.

2- He while posted as SHO Police Station Badaber was proceeded against departmentally on account of giving case property vehicle No.LEI-6432 seized vide case FIR No.513 dated 02-06-2020 u/s 15/17 AA PS Badaber to constable Bilal Ahmad serving in CPO as computer operator for his personal use. The said constable was arrested by the local Police of PS Hassan Khan Shaheed Ala Dand District Malakand while smuggling 06 kg narcotics (charas) in the said case property vehicle. A criminal case vide FIR No.84, dated 12-09-2022 u/s 9D-CNSA PS Hassan Khan Shaheed was registered against constable Bilal Ahmad.

3- He was placed under suspension and issued proper Charge Sheet and Summary of Allegations by SSP/Operations. SP/Rural Peshawar was appointed as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer after conducting proper enquiry submitted his findings and found him guilty. The competent authority in light of the findings of the enquiry officer issued him Final Show Cause Notice but he deliberately declined to offer his statement and failed to show his innocence in the matter mentioned above. Hence he was awarded the above major punishment.

4- He was heard in person in O.R. and the relevant record along with his explanation perused. During personal hearing has stated that he has spotless service record and throughout his career he has been awarded, commended and given best postings/blessing. He also pleaded that he belongs to middle class family and the service was his only source of earning and major penalty has caused irreparable loss to him, repute and his family. Keeping in view his plea and long service career a lenient view is taken and the punishment awarded to him by SSP/Operations Peshawar vide order No.2979-83, dated 28-12-2020 is hereby set aside. He is hereby reinstated in service with immediate effect. His penalty is converted to forfeiture of approved service for one year. No benefit is granted for the intervening period.

O B No. 1731  
Date 23-1-2021

(ABBAS HUSAIN) PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 1930-35 /PA dated Peshawar the 23 106 /2021


- Copies for information and necessary action to the :-
1. SSP/Operations Peshawar
  2. SP/HQrs Peshawar.
  3. SP/Rural Peshawar.
  4. EC-I EC II

The appeal of Mr. Bilal Hussain son of Muhammad Israr ex-SI Police Station Badaber received today i.e. on 06/04/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures A, B, C, J, N and O of the appeal are illegible which may be replaced by legible/better one.
- 2- Annexures of the appeal may be attested.
- 3- Appeal may be page marked.

No. 659 /S.T,

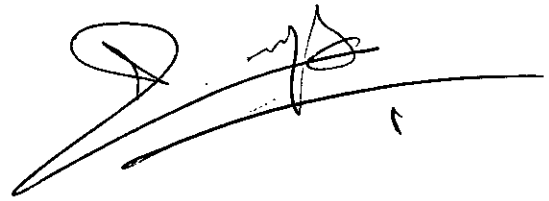
Dt. 06/04 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Sir,

Re-submitted after removing  
the objections.



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A. No. \_\_\_\_\_ /2021

Bilal Hussain

versus

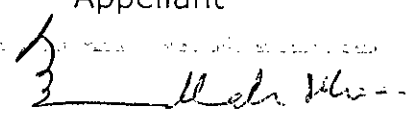
SSP &amp; Others

**I N D E X**

S. No.	Documents	Annex	P. No.
1.	Memo of Appeal		1-5
2.	FIR No. 513 dated 02-06-2020	"A"	6
3.	Transfer to Police Line, 19-08-2020	"B"	7
4.	FIR No. 84 Malakand dated 12-09-20	"C"	8
5.	FIR against appellant, 12-09-20	"D"	9
6.	Closing order dated 15-09-20	"E"	10
7.	Withdrawn order dated 17-09-2020	"F"	11
8.	Charge Sheet dated 17-09-2020	"G"	12-13
9.	Reply to Charge Sheet	"H"	14-15
10.	Denial to confess guilt, 28-09-2020	"I"	16
11.	Release of Bail dated 02-10-2020	"J"	17-19
12.	Investigation Report dated 21-10-20	"K"	20-21
13.	Discharge Application dated 24-11-20	"L"	22-23
14.	Enquiry Report dated 23-12-20	"M"	24-25
15.	Final Show Cause Notice, 24-12-2020	"N"	26
16.	Dismissal order dated 28-12-2020	"O"	27
17.	Departmental appeal dated 30-12-20	"P"	28-30
18.	Discharge order from charges, 5-01-20	"Q"	31-32

Appellant

Through

  
 Saadullah Khan Marwat  
 Advocate  
 21-A, Nasir Mansion,  
 Shoba Bazaar, Peshawar  
 Ph: 0300-5872676

Dated 05-04-2021

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 4815 /2021

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 4565

Dated 06/4/2021

Bilal Hussain S/O Mohammad Israr,  
R/O Board Taj Abad, Peshawar.  
EX-SI/SHO, Police Station Badaber,  
Peshawar . . . . .

Appellant

**Versus**

**1. Senior Superintendent**

Of Police, Operations,  
Peshawar.

**2. Capital City Police Officer,**

Peshawar.

**3. Provincial Police Officer,**

KP, Peshawar . . . . .

Respondents

⇔ <=> ⇔ <=> ⇔ <=> ⇔ <=> ⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974**  
**AGAINST OFFICE ORDER NO. 2979-83 / PA, DATED**  
**28-12-2020 OF R. NO. 01, WHEREBY MAJOR**  
**PENALTY OF DISMISSAL FROM SERVICE WAS**  
**IMPOSED UPON APPELLANT AND THE**  
**DEPARTMENTAL APPEAL DATED 30-12-2020**  
**MET DEAD RESPONSE TILL DATE:**

⇔ <=> ⇔ <=> ⇔ <=> ⇔ <=> ⇔

**Respectfully Sheweth;**

1. That on 26-03-2011, appellant was appointed as PASI on the recommendation of Public Service Commission and on satisfactory performance, promoted to the rank of SI.
2. That at the time, appellant was posted as SHO Police Station, Badaber, Peshawar.

Filed to-day  
Registrar  
06/4/2021

Re-submitted to-day  
and filed.  
Registrar  
06/4/2021

3. That on 02-06-2020, Aziz Ullah Khan, ASI of Police Station Badaber registered FIR No. 513 u/s 15/17 AA against unknown persons regarding smuggling of arms ammunition and Motorcar Car No. 6432/LEF was also taken into custody. The said vehicle was entrusted to accused Bilal Ahmad but not by the appellant. (Copy as annex "A")
4. That on 19-08-2020, R. No. 02 issued order wherein appellant was closed to Police Line Peshawar. (Copy as annex "B")
5. That on 12-09-2020, FIR No. 84, Police Station Hassan Khan Shaheed Aladand District Malakand was registered against Shakeel Ahmad S/O Wali Muhammad along with Bilal Ahmad S/O Nisar Ahmad R/O Utmanzai Pawaka, Peshawar u/s 9 (D) CNSA by Naib Subedar, Neik Rehman, Post Commander. The said accused were arrested on the spot along with the said Motorcar. (Copy as annex "C")
6. That on 12-09-2020, FIR No. 924, registered by Khalid Khan Sub-Inspector Police Station Badaber wherein appellant was charged for the allegation that the said vehicle was under control of appellant and was then taken into custody on 15-09-2020. (Copy as annex "D")
7. That on 15-09-2020, appellant along with Jamil Shah IHC was closed to Central Police Office, Peshawar but the said order was withdrawn on 17-09-2020 by R. No. 03. (Copies as annex "E" & "F")
8. That on 17-09-2020, R. No. 01 served appellant with Charge Sheet and Statement of Allegation mentioned therein. The said Charge Sheet was replied by him and denied the allegations. (Copies as annex "G" & "H")
9. That accused namely Bilal Ahmad who was also serving the Police Department as Constable in office of Central Police Office KP, Peshawar and at present is behind the bar in case FIR No. 84, dated 12-09-2020, Police Station, Hassan Khan Shaheed Aladand District Malakand u/s 9 (D) CNSA was produced before the court of Judicial Magistrate Peshawar on 28-09-2020 for recording of

confessional statement but no allegation was attributed to appellant. (Copy as annex "I")

10. That on 02-10-2020, appellant was released on bail from the baseless charges. (Copy as annex "J")
11. That the matter was investigated by DSP (Investigation) Saddar Circle and then submitted report to R. No. 01 on 21-10-2020 wherein appellant was not hold responsible for handing over the said vehicle to accused Bilal Ahmad. (Copy as annex "K")
12. That on 24-11-2020, application was submitted before the court of Illaqa Judicial Magistrate Peshawar by the prosecution to discharge appellant from the baseless charges. (Copy as annex "L")
13. That enquiry into the matter was initiated by the authority against appellant as well as IHC, Jamil Shah but the same was not conducted as per the mandate of law. Neither any statement was recorded in presence of appellant nor he was afforded opportunity of cross examination what to speak of personal hearing and self-defense.
14. That on 23-12-2020, Inquiry Officer submitted report to the authority for onward action and no punishment was ever suggested for imposition upon appellant but suitable one. (Copy as annex "M")
15. That on 24-12-2020, Final Show Cause Notice was issued to appellant but the same was not served upon him. Seven (07) days for submission of reply was given in the said Notice but prior to the expiry of the said period, he was dismissed from service vide order dated 28-12-2020 by R. No. 01. (Copies as annex "N" & "O")
16. That on 30-12-2020, appellant submitted comprehensive departmental appeal before R. No. 02 for reinstatement in service which met dead response till date. (Copy as annex "P")
17. That as stated earlier prosecution has submitted application before the Competent Court of Law to discharge appellant from the baseless charges which was accepted on 05-01-2021. Appellant as well as EX-IHC, Jamil Shah were exonerated from the baseless liability vide order dated 05-01-2021. (Copy as annex "Q")




Hence this appeal, Inter Alia, on the following grounds:-

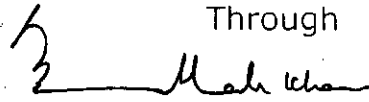
### **GROUND S**

- a. That during service tenure appellant remained SHO in various Police Stations but no adverse report, whatsoever, was made against him by any superior.
- b. That in the Charge Sheet / Statement of Allegation, allegation No. 02 and 03 has no concern with appellant and no record exists that appellant gave the said vehicle on Superdari or on personal surety bond.
- c. That strange enough, Final Show Cause Notice was issued on 24-12-2020 to be served upon appellant, whereas seven days for submission of reply was given in the notice but prior to the expiry of seven days, appellant was dismissed from service on 28-12-2020, meaning thereby that R. No. 01 was bent upon to oust appellant from service at any cost.
- d. That as per the judgments of the apex court when charge is denied then conduct of regular enquiry becomes mandatory but in the case in hand, no regular enquiry was ever conducted by the respondents in the matter and he was given major punishment for no legal reason.
- e. That no statement of any witness(s) was recorded in presence of appellant nor he was afforded opportunity of cross examination to rebut the allegation. Such phenomena of cross examination is not a formality but is mandatory in the eyes of law.
- f. That Inquiry Officer never recommended appellant for imposition of major punishment but for suitable punishment. Suitable punishment does not mean to award major penalty of dismissal. The same could be forfeiture of some approved service, stoppage of annual increment, censure and warning.
- g. That statement recorded u/s 161 Crpc, if any, has no legal value in the eyes of law as the same are not admissible in Law under the Evidence Act.

