

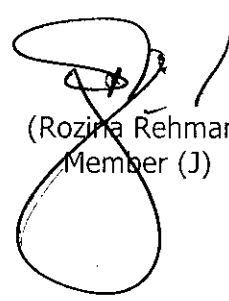


Form- A

FORM OF ORDER SHEET

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

Case No.- 15791 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	23/11/2020	<p>The appeal of Mr. Ghulam Qadar 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> <p>2-</p>	01.01.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/01/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant present through counsel. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 24.02.2021 before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

  
Appellant Deposited  
Security & Process Fee

24.02.2021

Junior to senior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 31.03.2021 on which date file to come up for written reply/comments before S.B.

  
(Muhammad Jamal Khan)  
Member

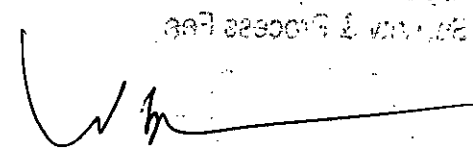
31.03.2021

Junior to counsel for the appellant present.

Addl: AG alongwith Mr. Nabi Gul, Supdt for respondents present.

Written reply/comments not submitted.  
Representative of the respondents seeks time to submit written reply/comments. Granted.

Adjourned to 02.06.2021 before S.B.

  
(Atiq Ur Rehman Wazir)  
Member(E)

02.06.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Younis Khan, S.I (Legal) for the respondents present.


Representative of the respondents seeks further time to furnish reply/comments. The respondents are directed to submit written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 11.10.2021 before the D.B.

  
Chairman

11.10.2021

Clerk to counsel for the appellant present. Mr. Javed Ullah Assistant Advocate General for respondents present.

Learned Members of the DBA are observing Sogh over the demise of Dr. Abdul Qadeer Khan (Scientist) and in this regard request for adjournment was made; allowed. To come up for arguments on 22.12.2021 before D.B.

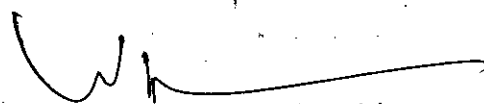
  
(Atiq-Ur-Rehman Wazir)  
Member (E)

(Rozina Rehman)  
Member (J)

22.12.2021

Mr. Arbab Saiful Kamal, Advocate for the appellant present.  
Mr. Kabirullah Khattak, Addl. AG for respondents present.

Former made a request for adjournment as he has not prepared the brief today. Adjourned. To come up for arguments before the D.B on 11.03.2022.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
Chairman

Appeal No. 15191/2020  
Ghulam Qadir vs Govt

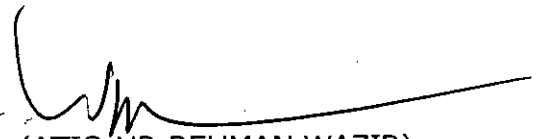
ORDER  
26.01.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak,  
Additional Advocate General respondent present. Arguments heard and  
record perused.

Vide our detailed judgment of today, passed in service appeal  
bearing No. 15189/2020 titled Muhammad Zubair Versus District Police  
Officer, Lakki Marwat and two others", the instant service appeal is  
accepted. The impugned orders are set aside and the appellant is re-  
instated into service with all back benefits. Parties are left to bear their  
own costs. File be consigned to record room.

ANNOUNCED  
26.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN


  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

The appeal of Mr. Ghulam Qadar Ex- Head Constable No. 193 Police Station Gambial Lakki Marwat received today i.e. on 17.11.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of enquiry report against the appellant mentioned in para-9 of the appeal is not attached with the appeal which may be placed on it.

No. 3844 /S.T,

Dt. 18/11 /2020.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Saadullah Khan Adv. Pesh.

*Sir*

*Re-submitted after receiving  
the objections.*



**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

**Appeal No. 15191/2020.**

Ghulam Qadir S/o Hakim Khan,  
R/o Landiwa Lakki Marwat,  
Ex-Head Constable No.193 PS Gambeela

(Appellant)

**VERSUS**

- 1) District Police Officer Lakki Marwat.
- 2) Regional Police Officer Bannu Region, Bannu.
- 3) Provincial Police Officer KPK Peshawar.

(Respondents)

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Deponent

1

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**  
**Appeal No. 15191/2020.**

Ghulam Qadir S/o Hakim Khan,  
R/o Landiwa Lakki Marwat,  
Ex-Head Constable No.193 PS Gambila

(Appellant)

**VERSUS**

- 1) District Police Officer Lakki Marwat.
- 2) Regional Police Officer Bannu Region, Bannu.
- 3) Provincial Police Officer KPK Peshawar.

(Respondents)

**Para wise REPLY BY the RESPONDENT NO. 1,2 & 3**

Respectfully Sheweth:

**PRELIMINARY OBJECTIONS**

- 1) That the appellant has no cause of action and locus standi.
- 2) That the appeal of appellant is not maintainable under the law and rules.
- 3) That the appeal is bad due to non-joinder and mis-joinder of necessary parties.
- 4) That the appellant has approached the Honorable Tribunal with unclean hands.
- 5) That the appeal is badly time barred.

**OBJECTIONS ON FACTS**

1. Pertains to record.
2. In-correct: Brief facts of the case are that at the midnight of 25/26-09-2020 Constable Ali Muhammad No.674 received concrete information to the effect that one unknown Truck is carrying a huge quantity of narcotics / Chars to unknown place, upon which the above named Constable immediately informed (appellant) **Head Constable Ghulam Qadir** regarding the Truck, in response HC Ghulam Qadir, PASI Shakir Khan along with other police contingent conducted Nakabandi & also informed appellant Irfan Ullah (Ex-SHO PS Gambila), in the meantime the suspicious Truck reached and seized by appellant HC Ghulam Qadir & Constable Muhammad Saeed No.897 (**Statement of Constable Ali Muhammad as Annex "A"**). In the meanwhile, the appellant (Ex-SHO Gambila) along-with gunners namely appellant Safi Ullah 19/FC, Habib ur Rehman 7850/FC & Zubair Khan 345/FC reached to the place of occurrence and total 120 Kg Charas (parcels) were recovered from the said Truck, while the appellant Ex-SHO deputed PASI Shakir Khan to PP Manzar Faqir for conducting Nakabandi (**Statement of PASI Shakir Khan as Annex "B"**). Appellant Ex-SHO, appellant Ghulam Qadir along with other Police party by joining hands with accused narcotics peddlers have taken a huge amount a sum of Rs 1600000/- / Sixteen Lacs as a bribe in lieu of concealing the facts and also shown only 03 Kg Charas in version of case FIR No.171 dated 26-09-2020 u/s 9 CNSA (D) PS Gambila, besides one unknown accused was also illegally released on the spot, while one accused namely Ayub Khan s/o Raees Khan was arrested and charged in FIR based on concocted story by showing only 3 Kg charas instead of 120 Kg, which clearly shows the appellant inefficiency / Corruption and mala-fide intentions, punishable under section 118,119,164,200,201,202,490 of the Pakistan Penal Code, hence the Respondents have left with no other option except to register a case vide FIR No.180 dated 06-10-2020 under the above PPC sections against the appellant along with other involved Police Officials. (Copy of FIR dated 06-10-2020 already annexed by appellant as "D")