- h. That the impugned major punishment does not commensurate with the situation which is the final stage as thereafter, no such like punishment exists in the law.
- i. That it was mandatory for the respondents to wait for the result of the criminal case but they took the matter in hurry manner to award appellatant exemplary punishment with malafide.
- j. That as and when FIR is registered, then the same is entrusted along with all items to Investigation Branch and then the Incharge of the Police Station becomes functus officio and cannot hand over any article to anyone.

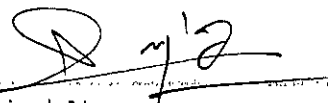
It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 28-12-2020 of R. No. 01 be set aside and appellatant be reinstated in service with all consequential benefits.

  
Appellant

Through  
  
Saadullah Khan Marwat

  
Miss Rubina Naz

  
Arbab Saiful Kamal

  
Amjad Nawaz

Advocates

Dated: 05-04-2021



## ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

ضلع پشاور

تھانہ بڈھ میر

تاریخ و وقت وقوعہ 02.06.2020 وقت 11:50 بجے

علت نمبر 513

1	تاریخ و وقت رپورٹ	02.06.2020 بوقت 13:00 بجے
	پرچہ چاکیڈگی	02.06.2020 وقت 13:30 بجے
2	نام و سکونت اطلاع دہندہ مستغیث	0300-9348396 عزیز اللہ خان ASI
3	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو	15/17AA
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	نزد جنگلی چیک پوسٹ
5	نام و سکونت ملزم	
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان	بہ رسیدگی تحریری مراسلہ پر مقدمہ درج رجسٹر کیا جاتا ہے۔
7	تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل عام

## ابتدائی اطلاع نیچے درج کرو:

بوقت صدر بجے ایک تحریری مراسلہ منجانب عزیز اللہ خان ASI سے بدست کنسٹیبل اجمل 5334 موصول ہو کر جو بہ مضمون ذیل ہے بکدمت آفیسر انچارج تھانہ بڈھ میر امرود میں مع کنسٹیبلان اجمل 5334 شفیع اللہ 122 کے بسلسلہ ناکہ بندی بہ مقام جعل چیک پوسٹ موجود تھا اس دوران مجھ نے اطلاع دے کہ آج کسی بھی وقت بھاری مقدار میں اسلحہ ایمونیشن بذریعہ موٹر کار کلٹس برنگ سلور نمبر LEF 6432 درہ آدم خیل سے بطرف پشاور سمنگل کی جائیگی اطلاع کو مصلحتہ جان کرنفری کو ترتیب دے کر گاڑیوں کی چیکنگ شروع کی گئی اس دوران جانب درہ آدم خیل سے موٹر کار بند متذکرہ بالا آتا ہوا جس میں صرف ایک ڈرائیور سوار تھا پولیس کو دیکھتے ہی گاڑی بگھانے کی کوشش کرتا ہوا گاڑی گڈے میں جاگری اس دوران ڈرائیور نے گاڑی چھوڑ کر زیادہ رش کی وجہ سے فرار ہونے میں کامیاب ہوا ہم پولیس بھی گاڑی کے پاس پہنچ کر گاڑی کی تلاشی لیکر ڈوگی سے دو عدد نیلے رنگ کے شاپنگ بیگ برآمد ہو کر جبکہ سٹیفنی کی جگہ میں چھپائے ہوئے 500 عدد کارتوس 762 بور 500 عدد کارتوس 9mm بور اور 4500 عدد کارتوس 30 بور کائنوں میں بند برآمد ہو کر جبکہ شاپنگ بیگز چیک کرنے پر 26 عدد پستول نمبرات (1، H 286، 2، H 304، 3، H 317، 4، H 284، 5، H 283، 6، H 287، 7، H 294، 8، H 306، 9، H 305، 10، H 291، 11، H 307، 12، H 300، 13، H 302، 14، H 316، 15، H 289، 16، H 288، 17، H 301، 18، H 296، 19، H 310، 20، H 285، 21، H 299، 22، H 298، 23، H 282، 24، H 297، 25، H 303، 26، H 320 برآمد کر کے حملہ اسلحہ ایمونیشن بمعہ موٹر کار متذکرہ بالا بغیر رجسٹریشن کے بروئے فرد قبضہ پولیس میں کر کے ڈرائیور اسم و مسکن نام معلوم فرار شدہ مرتکب جرم بالا کے پاکر جسکی گرفتاری درپیش رکھ کر مراسلہ قلمی مقدمہ بدست کنسٹیبل اجمل 5334 ارسال تھانہ ہے مقدمہ درج رجسٹر کر کے انوشی گیشن سٹاف کو مامور تفتیش کی جائے دستخط انگریزی عزیز اللہ خان ASI مورخہ 02.06.2020 کارروائی تھانہ آمدہ تحریری مراسلہ حرف بہ حرف درج بالا ہو کر پرچہ مجرم بالا چاک کیا جا کر نقل پرچہ جات بغرض تفتیش حوالہ تبریز خان SI/INV کئے جاتے ہیں پرچہ گزارش ہے۔

Advers



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

ORDER.

In light of the enquiry report of SSP Coordination Peshawar, Sub Inspector Bilal Hussain SHO Police Station Badaber is hereby closed to Police Lines Peshawar.

SSP/Operations Peshawar is directed to initiate formal departmental proceedings against him.

*Nasim*  
CAPITAL CITY POLICE OFFICER  
PESHAWAR

No. *961-69* IPA dated Peshawar the *19-08-2020*.

Copy of above is forwarded for information and necessary action to the:-

1. SSP/Operations Peshawar.
2. SSP/Coordination Peshawar.
3. SP/Saddar Division Peshawar.
4. SP/HQrs Peshawar.
5. OS/EC-I/EC-II/ASI/Accountant

*Darab*

لاہور پولیس ایجنسی

کریمنل ایجنسی لاہور (لاہور پولیس ایجنسی)

قائم نمبر 105

تاریخ

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ روز بروز 103 نمبر مقابلہ جداری

حسن خان شہید الاضحیٰ

ضلع راولپنڈی

7 (84)

تاریخ وقوع جرم 2010/12/12 الوقت 19:30 بجے

تاریخ وقت رپورٹ	2010/12/12 الوقت 19:30 بجے
مقام و صفت اطلاع دہندہ مستفیض	محمد طارق بن زید
نقحر کیفیت جرم (مصدقہ) حال اگر کوئی ایسا ہے۔	حسن خان شہید الاضحیٰ
باعتبار قاضی قاضی است اور دست	7(D)KPC/15A
مقام و صفت اطلاع دہندہ مستفیض	محمد طارق بن زید
نقحر کیفیت جرم (مصدقہ) حال اگر کوئی ایسا ہے۔	حسن خان شہید الاضحیٰ
ابتداء و اگلی کی تاریخ وقت	

ابتدائی اطلاع نیچے درج کردہ کیفیت ملحقہ دستاویز پر مبنی ملاحظہ فرمائیں۔

1. محمد طارق بن زید صاحب نے 12/12/2010ء کو 19:30 بجے اپنے گھر پر واقع لاہور میں ایک شخص کو قتل کر دیا۔

2. قتل شدہ شخص محمد طارق بن زید صاحب کے گھر پر واقع لاہور میں تھا۔

3. قتل شدہ شخص محمد طارق بن زید صاحب کے گھر پر واقع لاہور میں تھا۔

4. قتل شدہ شخص محمد طارق بن زید صاحب کے گھر پر واقع لاہور میں تھا۔

5. قتل شدہ شخص محمد طارق بن زید صاحب کے گھر پر واقع لاہور میں تھا۔

6. قتل شدہ شخص محمد طارق بن زید صاحب کے گھر پر واقع لاہور میں تھا۔

7. قتل شدہ شخص محمد طارق بن زید صاحب کے گھر پر واقع لاہور میں تھا۔

8. قتل شدہ شخص محمد طارق بن زید صاحب کے گھر پر واقع لاہور میں تھا۔

9. قتل شدہ شخص محمد طارق بن زید صاحب کے گھر پر واقع لاہور میں تھا۔

10. قتل شدہ شخص محمد طارق بن زید صاحب کے گھر پر واقع لاہور میں تھا۔

MHC  
12-9-2020

Handwritten signature and notes at the bottom left.

## ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

ضلع ملاکنڈ

تھانہ حسن خان شہید الاڈھنڈ

تاریخ و وقت وقوعہ 12.09.2020 وقت 18:30 بجے

علت نمبر 84

1	تاریخ و وقت رپورٹ	12.09.2020 بوقت 19:10 بجے
2	نام و سکونت اطلاع دہندہ مستغیث	سرکار بذر یو N/5 نیک رحمن پوسٹ کمانڈر تھانہ حسن خان شہید الاڈھنڈ
3	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو	9D KP CNSA
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	الاڈھنڈ روڈ نزد تراب درہ بفاصلہ تقریباً 1 3/2 کلومیٹر جانب غرباً تھانہ
5	نام و سکونت ملزم	(۱) نکلیل احمد ولد ولی محمد سکندہ اتمازی پاؤ کہ پشاور (۲) بلال احمد ولد نثار احمد سکندہ پاؤ کہ محلہ عمرزئی پشاور
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان	بہ رسیدگی مراسلہ پر چچا چاک شد
7	تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل ڈاگ

ابتدائی اطلاع نیچے درج کرو:

بوقت صدر بجے ایک تحریری مراسلہ منجانب N/5 نیک رحمن بدست ڈرائیور مبارک حسین نمبر 5192 موصول ہو کر زیل ہے۔ محرر تھانہ حسن خان شہید الاڈھنڈ آج مورخہ 12.09.2020 کو میں مع نفری IHC حجت گل مدد محرران شہید زرخان سکدر رویار، ڈرائیور مبارک حسن بمقام الاڈھنڈ روڈ نزد تراب درہ تا کہ بندی ڈیوٹی پر موجود تھے کہ جانب اماندرہ سے موٹر کار نمبری 6432/POLEE آ کر بوقت صدر بجے تلاشی کے لئے کھڑا کی بہ دریافت ڈرائیور نے اپنا نام بلال احمد ولد نثار احمد سکندہ پاؤ کہ عمرزئی پشاور اور فرنٹ سیٹ پر موجود شخص نے اپنا نام نکلیل احمد ولد ولی محمد سکندہ اتمازی پاؤ کہ پشاور بتلا کر موٹر کار سے نیچے اتار دیں۔ بدوران تلاشی موٹر کار کے بائیں طرف فرنٹ سیٹ کے نیچے سیٹ پر پڑا ہوا سفید پلاسٹک تھیلی میں بند پانچ عدد پیکٹ نمونہ چرس برآمد کر کے جسمیں تین پیکٹ زرد رنگ پلاسٹک، ایک سفید پلاسٹک جبکہ ایک سرخ رنگ پلاسٹک میں لپٹا ہوا ہے۔ جو کہ بعد تلونے زرد رنگ پیکٹ بوزن 1198 گرام 1257 گرام 1235 گرام چرس علیحدہ کر کے برائے تجزیہ بند بہ ارسال نمبر 1 تا 5 بقایا نمونہ چرس بوزن 5950 گرام بند بہ پارسل نمبر 6 سر بمبر M.T کروا کر ڈرائیور ملزم بلال احمد کے بغل والے جیب سے تین عدد KPK پولیس سروس الہکار بنام بلال احمد برآمد کر کے بند بہ پارسل نمبر 7 سر بمبر کر کے M.T کروا کر سمیت موٹر کار نمبری بالا برنگ سلیٹی بطور ثبوت بذریعہ فرد قبضہ پولیس میں لیکر ملزمان جرم بالا کے مرتکب پا کر حسب ضابطہ گرفتار کئے گئے۔ مقدمہ خلاف مراسلہ بغرض قانچی مقدمہ بدست ڈرائیور مبارک حسین نمبر 5192 ارسال تھانہ ہے مقدمہ درج کر کے برائے تفتیش IHC محمد کنٹھیل کو حوالہ کی جائے۔ نقل FIR سے آگاہ کرے۔ دستخط انگریزی N/S نیک رحمن پوسٹ کمانڈر تھانہ حسن خان شہید الاڈھنڈ مورخہ 21.09.2020 کارروائی تھانہ آمدہ تحریری مراسلہ حرف بہ حرف درج بالا ہو کر ملزمان بالا کے خلاف مقدمہ بجرم 9D CNSA 917KP رجسٹر کر کے مقدمہ لھذا برائے مزید تفتیش حسب ہدایت جناب پوسٹ کمانڈر صاحب IHC محمد طفیل کو حوالہ کیا جاتا ہے آفران بالا کو اطلاع دی جا رہی ہے پرچہ گزارش ہے۔

Atul

12-9-20

D

9

ضلع ہبیرہ / ملتان ضلع  
 ڈیڑھ ہبیرہ

CP-10 (19) 1317-2020 Form Date Job Form No. 524

قلم نمبر (1) 5-22

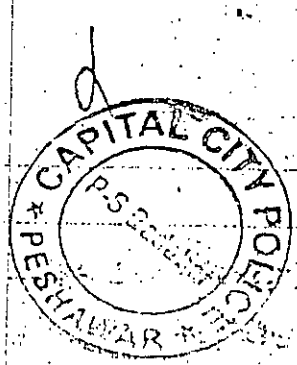
### ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 153 مجموعہ ضابطہ نو جاری

ضلع	ہبیرہ
تاریخ	12/9/2020
وقت	12:30

دوکت رپورٹ	9/2020/12 اور وقت 2:20 عاتقہ ٹی ایچ 13 اور وقت 2020
دوکت اطلاع دہندہ ستیث	0315-9235025
تفصیلات جرم (موردہ) حال اگر کچھ لیا گیا ہو۔	PPC 409/408
دو دو فاصلہ تھانہ سے اور سمت	بلڈنگ کھانا
دوکت ملزم	0333-9212198 17301-91070197
روائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وہ بیان کرو	بلال احمد ولد شہزاد احمد سکہ ماڑی کہ فریغ علیہ ذریعہ
انہ سے رواگی کی تاریخ و وقت	جیسے پہلے عام

ابتدائی اطلاع نیچے درج کرو۔ عدالت آمدن اطلاع انپوش جو ایف 16 اور زمانہ 12/9/2020 عاتقہ ٹی ایچ 13 اور وقت 2:20 عاتقہ ٹی ایچ 13 اور وقت 2020  
 بلڈنگ 53 اور وقت 2:20 عاتقہ ٹی ایچ 13 اور وقت 2020  
 کے ناموں سے رہا ہوا تھا جس کے دوران عدالت بلڈنگ 53 اور وقت 2:20 عاتقہ ٹی ایچ 13 اور وقت 2020  
 سند اور ڈھنڈھ صلح سے کڑے ہوئے نہ کر سکا اور نہ ہی وہ اس کے خلاف کارروائی کر سکا۔  
 زیادہ ہو کر بیٹھ کر رہا ہے۔ وہ کچھ بلڈنگ کے پاس آئے ہیں مگر وہاں سے وہاں سے  
 نہ کچھ خبر ہو سکی ہے۔ جس کے بعد آپ جرم ماہ کا کارروائی کر سکتے ہیں۔  
 وہاں سے کچھ خبر ہو سکتی ہے۔ اس کے بعد آپ جرم ماہ کا کارروائی کر سکتے ہیں۔



عاتقہ ٹی ایچ 13  
 SI P: BIL  
 13/9/2020

Act 12



## ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۳ مجموعہ ضابطہ فوجداری

ضلع پشاور

تھانہ بڈھیر

تاریخ و وقت وقوعہ 12.09.2020 وقت 18:30 بجے

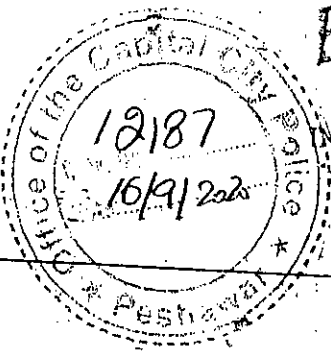
علت نمبر 924

1	تاریخ و وقت رپورٹ	12.09.2020 بوقت 21:20 بجے
2	نام و سکونت اطلاع دہندہ مستغیث	پرچہ چاکیدگی 13.09.2020 وقت 20:20 بجے
3	نام و سکونت اطلاع دہندہ مستغیث	خالد خان SI تھانہ بڈھیر
4	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو	PPC 409/408
5	جائے وقوعہ فاصلہ تھانہ سے اور سمت	بلڈنگ تھانہ
6	نام و سکونت ملزم	بلال احمد ولد نثار احمد سکنہ پاؤ کے محلہ عمر زئی
7	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان	0333-9212198 17301-9187018-7
8	تھانہ سے روانگی کی تاریخ و وقت	حسب آمدہ اطلاع مقدمہ درج رجسٹر کیا جاتا ہے۔
9	تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل عام

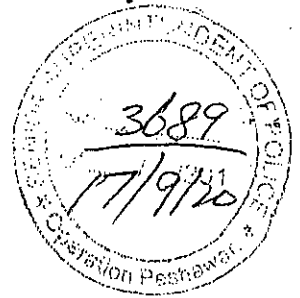
ابتدائی اطلاع نیچے درج کرو:

حسب آمدہ اطلاع رپورٹ بحوالہ مد نمبر 16 روز نامہ 12.09.2020 تھانہ بڈھیر پایا گیا کے موٹر کار کلکس نمبر LEF 6432 برنگ سلور مقبوضہ بمقدمہ علت 513 مورخہ 02.06.2020 جرم 15/17AA تھانہ بڈھیر کنسٹیبل بلال احمد گارڈ نمبری 0045240 کے پاس زیر استعمال تھا جسکو بحوالہ مقدمہ علت 84 مورخہ 12.09.2020 جرم 9D CNSA تھانہ حسن خان شہید آلہ ڈھنڈ ضلع ملاکنڈ پولیس نے گرفتار کر کے موٹر کار متذکرہ بالا سے منشیات برآد ہو کر قبضہ پولیس کیا گیا ہے مذکورہ بلال احمد نے موٹر کار متذکرہ غلط استعمال کر کے خیانت مجرمانہ کی ہے۔ جسکو مر کتب جرم بالا کا پا کر مقدمہ برخلاف ملزم بالا درج رجسٹرڈ کر کے نقول پرچہ جات بغرض تفتیش حوالہ محمد شیر خان SI/OII کے جاتے ہیں پرچہ گزارش ہے۔

Amir



OFFICE OF THE INSPECTOR GENERAL OF POLICE, CENTRAL POLICE OFFICE, KHYBER PAKHTUNKHWA



ORDER

The following Upper/Lower subordinates of CCP, Peshawar is hereby placed under suspension and closed to Central Police Office, Peshawar with immediate effect.