- 3. In-correct: this para has already replied in Para No.3 of the S.A No.15700/2020, titled Irfan Ullah (Ex-SHO) & 04 others vs IGP KPK and others.
- 4. In-correct: The statements of the other Police officials, who were eye witness of the same occurrence were also recorded, according to which total 120 KG narcotics / Charas recovery was made by the appellant (Ex-SHO Gambila) in the presence of the appellant Constable Safi Ullah No.19, thereby facilitate the drug peddlers / commission of an offence in lieu of huge amount and shown only 03 Kg Charas in the version of FIR and concealed the facts. (Statements already Annexed in Para No. "2" ibid )
- 5. Pertains to record. However, detail reply already given in Para's ibid.
- 6. In reply, it is stated that for such offence of the appellant, charge sheet based upon summary of allegations was issued, properly served upon appellant and DSP/HQrs Lakki Marwat was nominated as E.O with the directions to conduct facts findings enquiry. (Charge sheet already Annexed by appellant as "E")
- 7. In-correct: this para has already explained in above Para No.3.
- 8. In-correct: A detail inquiry into the matter was conducted by DSP/Hqrs Lakki Marwat in accordance with law / rules and put-up findings to R.No.1 (competent authority), wherein the allegations leveled against the appellant stand proved, finally on the basis of findings of the E.O, the appellant was dismissed from service vide OB No.676 dated 27-10-2020. (Photocopy of findings report is Annex 'C')
- 9. As stated in Para 8 above.
- 10. Correct to the extent that appellant submitted departmental appeal for his re-instatement in service before R.No.2, accordingly appellant was afforded full opportunity of self-defense and personal hearing by R.No.2, but the appellant failed to substantiate his innocence, hence the appeal for re-instatement in service was rejected by the R.No.2 on 12-11-2020. (Rejection order already Annex by appellant as "L")

**OBJECTIONS ON GROUNDS:-**

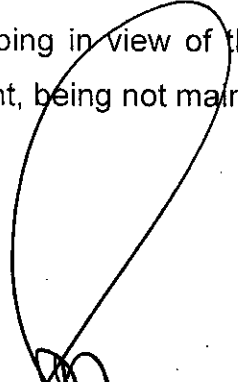
- A. In-correct: As stated in detail earlier in Para No.2, the appellant along with associated police party concealed the design of offence / facts in the FIR No.171 dated 26-09-2020 by joining hands in gloves with accused drug peddler, which was clarified by the eye witness of the occurrence PASI Shakir Ullah & Constable Ali Muhammad, hence all the involved Police officials were charged under Pakistan Penal Code Section as already described in above para.
- B. In-correct: Pertains to record, hence need no comments.
- C. In-correct: A detail probe were made in the matter by Enquiry Officer DSP/Hqrs Lakki, who fulfilled all legal / codal formalities and the appellants were found guilty of the charges leveled against them and put up findings report before R.No.1 with the recommendations for imposition of punishment.
- D. In-correct: A detail fact findings enquiry into the matter was conducted by Enquiry Officer DSP/Hqrs Lakki Marwat in accordance with law / rules and fulfill all legal / codal formalities. The appellant was found guilty of the charges and recommended for imposition of suitable punishment.
- E. In-correct: pertains to record.

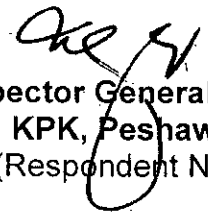


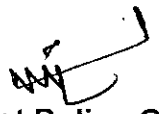
- F. In reply, it is stated that the appellant along with other Police officials were directly charged under PPC sections for commission of heinous act earlier mentioned and proper departmental enquiry proceedings were also initiated as per law / rules, according to which the allegations against the appellant stand proved without any shadow of doubt, hence dismissed from service by the authority.
- G. In reply, it is submitted appellant was a discipline force member / public servant and guardian of public life & property, the appellant concealed the design of offence which was his duty to prevent, also caused disappearance of evidence of offence. The appellant proved himself a black sheep for the Police Department, hence his retention in Police Department was no more required, therefore after legal / codal formalities he was charged in FIR under PPC section and imposed the major penalty i.e., dismissal from service upon him.
- H. In-correct: The orders of the respondents were passed in accordance with law / rules and facts.

**Prayer:**

Keeping in view of the above facts and circumstances, it is humbly prayed that appeal of appellant, being not maintainable, may kindly be dismissed with costs.