1. Sub-Inspector Bilal Hussain No. 792/P the then SHO PS Badaber.
2. IHC Jameel Shah No.4094 the then Muharrir PS Badaber.

This is issued with the approval of Inspector General of Police.

(KASHIF ZULFIQAR) PSP  
Assistant Inspector General of Police,  
Establishment, Khyber Pakhtunkhwa.

No. 2445-49 /E-III dated Peshawar the 15.09.2020.

CC:

Copy to the:-

1. Addl: Inspector General of Police, HQrs, Khyber Pakhtunkhwa.
2. Capital City Police Officer, Peshawar.
3. DIG/HQrs, Khyber Pakhtunkhwa.
4. DIG/Operations, Khyber Pakhtunkhwa.
5. PSO to IGP, Khyber Pakhtunkhwa.

→ w/ccpo

SCP-ops

For inf. and necessary action,

PA

CCPO, Peshawar

PA/EC-II

For n/a action

Senior Superintendent of Police  
Operation Peshawar

CC Badaber

Handwritten signature



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA

Dated Peshawar the 17/09/2020

**NOTIFICATION**

No. CPO/E-I/Suspension/1733, This office Notifications No: CPO/E-I/Transfer/ Posting/ 1708, dated 14.09.2020, CPO/E-I/Transfer/Posting/1730, dated 17.09.2020 and Orders No.2440-44/E-III, and No.2445-49/E-III, dated 15.09.2020 so far it relates to the transfers Notifications/orders of the following officers is hereby withdrawn:

S.No	Name of officers & Rank
1.	Mr. Gran Ullah DSP (BS-17)
2.	SI Ahmad Ullah No. 797/P (BS-14)
3.	SI Bilal Hussain No.792/P (BS-14)
4.	IHC Jameel Shah No.4094 (BS-09)

The above named officers transferred back as suspended for enquiry and placed at the disposal of Capital City Police Officer, Peshawar with immediate effect.

Sd/-  
Dr. Sanaullah Abbasi, PSP  
PROVINCIAL POLICE OFFICER  
KHYBER PAKHTUNKHWA

**No & date even:**

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Additional Inspector General of Police HQrs, Khyber Pakhtunkhwa.
3. Deputy Inspector General of Police HQrs, Khyber Pakhtunkhwa.
4. Deputy Inspector General of Police Operations, Khyber Pakhtunkhwa.
5. Capital City Police Officer, Peshawar.
6. Registrar CPO Peshawar.
7. Supdt. Secret, Supdt E-III and E-IV CPO Peshawar.
8. U.O.P File

KASHIF ZULFIQAR, PSP  
Assistant Inspector General of Police,  
Establishment, Khyber Pakhtunkhwa

me uen 300, Gul Banar

G 12

CHARGE SHEET

1 Whereas I, Mansoor Aman PSP, Senior Superintendent of Police (Operations) Peshawar, am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against you **SI Bilal Hussain, the then SHO PS Badaber, Peshawar.**

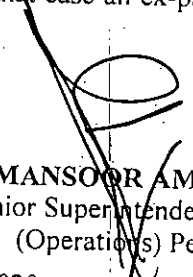
2 And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

3 Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I hereby charge you SI Bilal Hussain, the then SHO PS Badaber Peshawar under Rule 5 (4) of the Police Rules 1975 on the basis of following allegations/grounds:

- i. That you while posted as SHO PS Badaber gave case property vehicle Cultus bearing No. LEF/6432 seized in case FIR No. 513 dated 02.06.2020 u/s 15/17-AA PS Badaber to Constable Bilal Ahmad s/o Nisar Ahmad r/o Pawaka, Muhallah Umerzai Peshawar serving in CPO as Computer Operator for his personal use.
- ii. That the said Bilal while smuggling narcotics (Chars) in the said case property vehicle was arrested by the local police of PS Hassan Khan Shaheed, Alla Dhand, District Malakan and recovered 6-KG charas from his possession.
- iii. A criminal case FIR No. 84 dated 12.09.2020 u/s 9D-CNSA was registered against the said Bilal at PS Hassan Khan Shaheed.
- iv. Being Officer Incharge of Police Station, you were supposed to keep the case property vehicles in safe custody but instead you gave it to Constable Bilal who misused the vehicle and caught red-handed with narcotics which brought bad name to the entire police department.
- v. This act on your part, being against the rules and norms of the disciplined force, is highly objectionable and renders you liable to be proceeded against departmentally under Police Rules, 1975.

4 I hereby direct you further under Rule 6 (1) (b) of the said Rules to put forth your written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why action should not be taken against you and also stating at the same time whether you desire to be heard in person.

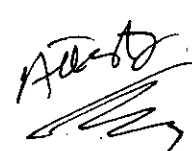
5 In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and in that case an ex-parte action shall be taken against you.

  
MANSOOR AMAN, PSP  
Senior Superintendent of Police,  
(Operations) Peshawar

No. 429 E/PA dated Peshawar the 17/09 /2020.

Copy of the above along with Summary of Allegations is forwarded for information and necessary action to the:-

1. Enquiry Officer to please conduct enquiry on day-to-day basis without interruption and submit your findings and grounds thereof to this office within stipulated period.
2. SI Bilal Hussain 792/P (Accused Officer).



13

17-9-20

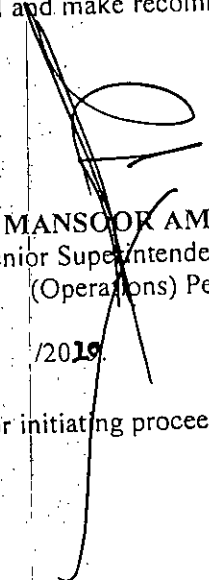
SUMMARY OF ALLEGATIONS

I, Mansoor Aman PSP, Senior Superintendent of Police (Operations) Peshawar as competent authority, am of the opinion that **SI Bilal Hussain, the then SHO/PS Badaber** has rendered himself liable to be proceeded against, as he has committed the following acts/omissions within the meaning of section 03 of the Khyber Pakhtunkhwa Police (Efficiency & Disciplinary) Rules, 1975.

- i. That he while posted as SHO PS Badaber gave case property vehicle Cultus bearing No. LEF/6432 seized in case FIR No. 513 dated 02.06.2020 u/s 15/17-AA PS Badaber to Constable Bilal Ahmad s/o Nisar Ahmad r/o Pawaka, Muhallah Umerzai Peshawar serving in CPO as Computer Operator for his personal use.
- ii. That the said Bilal while smuggling narcotics (Chars) in the said case property vehicle was arrested by the local police of PS Hassan Khan Shaheed, Alla Dhand, District Malakan and recovered 6-KG charas from his possession.
- iii. A criminal case FIR No. 84 dated 12.09.2020 u/s 9D-CNSA was registered against the said Bilal at PS Hassan Khan Shaheed.
- iv. Being Officer Incharge of Police Station, he was supposed to keep the case property vehicles in safe custody but instead he gave it to Constable Bilal who misused the vehicle and caught red-handed with narcotics which brought bad name to the entire police department.
- v. This act on his part, being against the rules and norms of the disciplined force, is highly objectionable and renders him liable to be proceeded against departmentally under Police Rules, 1975.

2. For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations SP Investigation is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

3. The Enquiry Officer shall, in accordance with the provisions of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.

  
MANSOOR AMAN, PSP  
Senior Superintendent of Police,  
(Operations) Peshawar

No. 429 E/PA, dated Peshawar the 17 / 09 / 2019.

Copy to the above is forwarded to the Enquiry Officer for initiating proceeding against the accused under the provisions of Police Rules 1975

P.A.  
Call them  
for hearing

SP/Inch.



H 14

Before the Hon'ble Senior Superintendent of Police (Ops) Peshawar

Through: Proper Channel

Subject: Reply to Charge Sheet / Summary of Allegations vide Endst  
No.429/E/PA dated 17.09.2020

Dear Sir,

Kindly refer to the subject charge sheet, I respectfully submit that the alleged charge is based on misconception, misstatement rather misconceiving one as the act of delivery of case property vehicle to accused constable Bilal Ahmad was not in my knowledge. The accused Bilal Ahmad was arrested in trafficking of Narcotics in Malakand after 27 days of my transfer from PS Badaber. Action against a person without his knowledge violates the principle of natural justice, (reported judgment NLR 2014 April / Quetta).

2. At the very outset, I should clarify that 03 following basic components constitute an offence or act of misconduct and none of the ingredients exists in my case hence I am innocent.

a. Actus reus i.e conduct

b. Mens rea i.e mental state at the time of act

c. Proximate causation i.e the act and defect

3. With due regret, I submit the following few justifications for consideration, please.

a. As per rule 22.7 PR 1934, mohrar is the custodian of Mall Khana along with Govt Property and is responsible to take care of each and every article/thing.

b. As per Law, subordinate officers should comply orders of superiors which are legal and within his competence. (Reported Judgment PLJ 2005 SC 148),

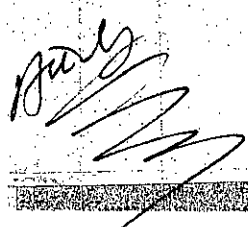
c. I have been charged by Mohrar and accused constable U/S 161 CrPc which is not admissible under the Law and further this charge is not substantial piece of evidence for consideration against me. (Reported Judgment 2003 YLR 2700)

d. Entry made in Register 19 is on Pencil and tempered along with that no date entered which specifies when the Car is handed over to Constable Bilal Ahmad, Which renders mollified intention on part of station clerk staff.

e. No Report in daily dairy regarding the issuance of the said Car.

f. No receipt issue by name of Constable Bilal Ahmad.

g. While transfer of the station clerk from Police Station why station clerk did not mention the said Car while giving the Charge to the present station clerk.



h. The case falls within the principle of "double jeopardy" as double proceedings have been initiated against me i.e the criminal case U/S 408/409 PPC Vide FIR 924/2020 PS Badaber and secondly the instant disciplinary Proceedings for one and the same act, having been hit and prohibited U/S 403 CrPc, article 13 of the Pakistan Constitution 1973, section 26 of general clauses act and article 20 (2) of Indian constitution. As per these Laws, it has been held on the basis of same criminal charge, a person cannot be vexed twice. (Reported Judgment 1995 MLD 1748 and 1612)

i. There is no any incriminating material to substantiate the acts of misappropriation, or misconduct, running side by side as dual proceedings.