  
**Regional Police Officer,**  
**Bannu Region, Bannu**  
 (Respondent No. 2)

  
**Inspector General of Police**  
**KPK, Peshawar**  
 (Respondent No.3)

  
**District Police Officer,**  
**Lakki Marwat**  
 (Respondent No.1)

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**  
**Appeal No. 15191/2020.**

Ghulam Qadir S/o Hakim Khan,  
R/o Landiwa Lakki Marwat,  
Ex-Head Constable No.193 PS Gambeela

(Appellant)

**VERSUS**

- 1) District Police Officer Lakki Marwat.
- 2) Regional Police Officer Bannu Region, Bannu.
- 3) Provincial Police Officer KPK Peshawar.

(Respondents)

**AFFIDAVIT**

I, Mr. Younas Khan SI/Legal representative for Respondents do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable court.

**ATTESTED**



17/12/21

  
**DEPONENT**

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**  
**Appeal No. 15191/2020.**

Ghulam Qadir S/o Hakim Khan,  
R/o Landiwa Lakki Marwat,  
Ex-Head Constable No.193 PS Gambeela

(Appellant)

**VERSUS**

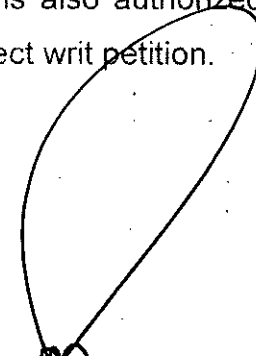
- 1) District Police Officer Lakki Marwat.
- 2) Regional Police Officer Bannu Region, Bannu.
- 3) Provincial Police Officer KPK Peshawar.

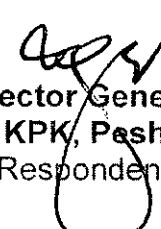
(Respondents)

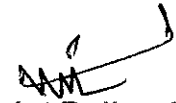
**AUTHORITY LETTER**

We, the undersigned do hereby authorized Mr. Younas Khan SI/ Legal Lakki Marwat to appear before the Honorable Service Tribunal KPK Peshawar on behalf of respondents in the above cited titled case.

He is also authorized to submit and sign all documents pertaining to the present subject writ petition.

  
Regional Police Officer,  
Bannu Region, Bannu  
(Respondent No. 2)

  
Inspector General of Police  
KPK, Peshawar  
(Respondent No.3)

  
District Police Officer,  
Lakki Marwat  
(Respondent No.1)

Attested

Handwritten text in Urdu script, appearing to be a report or official communication. The text is dense and covers most of the page. It includes various lines of text, some of which are partially obscured by the signature and other markings. The script is cursive and typical of Urdu handwriting.

*[Signature]*

Attest

*[Extremely faint and illegible handwritten text, likely bleed-through from the reverse side of the page]*

Mobile No 33078000643  
MCA No 1201920858  
7 Annex B

ضلع لکی مروت

از دفتر DSP/HQr لکی

نمبر 33 کی تاریخ 23.10.2020

فائل انکوائری رپورٹ

برخلاف: SI عرفان خان


جناب عالی!

معروض خدمت ہوں کہ آپ جناب کے دفتر سے جاری شدہ بحوالہ چارج شیٹ و سمری آف ایلکیشن نمبر 6592-93 مورخہ 06.10.2020 برخلاف SI عرفان خان بسلسلہ انکوائری موصول ہو کر باقاعدہ دفتر زیر دستخطی سے مذکورہ SI کو جواب کی غرض سے نوٹس دیا گیا کہ آپ پر ذیل الزامات عائد ہیں۔

**الزام:-** مورخہ 26.09.2020 بوقت 02:00 بجے کنسٹیبل علی محمد نمبر 674 کے انفارمیشن پر آپ نے ہمراہ غلام قادر HC نمبر 193، کنسٹیبل محمد زبیر نمبر 345، کنسٹیبل حبیب الرحمان نمبر 7058 ہیڈ ٹرک نمبر 1229 نزر معراج مارکیٹ بمقام مسلم ڈیزل ایجنسی قبضہ میں کر کے جس کی ڈرائیونگ نامعلوم ڈرائیور اور ایوب ولد رئیس خان سکنہ سیرو کہ کرم ایجنسی موجود تھا۔ دراصل 120 کلوگرام چرس ٹرک سے برآمد کر کے جس میں صرف 3 کلوگرام چرس ظاہر کر کے جس پر مقدمہ 171 مورخہ 26.09.2020 جرم CNSA 9 تھانہ گمبیلہ درج رجسٹر کر کے 117 کلوگرام چرس غائب کیے اور صرف ایک ملزم ایوب خان ولد رئیس خان سکنہ کرم ایجنسی کو گرفتار کیا جبکہ ڈرائیور اور ٹرک کو چھوڑ دیا۔