4. Since, I have joined this August Force, I always performed honestly, dedicatedly and to the entire satisfaction of my superiors. I always acted beyond the call of duty at the risk of my life and never hesitated to culminate the menace of crime from the area, where I remain posted. My clean service career with unblemished record can be verified from my ACRs and from the officers under whom subordination, I remain posted. I have been rewarded on number of occasions for meritorious services/outstanding performance, during my service period.

5. I have been placed under suspension without any justification and on no good ground, violating Rule 16.18 Police Rules 1934 r/w 43 FR which clearly speaks that un-necessary suspension should be avoided because it not only suffers the assigned work but also amounts to additional penalty, the circumstances, therefore warrants and justifies my release from suspension, as per above stated provision.

In circumstances, the alleged charge bears no authenticity, being without merit and substance, therefore request that the charge sheet may very kindly be filed without further proceedings or keep pending till the disposal of criminal case U/S 408,409 PPC.

Further requests for personal hearing, to explain the circumstances, behind alleged charge.

Sincerely Yours  
  
SI Bilal Hussain  
Police Lines, Peshawar

I

16

28-9-20

In the court  
SALEEM UR RAHMAN JUDICIAL MAGISTRATE-VIII,  
PESHAWAR

FIR No:- 924

Dated 13/09/2020

Under Section:- 408/409 PPC

PS Badhber

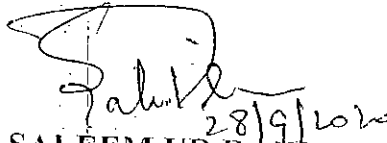
State VS

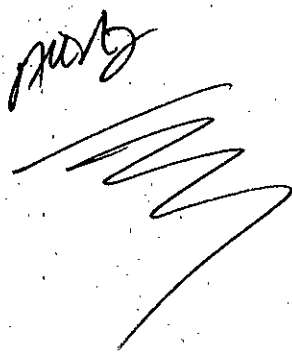
1. Bilal Ahmad s/o Nisar Ahmad r/o Umar Zai  
Peshawar.

ORDER  
28/09/2020

Accused named above produced in custody by the  
I.O with a request for recording their confessional  
statement u/s 164/364 Cr.P.C. After fulfillment of all  
legal formalities, accused denied to confess their guilt.  
Accused be sent to the Judicial Lockup and be produced  
on 10/10/2020.

Announced  
28/09/2020

  
28/9/2020  
SALEEM UR RAHMAN  
Judicial Magistrate-VIII  
Peshawar





17

17

2-10-20



JUDGMENT SHEET  
PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT

Cr. Misc. (BA) No. 3013-P/2020.

Bilal Hussain Vs The State

Date of hearing 02.10.2020

Petitioner (by) *Mr. Shabir Khan Advocate and Mr. Sajjad Khan*

State (by) *Mr. Mujahid Ali Khan AAG*

JUDGMENT

MUHAMMAD NASIR MAHFOOZ, J.- For the reasons recorded in the connected Cr.M.B.A No. 2994-P/2020 titled "Jamil Shah Vs. The State", this petition is allowed and petitioner is admitted to bail, provided he furnishes bail bonds in the sum of Rs.1,00,000/- (Rupees One Lac only ) with two local sureties each in the like amount to the satisfaction of learned trial Court. The sureties shall be reliable and men of means.

Announced  
02.10.2020

JUDGE

CERTIFIED TO BE TRUE COPY

EXAMINED  
Peshawar High Court, Peshawar  
Under Article 87 of  
Constitution of Pakistan, 1973

09 OCT 2020

(S.B) Hon'ble Mr. Justice Muhammad Nasir Mahfooz.

Muhammad Shah

CERTIFIED TO BE TRUE COPY

Examined  
Peshawar High Court, Peshawar  
Under Article 87 of  
Constitution of Pakistan, 1973

09 OCT 2020

11988  
No. ....  
Date of Presentation of Application 09/10/2020  
No of Pages 04-1  
Copying fee Rs 16/-  
Total .....  
Date of Preparation of Copy 09/10/2020  
Date of Delivery of copy 09/10/2020  
Received By *O. Khan*

*Handwritten signature*

**JUDGMENT SHEET  
PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT**

Cr. Misc. (BA) No. 2994-P/2020.

Jamil Shah Vs The State

Date of hearing 02.10.2020

Petitioner (by) Mr. Shabir Hussain Gigyani Advocate

State (by) Mr. Mujahid Ali Khan AAG

**JUDGMENT**

**MUHAMMAD NASIR MAHFOOZ, J.-** Through this single judgment, I shall also decide Cr.M.B.A No. 3013-P/2020 titled 'Bilal Hussain Vs. the State, as both the matters arise out of the same F.I.R No. 924 dated 13.09.2020 u/s 408/409 PPC, registered at Police Station, Badhber, Peshawar.

- 2. Arguments heard and record perused.
- 3. During the course of arguments, learned counsel for the petitioner submitted that petitioner in the instant case has been nominated as accused in the instant FIR on the statement of accused in case FIR No. 84 dated 12.09.2020 registered under Section 9-D Khyber Pakhtunkhwa CNSA in Malakand and he was not directly involved in any offence and if at all, he could be

*S. J. J.*

*[Handwritten signature]*

19

charged, it could be under Section 109 PPC and similar is the case of petitioner in the connected petition. He has also submitted that such like statement under Section 161 is not admissible under relevant provisions of Qanun-e-Shahadat Order, 1984. Moreover, accused is not directly charged in FIR of Malakand but charged on false accusation.

4. The assertion of learned counsel for the petitioners appears to be based on record and thus a prima facie case for further inquiry is made out in favour of the petitioners.

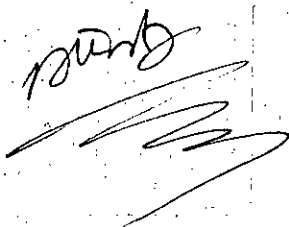
5. Resultantly, both the petitions are allowed and the accused-petitioners are granted bail, provided each one of them furnishes bail bonds in the sum of Rs. 1,00,000/- (Rupees one lac) with two local sureties each in the like amount to the satisfaction of learned trial Court. The sureties shall be reliable and men of means.

**Announced**  
**02.10.2020**

(S.B) Hon'ble Mr. Justice Muhammad Nasir Mahfooz.

Noor Shah

  
JUDGE



To, **The Senior Superintendent of Police,  
Operations, Peshawar.**

Subject: **SERIOUS INCIDENT AT PESHAWAR POLICE STATIONS.**  
Please refer to your office Dy: No.12472/G, Dt:18.09.2020,

It is submitted that report of DSP Inv: Saddar Peshawar is enclosed while brief facts of the case are that a Cultus Motorcar bearing registration No.LEF-643 Color, Model 2007, Chasses No.SF410PK401870 and Engine No.F501518 the local Police Badaber was taken into possession in case FIR No.513, dated 02.06.2020, u/s-15/1 Badaber and illegal ammunitions were recovered from the possession of accused Samar B above Motorcar (case property) was handed over by Moharrar Jameel Shah to constable Ahmad Computer Operator at Establishment Branch CPO on the order of the then SHO PS SI Bilal Hussain and signature was made from the said Constable (accused) on Register No 12.09.2020, the local Police of PS Badaber received information telephonically from Police Ala Dhand District Malakand VIA Mobile No.0346-1145045 that Bilal Ahmad son of Nisar Ahr Shakeel Ahmad son of Wali Muhammad residents of Pawaka Peshawar were arrested along with the above mentioned Motorcar and the said Motorcar was also taken into possession by the M Levis and from the said Car recovered 6-KG Narcotics, the said information was received by Zameen Shah, which was written in Daily Diary No.16, dated 12.09.2020. After getting info from SHO PS Ala Dhand, of case vide FIR No.84, dated 12.09.2020, u/s-9-D-CNSA, PS Ala was registered against the above-mentioned accused. The said information was written in Daily Diary No.16, dated 12.09.2020, Police Station Badaber (DD report annexed). After receiving info and report of the said daily diary, SI Khalid Khan of PS Badaber also registered the FIR dated 12.09.2020, u/s-409-PPC, PS Badaber against Constable/Computer operator Bilal Ahr and investigation of the case was entrusted to SI/OII Muhammad Sher Khan of PS Badaber Peshawar.

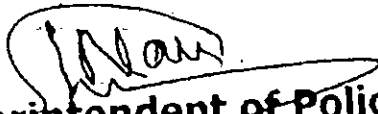
During investigation, SI/OII Muhammad Sher Khan PS Badaber completed his responsibilities and written in his first Zimni that the then SHO PS Badaber SI Bilal Hussain and Moharrar ASI Jameel Shah are responsible and section 408-PPC, was added in the said case on 16.09.2020, both were produced before the Court of law for recording their statements under section 164/364-Cr.P.C, wherein they denied their statements and confined them in judicial custody at Peshawar. For the arrest of accused FC Bilal in present case all legal formalities were completed by the local Police of PS Badaber and transferred him to District Peshawar, the accused was produced before the Court of Judicial Magistrate and obtained two days Police Custody.