**بیان:-** الزام علیہ ایفیسر نے اندر معیاد اپنا تحریری جواب دیا کہ مورخہ 25.09.2020 بحوالہ مد نمبر 06 صبح ہمراہ دیگر نفری پولیس کے ڈیوٹی کے لیے تھانہ سے روانہ ہوا اور شب بحوالہ مد نمبر 11 روز نامچہ 25.09.2020 وقت 23:30 بجے علاقہ سے واپس آیا۔ مورخہ 26.09.2020 صبح 09:15 بجے بدوران موبائل گشت بحد نزد ملنگ اڈہ ملزم ایوب خان ولد رئیس خان سکنہ کرم ایجنسی کے قبضہ سے 3 کلوگرام چرس برآمد کر کے ملزم کو حسب ضابطہ گرفتار کر کے مر اسلہ رپورٹ تھانہ بھیجوا یا جس پر مقدمہ 171 مورخہ 26.09.2020 جرم CNSA 9 تھانہ گمبیلہ درج رجسٹر کرنے کے بعد تفتیشی افسر موقع پر حاضر آیا اور موقع پر چرس اور ملزم ایوب حوالہ تفتیشی افسر کیا گیا۔ مورخہ 05.10.2020 من SI بحوالہ مد نمبر 07 روز نامچہ 05.10.2020 پولیس لائن لکی میں بغیر کسی جرم کے بند کو ارٹار گارڈ کیا گیا ہے۔ مورخہ 06.10.2020 کو مقدمہ علت 180 جرم PPC 409-202-201-200-164-119-118 تھانہ گمبیلہ مقدمہ میرے خلاف قائم کیا گیا دوران تفتیش نہ

Attested.

  
District Police Officer  
Lakki Marwat

C

الزام شدہ چرس برآمد ہوئے اور نہ ٹرک اور نہ میرے قبضہ سے دوران تفتیش کو رقم برآمد کی گئی ہے۔ میں ایک ذمہ دار پولیس افسر ہوا اور آج تک اپنی فرائض نہایت خوش اصولی سے سرانجام دیتے ہوئے افسران بالانے نقد انعامات سے نوازا ہے۔ میرے خلاف لگائے گئے الزامات بے بنیاد ہے۔ تحریری بیان ہمراہ لف ہے۔

اندریں بارہ SI نصر الدین انچارج انوسٹیگیشن، ASI/LBI محمد شاہ تھانہ گمبیلہ، شا کر اللہ PASI، ڈرائیور نادر خان متعینہ تھانہ گمبیلہ اور کنسٹیبل علی محمد نمبر 674 متعینہ پولیس لائن لکی دفتر طلب کر کے ان کے تحریری بیانات اور جرح سوالات کیے گئے جو ہمراہ انکوآری لف ہے۔

رائے انکوآری آفسر:- کیگنی انکوآری لئے گئے بیانات، جرح سوالات اور میسر شدہ ریکارڈ انکوآری سے اس نتیجہ پر پہنچا کہ

الزام علیہ SI عرفان خان مقدمہ 180 مورخہ 06.10.2020

جرم PPC 409-202-201-200-164-119-118 تھانہ گمبیلہ میں ڈاریکٹ چارج ہوا ہے۔ اور

PASI شا کر اللہ، ڈرائیور نادر خان نمبر 297 اور کیسٹیبل علی محمد نمبر 674 جو گواہ چشم دید ہے۔ بیانات کی روشنی میں الزام علیہ افسر قصور وار اور گنہگار پایا جاتا ہے۔ تاہم چارج شیٹ میں لگائے گئے الزامات درست ثابت ہوئے۔ مناسب سزا کی سفارش کی جاتی ہے۔ انکوآری رپورٹ مرتب ہو کر گزارش ہے۔

ڈی۔ ایس۔ پی ہیڈ کوارٹر لکی مروت

Dismissed from service.

26/11/20

Attested  
District Police Officer  
Lakki Marwat

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A. No. \_\_\_\_\_ /2020

Ghulam Qadir

versus

DPO & Others

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Through Appellant



Arbab Saif-ul-Kamal  
Advocate  
21-A, Nasir Mansion,  
Shoba Bazaar, Peshawar  
Ph: 0345-9047738

Dated: 16-11-2020



**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No **15190**/2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. **14816**

Dated **17/11/2020**

Ghulam Qadir S/O Hakeem Khan,  
R/o Landiwa, Lakki Marwat,  
EX-Head Constable No. 193,  
Police Station Gambila . . . . . Appellant

**Versus**

1. District Police Officer,  
Lakki Marwat.
2. Regional Police Officer,  
Bannu Region Bannu.
3. Provincial Police Officer,  
KP, Peshawar . . . . . Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974  
AGAINST OB NO. 676, DATED 27-10-2020 OF R.  
NO. 01, WHEREBY APPELLANT WAS DISMISSED  
FROM SERVICE OR OFFICE ORDER NO. 3954/EC  
DATED 12-11-2020 OF R.NO. 02 WHEREBY  
REPRESENTATION OF APPELLANT WAS FILED  
FOR NO LEGAL REASON:**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Filed to-day

Registrar

17/11/2020

**Respectfully Sheweth;**

1. That appellant was appointed as Constable in the year 1998 and was promoted to the rank of Head Constable and then passed the Intermediate Course in the year 2014.
2. That on 26-09-2020, appellant along with police party was on gusht and was stationed for general checking at the spot, Irrigation Canal Gambila when in the meanwhile, a person namely Ayub Khan S/O

Re-submitted to-day  
and filed.

Registrar 23/11/2020

Raees Khan came on the spot having in hand green shoper was signaled for checking but ran away and thereafter, he was searched and recovered three thousand gram chars from his possession and as a consequence, FIR No. 171 dated 26-09-2020 Police Station Gambila u/s 9(D)CNSA was registered. (Copy as annex "A")

3. That on 27-09-2020, accused was interrogated by the Inquiry Officer Muhammad Shah Khan by confessing the recovery of the contraband items. (Copy as annex "B")
4. That on 05-10-2020, PASI Shakirullah Khan, Nadir Khan Driver of the vehicle and Constable Ali Muhammad recorded statements before DSP Azmat Khan. The former two officials did not mention the recovery of 120 kg of chars but to the extent of three thousand gram while later, Constable Ali Muhammad No. 674 mentioned the same as 120 kg chars and recovery of Rs. 16,00,000/- from accused, Ayub Khan.

Here it would be not out of place to mention that none of them were present on the spot during recovery of the contraband items from the accused but at the same time, they were in Police Line Lakki Marwat. (Copy as annex "C")

5. That on 06-10-2020, SHO Kaleem Ullah Khan who was transferred to Police Station, Gambila after the recovery of the said contraband items lodge subsequent FIR No. 180 dated 06-10-20, u/s 118/119/164/200/201/202 and 409 PPC in Police Station, Gambila stating therein that it has come to the knowledge through informer that 120 kg chars was recovered from a truck on the spot by the alleged appellant instead of 3000 gms and Rs. 16, 00,000/-. (Copy as annex "D")
6. That in pursuance of the subsequent FIR dated 06-10-2020, appellant was served with Charge Sheet and Statement of Allegations on 06-10-2020 on the same day that on 26-09-2020 at 02:00 AM on the information of Constable Ali Mohammad along with others seized Heno Truck No. 1229 and recovered 120 kg chars from the same none mentioning of recovery of amount of Rs. 16, 00,000/- which was replied and denied the allegations in toto. (Copy as annex "E" & "F")