During the interrogation, the accused disclosed that the above-mentioned Motorcar was handed over to him by the then Moharrar ASI Jameel Shah on the order of the then SHO PS Badaber SI Bilal Hussain and on 12.09.2020, Malakand Levis recovered 6kg Narcotics from the said Motorcar and the case was registered against him under the relevant section of law.

21/

On 28.09.2020 accused FC Bilal was produced to the Court of law for recording his statement u/s-164/364-Cr.P.C, wherein he denied from his statement and was confined in Central Jail Peshawar.

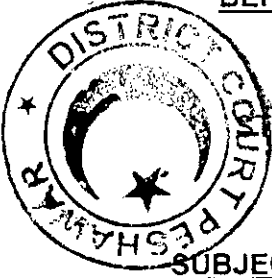
Keeping in view the aforementioned facts and report of DSP Inv: Saddar, the then Moharrar PS Badaber ASI Jameel Shah as Muharrar Operations is fully custodian for the whole episode and according to Police Rules 22-7 MHC as custodian of the case property and Govt: equipment and to keep complete record of the Police Station. However, then SHO of PS Badaber Bilal Hussain is supervisor officer, may be discussed with SP Saddar, please.

  
**Senior Superintendent of Police,  
Investigation  
Capital City Police, Peshawar**



24-11-20  
17/02/20  
1385/2

BEFORE THE COURT OF ILLAQA JUDICIAL MAGISTRATE, PESHAWAR



- STATE.....VS.....1) Bilal Ahmad S/O Nisar Ahmad R/O Pawaka, Peshawar.  
2) Jamil Shah S/O Sher Rehman R/O Charsadda.  
3) Bilal Hussain S/O Mohammad Israr R/O Board Taj Abad, Peshawar.

SUBJECT:

APPLICATION FOR THE DISCHARGE OF ACCUSED  
NAMELY JAMIL SHAH S/O SHER REHMAN AND BILAL  
HUSSAIN S/O MOHAMMAD ISRAR FROM THE  
CHARGES LEVELLED AGAINST HIM, IN CASE FIR NO.  
924, DATED:13.09.2020 U/S 408/409 PPC, PS-BADHBER.

Brief facts of the Case:-

The local Police of P.S Badhber after completion of investigation submitted the instant case vide FIR No.924, dated-1.09.2020, U/S-408/409 PPC, P.S-Badhber for scrutiny.

Shortly put the Prosecution story manifest that on 12.09.2020, the local Police of P.S-Hassan Khan Shaheed Allahdand District Malakand, during *Nakabandi* intercepted Motor Car No.LEF-6432 and on search, five packets of charas were recovered. The driver disclosed his name as Bilal Ahmad who shown himself as Police official posted as CPO, Peshawar and stated that the Motor Car in question is the case property of case FIR No.513, dated-02.06.2020, U/S-15/17AA, P.S-Badhber. A case vide FIR No.84, Dated-12.09.2020, U/S-9D CNSA, in P.S-Hassan Khan Shaheed Alladund District Malakand was registered. The accused namely Bilal Ahmad and Shakeel Ahmad were arrested besides the Motor Car was taken into possession vide recovery memo.

The local Police of P.S-Hassan Khan Shaheed Allahdand District Malakand conveyed information regarding the Motor Car to P.S-Badhber, which was entered vide D.D No.16, dated-12.09.2020, P.S-Badhber which culminated in registration of instant case i.e. 924, dated-13.09.2020, U/S-408/409 PPC, P.S-Badhber, wherein Bilal Ahmad was charged, however, later on accused Jamil Shah & Bilal Hussain were also arrayed as an accused being the then Moharrior and SHO of P.S-Badhber.

During scrutiny of the case file the case was not found fit for trial to the extent of accused Jamil Shah and Bilal Hussain on the following grounds:-

GROUND:

1. That there is no evidence on file to establish the misappropriation and dishonest intention of accused (Jamil Shah & Bilal Hussain) in respect of Motorcar in question.
2. That no *iota* of evidence was brought on record to establish that motorcar was handed over to accuse Bilal Ahmad by any of the accused i.e. Jamil Shah or Bilal Hussain, except the statement of accused Bilal Ahmed u/s 161 Cr.P.C which had got no evidentiary value in absence of any corroborative evidence.
3. That usually the case property i.e. vehicles are parked in Police Station under the supervision of "Sentry" but the I.O failed to bring on record the statement of "Sentry" to establish the guilt of accused to the extent that who handed over the Motorcar to accused Bilal Ahmed or by whom order he took the Motorcar in question.

**ATTESTED**

06 JAN 2021

(Examiner)

Civil Court Peshawar

That likewise no evidence is available on file to substantiate that who or with whom order keys of the car were handed over to accused Bilal Ahmad.

*[Handwritten Signature]*

5. That no independent/disinterested evidence is available on file to supp. allegations against accused Jamil Shah and Bilal Hussain except bare allegations in FIR.
6. That no cogent and confidence inspiring evidence is available on file to connect the accused Jamil Shah and Bilal Hussain with the offence of criminal breach of trust.
7. That the I.O failed to bring on record cogent evidence that when, how, by whom or with whom order the Motor Car was entrusted to the accused Bilal Ahmad as during period of offence neither Jamil Shah nor Bilal Hussain were posted in the P.S-Badaber, rather they both were transferred from PS-Badhber and they handed over the charge to their successors.
8. That failure to discharge the responsibility for safe custody of the property would not *per se* amount to establishment of offence of criminal misappropriation within meaning of section 408/409 PPC. Mere entrustment of property and its shortage is not enough to establish guilt of dishonest misappropriation.
9. That no convincing evidence is available on file about the dishonest misappropriation of car by the accused Jamil Shah and Bilal Hussain. Mere entrustment of property is not enough to establish the guilt of dishonest misappropriation and mere existence of adverse presumption could not be equated with establishment of guilt.
10. That in order to prove a criminal offence, specific evidence has to be brought on record proving the ingredients of the said offence very strictly, which totally absent in the instant case, as no dishonesty or *mens rea* on the part of accused Jamil Shah and Bilal Hussain were established during investigation.
11. That last but not the least if even it is admitted that the car was handed over to accused Bilal Ahmad by Jamil Shah & Bilal Hussain the then Moharor and SHO P.S-Badhber, then too the vehicle was not misappropriated rather the same was handed over to accused Bilal Ahmad beyond the authority, which does not constitute a criminal offence. At the most accused Jamil Shah and Bilal Hussain are only liable for negligence and excess in relation to its function and duties.
12. That in such circumstances the trial of accused would be a futile exercise, wastage of precious time of court. So keeping in view the facts, circumstances and available evidence on record there are sufficient reasons for non Prosecution of case u/s 4 sub (c) clause ii of the Prosecution Act-2005 to the extent of accused Jamil Shah and Bilal Hussain.

It is therefore requested that the accused namely Jamil Shah and Bilal Hussain charged in the aforementioned case, may kindly be discharged of the charges leveled against him for deficient, weak evidence and for non-prosecution by the Prosecution agency, while against accused Bilal Ahmad the case recommended for trial.

State

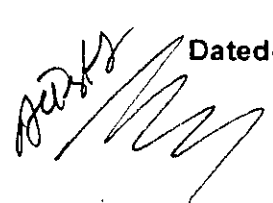
Through

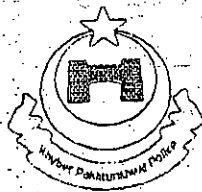
  
Senior Public Prosecutor,  
Peshawar.

ATTESTED

06 JAN 2020

(Examiner)  
C.M. Court Peshawar

  
Dated-24/11/2020



M 24 23-12-20  
OFFICE OF THE  
SUPERINTENDENT OF POLICE,  
RURAL DIVISION, PESHAWAR  
No. 3161 JPA, DT: 23/12/2020  
Email: officespruralpeshawar@gmail.com

To: The SSP Operations, Peshawar

Subject: DEPARTMENTAL ENQUIRY AGAINST SI BILAL HUSSAIN, EX.SHO  
PS/BADABER & IHC JAMEEL SHAH, EX.MUHARRAR PS BADABER

**Memo:**

Please refer to your office diary No. 429/E/PA & No. 430/E/PA, dated: 17.09.2020 on the subject cited above.

**Allegations:**

- According to statement of allegations/charge sheet, they while posted at PS Badaber gave a case property vehicle Cultus bearing No. LEF/6432, seized in case FIR No. 513, dated: 02.06.2020, U/S 15/17-AA, PS Badaber to Constable Bilal Ahmed s/o Nisar Ahmed r/o Pawaka, serving in CPO as computer operator for his personal use.
- That the said Bilal while smuggling narcotics (chars) in the said vehicle case property vehicle was arrested by the local Police of PS Hasan Khan Shaheed, Alla Dhand, District Malakan and recovered 06 kg chars from his possession.
- A criminal case FIR No. 84, dated: 12.09.2020, U/S 9DCNSA, was registered against the said Bilal at PS Hasan Khan Shaheed.
- Being SHO and Muharrar, they were supposed to keep the case property vehicles in safe custody but instead you gave it to Constable Bilal who misused the vehicle and caught red-handed with narcotics which brought a bad name to the entire Police department.

**Proceedings:**

Charge sheets along-with summary of allegations were served upon the delinquent officials. They submitted replies to charge sheets and also heard in person.

**Statement of SI Bilal Hussain:**

He deposed in his statement that delivery of case property vehicle to Constable Bilal is not in his knowledge and he was arrested in a narcotics case by Malakand Police after 7 days of his transfer.

He stated that as per Police Rules 22.07, Muharrar is custodian & responsible of Mall-Khana along-with case property. He has been charged by Muharrar and Constable Bilal u/s 161 Cr.P.C is not admissible under the law and further this charge is not substantial piece of evidence for consideration against him.

He stated that entry made in Register 19 is on pencil and tempered along-with no entry date which specifies when the car is handed over to constable Bilal Ahmaed which renders mollified intention on the party of Muharrar staff.

He stated that there is no entry in daily dairy regarding the issuance of the said car and there is no receipt issue by the name of Constable Bilal.

He stated that on transfer from PS Badaber, why the Muharrar did not mention the car while giving charge to the present Muharrar.

*Handwritten signature and initials in the bottom left corner.*





25

OFFICE OF THE  
SUPERINTENDENT OF POLICE,  
RURAL DIVISION, PESHAWAR  
No. /PA, DT: /2020  
Email: officespruralpeshawar@gmail.com

He stated that the case falls within the principle of 'double jeopardy' as double proceedings have been initiated against him, i.e. the criminal case u/s 408/409 PPC, vide FIR No. 924/2020, PS Badaber and secondly the instant disciplinary proceedings for one and the same act, having been hit and prohibited u/s 403 Cr.P.C, article 13 of the Pakistan Constitution 1973, section 26 of general clauses act and article 20 (2) of Indian Constitution. As per these laws, it has been held on the basis of same criminal charge, a person cannot be vexed twice. Report judgment 1995 MLD 1748 and 1612).

There is no any incriminating material to substantiate the acts of misappropriation or misconduct, running side by side as dual proceedings. In circumstances, the alleged charges bear no authenticity, being without merit and substance, therefore, requested to file the proceedings or keep pending till disposal of the criminal case u/s 408/409 PPC.

**Statements of IHC Jameel Shah:**

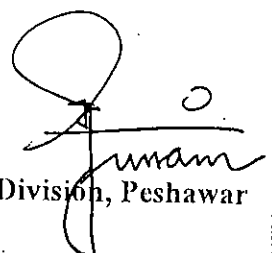
He deposed in his statement that the said case property vehicle while taken into possession in case FIR No. 513, dated: 02.06.2020, U/S 15/17-AA, PS Badaber, available on serial No. 272 of Register 19 was given to Constable Bilal by the orders of SI Bilal Hussain, Ex.SHO Badaber and his signature as token of receipt was obtained in Register 19, which can also be verified from the statement u/s 161 Cr.P.C of Constable Bilal.

He further stated that as per Police Rules Chapter 06 Clause 22 & Chapter 07 Clause 22, safe custody of case property is the responsibility of Muharrar under supervision of SHO concerned, whereas, at the date/time of occurrence, he was transferred from PS Badaber to Police Lines.

**Findings/Recommendation:**

Perusal of statements reveals that both officials are trying to blame each other for their share slackness. Police Rules 22-15 states that "subject to the orders & responsibility of the officer Incharge of the Police Station, the Station Clerk shall be considered to be incharge of all public property including money & case property in his station house".

Since both officials were responsible for the safe custody of case property & both are therefore found guilty in the instant case. The undersigned is of the view that both officials may be rewarded with suitable punishment, if agreed so.

  
SP Rural Division, Peshawar

Handwritten notes:   
AHSB  
RA  
Issued  
fired  
SCW



26  
24-12-20

OFFICE OF THE  
SENIOR SUPERINTENDENT OF POLICE,  
(OPERATIONS),  
PESHAWAR  
Phone. 091-9213054

**FINAL SHOW CAUSE NOTICE**  
**(Under Police Disciplinary Rules, 1975)**

1. I, Mansoor Aman (PSP), Senior Superintendent of Police (Operations) Peshawar as competent authority, under the Police disciplinary Rules 1975, do hereby serve you SI Bilal Hussain Ex SHO PS Badaber District Peshawar as follows:-

2. (i) That consequent upon completion of the departmental enquiry conducted against you by SP Rural Peshawar, who found you guilty of the charges for which you were given the opportunity of a hearing

(ii) Ongoing through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the said officer; I am satisfied that you have committed the following misconducts.

That you have been found guilty of the charges already conveyed to you vide this office Charge Sheet No. 429/E/P/A dated 17.09.2020.

3. As a result thereof I, Mansoor Aman (PSP), Senior Superintendent of Police (Operations) Peshawar as Competent Authority decided to impose upon you major/minor penalty including dismissal from service under the said Rules

4. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you.

5. If no reply to this notice is received within 7-days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

6. You are at liberty to be heard in person, if so wished.

MANSOOR AMAN, PSP  
SR. SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR

No. 2899 P/A dated Peshawar the 24/12/2020



27  
28-12-20  
OFFICE OF THE  
SR: SUPERINTENDENT OF POLICE,  
(OPERATIONS)  
PESHAWAR  
Phone. 091-9210508

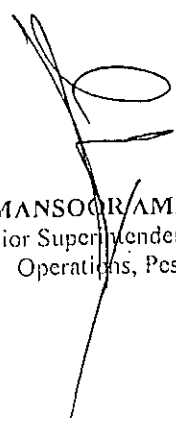
ORDER

This office order will dispose of formal departmental proceedings against SI Bilal Hussain No. 792/P, the then SHO PS Badhber was placed under suspension and proceeded against departmentally under the Khyber Pakhtunkhwa Police (Efficiency & Disciplinary) Rules, 1975 on account of giving case property vehicle No. LEF-6432 seized vide case FIR No. 513 dated 02.06.2020 u/s 15/17-AA PS Badhber to Constable Bilal Ahmad s/o Nisar Ahmad r/o Pawaka then serving in CPO as computer operator for his personal use. The said constable was arrested by the local police of PS Hassan Khan Shaheed Ala Dand District Malakand while smuggling 6-KG narcotics (Chars) in the said case property vehicle vide case FIR No. 84 dated 12.09.2020 u/s 9D-CNSA PS Hassan Khan Shaheed.

2. Charge sheet along with statement of allegations was issued to him and SP Investigation Peshawar was appointed as Enquiry Officer to scrutinize the conduct of aforementioned accused official w.r.t the allegations levelled against him. The EO after conducting a thorough probe into the allegations submitted his findings wherein he concluded that both SHO and Muharrar were responsible for safe keeping of case property whereas both of them are trying to blame each other for their sheer slackness. The EO held the accused official guilty of the charges and recommended him for major penalty.

3. On receipt of the findings, Final Show Cause Notice was issued to the delinquent official but he refused to acknowledge its receipt and as such declined to offer his statement in rebuttal of the charges meaning thereby that he had nothing to offer in his defence.

4. Having gone through findings of the EO along with relevant material on record, I am fully convinced that the accused SI is guilty of gross misconduct. Therefore, in exercise of the powers vested in me under the Khyber Pakhtunkhwa Police (Efficiency & Disciplinary) Rules, 1975, I Mansoor Aman PSP, SSP (Operations) Peshawar have decided to impose major penalty of dismissal from service on the accused official. He is, therefore, dismissed from service with immediate effect.

  
MANSOOR AMAN, PSP  
Senior Superintendent of police,  
Operations, Peshawar

No. 2979-83 /PA dated Peshawar, the 28/12 2020.

Copy for information and necessary action to:-

1. The Capital City Police Officer Peshawar.
2. SsP Rural (EO), Security & HQs Peshawar.
3. EC-I/EC-II/AS/PO
4. FMC along with complete enquiry file containing \_\_\_\_\_ pages for record.

Scanned with CamScanner

CLERK did not mention  
present station clerk.

P 28 30-12-20

Before the Hon'able Capital City Police Officer, Peshawar

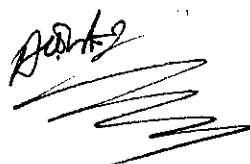
Subject: Departmental Appeal u/r 11(2) of Police Rules 1975 (Amended 2014), against the impugned order, Passed by W/SSP (Operations) vide Endst No. 2979-83/PA dated 28.12.2020.

Dear Sir,

The appellant respectfully prefers this appeal against the impugned order of W/SSP (Operations), inter-alia on the following grounds, amongst others. (Order enclosed as Annexure A).

**PRELIMINARIES:**

1. The worthy inquiry officer did not follow prescribed procedure as per rule 6 of KP Police Rules 1975(Amended 2014), relevant para whereof is reproduced as under:-  
"The inquiry officer shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of accused as may considered necessary and the witnesses against him" The worthy inquiry officer has not examined any witness or brought any incriminating material in shape of documentary evidence on record, therefore, the finding report is void-abinitio. May be added here that worthy inquiry officer only recorded statement of Moharrar who himself is accused of the same act of misconduct, therefore, no cogent evidence could be brought to link the appellant with alleged charge. It has been observed by superior court that **Impugned order of removal from service, without holding proper inquiry, without issuance of show cause notice and opportunity of personal hearing was set-aside by superior court and appellant was directed to be reinstated from date of removal (2005 PLC(CS) 1555.**
2. As per rule 6(v) of rule 1975, the inquiry officer had to submit cogent grounds to connect the appellant with alleged charge but no ground has so far been collected and brought on record, therefore, recommendation of the inquiry officer is not tenable.
3. As per provision, contained u/r 16.2 Police Rules 1934, the punishment of dismissal is to be awarded very cautiously, relevant para whereof is enunciated as under:-  
"Dismissal shall be awarded only for the gravest acts of misconduct or as the cumulative effect of continued misconduct proving incorrigibility and complete unfitness for police service. In making such an award regard shall be had to the length of service of the offender" The competent authority awarded major penalty of dismissal to appellant, for no act or attribution, having not been committed. Moreover, the appellant served this august force for such a long period which was also not considered.
4. Even for the sake of arguments, if the finding report / recommendation of inquiry officer is admitted for a while (**Which is strongly denied**), the punishment awarded to appellant is very harsh, arbitrary and contrary to the settled principles and law on the subject.
5. Reply to charge sheet is self explanatory and worth of consideration by this Hon'able forum which is annexed as **Annexure-B** but was not given any weight by w/inquiry officer rather by the authority.

*Deputy*  


- 6. The appellant was issued final show cause notice vide endst No.2899/P dated 24.12.2020 for reply of appellant within prescribed period of 07 days (**having not being delivered to me officially**) but astonishingly, without appellant reply dismissal order dated 28.12.2020 was passed which is against the spirit/provision of rule 16.25(ix) PR 1934, hence the order is without lawful authority. Copy of final show cause (**not received officially**) enclosed as **Annexure-B/1**, reply whereof was to be deposited on 31.12.2020 but impugned order was passed on 28.12.2020, without waiting for reply within time limit.
- 7. After the reply of final show cause notice, personal hearing is mandatory whether provided in statute or not, **reported judgment 2005 PLC(CS) 1982** but neither the final show cause notice was delivered officially nor was heard in person to explain the circumstances behind the alleged charge.
- 8. Safe custody of case property vehicles etc falls exclusively under the domain of Moharrar as custodian, as per **Police Rules 1934(Chapter 22)** but the appellant was vexed with alleged charge illegitimately, as reported in **judgment NLR 2003 April Cr.LHR 244**, observing that one cannot be convicted for the act of his employee or servant.

**ON FACTS:**

- 1. Short facts are that Computer Operator namely Bilal Ahmed s/o Nisar Ahmed was apprehended with case property vehicle of PS Badhber vide FIR No.513/2020 by local police of PS Hassan Khan Shaheed Malakand in narcotics trafficking, booked u/s 9D CNSA vide FIR No.84/2020.
- 2. The appellant was issued charge sheet for act of misconduct, supposing to keep case property vehicle in safe custody but was illegally delivered to constable/computer operator Bilal Ahmed.
- 3. On submission of finding report (**enclosed as Annexure-C**) by worthy inquiry officer SP Rural, the appellant was issued final show cause notice but not officially delivered and before reply to same by appellant, dismissal order was passed rashly.

**GROUND OF APPEAL:**

The impugned order of W/SSP (Operations), is assailable on the following grounds.

- 1. The inquiry proceedings have not been conducted as per provision, contained under police rules 1975. **It has been held by superior court, relevant observations is as under:**
  - “Sketchy inquiry is not sufficient to prove any charge against appellant – no witness was examined in inquiry proceedings – appellant was found guilty by inquiry officer without any substantive evidence – impugned order was set-aside and case remanded”
- 2. The alleged charge is not justifiable and is considerable on the following few stances:-
  - a. Vicarious liability cannot be attracted when strong circumstances showing to be existed (2015 PCrIJ 1384). Principle of vicarious liability cannot be invoked unless and until, common intention is proved or established (2015 PCrIJ 1442).

*Handwritten signature*

- b. The principle of natural justices would be violated only when an action is taken against a person without his knowledge (NLR 214 April QTA) I swear that the alleged delivery of case property vehicle to constable Bilal was not in the knowledge of appellant rather involves any consent. It has been held by Hon'able Court that without knowledge, conviction is illegal and it was set aside (NCR 2004 (Feb P-84 Peshawar).
- 3. The appellant has spotless service record and throughout his career he has been awarded, commended and given best postings / blessings. Even the PERs, the reporting officer has valued the working which was further blessed by the countersigning officer.
- 4. The appellant belongs to middle class family and the service was his only source of earning and major penalty of dismissal has caused irreparable loss to me, repute and my family.

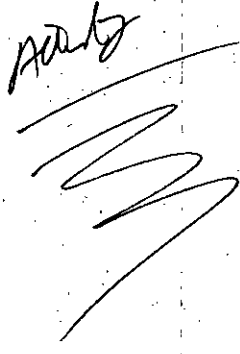
PRAYER

Above in view, it is humbly prayed that by accepting this appeal, the impugned order dated 28.12.2020 may very kindly be set aside and passed reinstatement orders of the appellant, to meet the ends of justice.

Sincerely yours



Ex-SI Bilal Hussain (Appellant)  
Peshawar



Q

31

5-1-21

In the court of  
SANA ULLAH KHAN JUDICIAL MAGISTRATE-VIII,  
PESHAWAR

Order...03  
05/01/2021

SPP for the state present. Accused Jamil Shah s/o Sher Rehman and Bilal Hussain s/o Muhammad Israr present on bail while co-accused Bilal Ahmad not produced in custody. His judicial warrant returned in absentia. Therefore, official concerned is directed to produce the accused Bilal Ahmad in custody positively on next date.

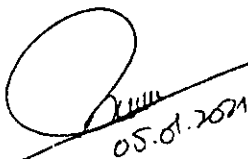
Perusal of record shows that complete challan in case FIR No. 924 dated 13/09/2020 u/s 408/409 PPC of P.S Badhber submitted by prosecution office alongwith an application for discharge of accused on bail namely Jamil Shah s/o Sher Rehman and Bilal Hussain s/o Muhammad Israr u/s 169 Cr.P.C as during scrutiny of the case file, the case was not found fit for trial to the extent of the said accused.

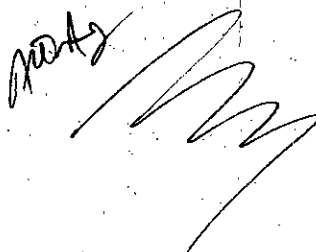
Brief facts are that on 12/09/2020, the local police of P.S Hassan Khan Shaheed Allahdand District Malakand, during Nakabandi, intercepted motorcar No. LEF-6432 and on search, five packets of charas were recovered. The driver disclosed his name as Bilal Ahmad who shown himself as police official and stated that the motorcar in question is the case property of case FIR No.513 dated 02/06/2020 u/s 15/17-AA P.S Badhber. A case vide FIR No.84 dated 12/09/2020 u/s 9D-CNSA in P.S Hassan Khan Shaheed Allahdand District Malakand was registered. The accused namely Bilal Ahmad and Shakeel Ahmad were arrested besides the motorcar was taken into possession vide recovery memo. The local police of P.S Hassan Khan Shaheed Allahdand District Malakand conveyed information regarding the motorcar to P.S Badhber which was entered vide D.D No.16 dated 12/09/2020 at P.S Badhber which culminated in registration of the instant case FIR No.924 dated 13/09/2020 u/s 408/409 PPC PS Badhber wherein Bilal Ahmad was charged, however, later on accused Jamil Shah

ATTESTED

06 Jan 2021

(Examiner)  
Civil Court Peshawar

  
05.01.2021




and Bilal Hussain were also arrayed as accused being the then Moharrer and SHO of P.S Badhber. The accused Jamil Shah and Bilal Hussain were arrested and later released on bail. After completion of investigation, complete challan was submitted alongwith the instant application for discharge of the accused Jamil Shah and Bilal Hussain. The local police failed to collect any evidence which could have connected them with the offense. The accused neither confessed nor admitted their guilt. There is no evidence on file to establish the misappropriation and dishonest intention of accused Jamil Shah and Bilal Hussain in respect of motorcar in question. No iota of evidence was brought on record to establish that motorcar was handed over to accused Bilal Ahmad by any of the accused i.e. Jamil Shah and Bilal Hussain. No cogent and confidence inspiring evidence is available on file to connect the accused Jamil Shah and Bilal Hussain with the offence of criminal breach of trust. The IO of the case was also failed to substantiate that when, how, by whom or with whom order the motorcar was entrusted to the accused Bilal Ahmad as during the period of commission of offence, neither Jamil Shah nor Bilal Hussain were posted in the P.S. Badhber. Therefore, the prosecution moved the instant application for discharge of the accused Jamil Shah and Bilal Hussain u/s 169 Cr.P.C.

As such, no sufficient evidence available against accused Jamil Shah s/o Sher Rehman and Bilal Hussain s/o Muhammad Israr, therefore they are hereby discharged u/s 169 Cr.P.C. Accused named above are on bail, therefore their sureties are also discharged from their liabilities.

File to come up for attendance of accused Bilal Ahmad on 18.01.2021

**Announced**

05/01/2021

  
(SANA ULLAH KHAN)  
JMIC-VIII, Peshawar

SANA ULLAH KHAN  
JMIC-VIII  
Peshawar

CERTIFIED TO BE TRUE COPY

  
(Examiner)

Copying Agency Civil Court  
Peshawar.



پندرہ لاکھ چھاپ سروس ٹریڈ مارک

اسٹریٹ

متواں

تھانہ گولیس

نہام

نلال حسین

دعویٰ

۹۰۵۵

مترجمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی لکھ کر کاروائی مستعلقہ آن مقام پشاور  
 کیسٹل اسٹریٹ انڈیا خان سروس سے ایڈووکیٹ، ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب  
 موصوف کو مقدمہ کی کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و اقرار ثالث و فیصلہ برعکاف  
 یعنی جواب دہی اور اقبال دعویٰ اور بھرتی ڈگری کرنے اجراء اور وصولی چیک و رزبہ اور مرضی دعویٰ اور درخواست  
 ہر قسم کی تقدیر اور اس پر دستخط کرنے کا اختیار ہوگا نیز بھرتی عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
 اور مستثنیٰ نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ بند کرنے  
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے نگران اختیار ہوگا  
 اور اسے مقرر شدہ کر بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور  
 قبول ہوگا و دوران مقدمہ میں جو شرحہ و ترجمانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب  
 موصوف ہوں گے نیز بقایا و فرسہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام رورہ  
 پر ہو یا عدت سے باہر ہو تو وکیل صاحب یا بند نہ ہوں گے کہ پیروی مذکور کریں۔  
 لہذا کالت نامہ دیکھ دیا کہ سند ہے۔

۲۱-۰۶-۵۶

التیك

التیك

التیك

۱۱  
ارباب نیف انکمال  
ایڈووکیٹ

۲  
سید الشہد خان شہت  
ایڈووکیٹ

Handwritten signature

انجمنہ نواز  
ایڈووکیٹ