7. That on 10-10-2020, accused Ayub Khan recorded statement wherein recovery of the seized items was mentioned as 3000 gm chars and nothing else. (Copy as annex "G")
8. That enquiry report was submitted to the authority by DSP Azmat Bangesh for onward action wherein one Ali Muhammad constable No. 674 was shown as eye witness(s) of the scene / spot but as stated earlier, he was not present on the spot but was at the same time in Police Line, Lakki Marwat. (Copy as annex "H")
9. That on 27-10-2020, appellant was dismissed from service by R. No. 01 on the allegations mentioned therein. (Copy as annex "I")
10. That on 10-11-2020, appellant submitted comprehensive departmental appeal before R. No. 02 for reinstatement in service which was filed / rejected by him on 12-11-2020. (Copies as annex "J" & "K")

Hence this appeal, Inter Alia, on the following grounds;

### **GROUND S**

- a. That on 26-09-2020, in the FIR No. 171 dated 26-09-2020 there was mentioned of other Police Officials regarding recovery of the seized items but none deposed against the contents of the FIR.
- b. That even accused Ayub Khan S/O Raees Khan in his statements and applications submitted before the court for release on bail never stated that the contraband items was 120 kg and supported the contents of the FIR No. 171 dated 26-09-2020.
- c. That in the subsequent FIR, name of Ghulam Qadir No. 193 IHC, Constable Saeed Khan No. 987 FC, Constable Safi Ullah No. 19, Constable Habib-ur-Reham No. 7850 and Constable Zubair Khan No. 345 who were shown present on the spot but they never

contradicted contents of FIR No. 171 dated 26-09-2020 and even in the statements before the Inquiry Officer too.

- d. That Inquiry Officer namely Azmat Ullah Bangesh DSP never conducted enquiry into the matter as per the mandate of law. Neither any statement of any concerned was recorded in presence of the appellant nor he was afforded opportunity of cross examination what to speak of self defense.
- e. That the Inquiry Officer relied upon the statement of PASI Shakir Ullah, Driver Constable, Nadir Khan and Constable Ali Muhammad No. 674, yet statement of the former two officials goes in favor of appellant except the later but he was not present on the spot nor he was mentioned anywhere in the case.
- f. That though appellant was dismissed from service but he was never served with Final Show Cause Notice or provided opportunity of self defense, being mandatory, so the impugned orders have no legal value in the eyes of law.
- g. That in the FIR NO. 180 dated 06-10-2020, trial is yet to be completed and the respondents were legally bound to have wait for its conclusion.
- h. That both the impugned orders are not per the mandate of law but are based on malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal, orders dated 27-10-2020 and 12-11-2020 of the respondents be set aside and appellant be reinstated in service with all consequential benefits.



Appellant

Through



Arbab Saiful Kamal  
Advocate

Dated: 16-11-2020

## ابتدائی اطلاعی رپورٹ

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

ضلع لکی مروت

تھانہ گمبیلہ

تاریخ و وقت وقوعہ 26.9.2020 وقت 09.15 بجے

نمبر 171

۱-	تاریخ و وقت رپورٹ 26.09.2020	چا کیدگی 26.09.2020 وقت 10.00 بجے
۲-	نام سکونت اطلاع دہندہ مستغیث	عرفان خان SHO تھانہ گمبیلہ
۳-	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو۔	9D KP CNSA
۴-	جائے وقوعہ فاصلہ تھانہ سے اور سمت	ایری گیشن بحد ملنگ اڈہ جانب جنوباً فاصلہ 1/2 کلومیٹر از تھانہ
۵-	نام سکونت ملزم	ایوب خان ولد رئیس خان سکند میر و کسہ قوم غلجے سدا ضلع لوہڑ کرم ضلع کرم ایجنسی
۶-	کاروائی جو تفتیش کے متعلق کی گئی اگر اطلاع کرنے میں توقف ہوا تو وجہ بیان کرہ	برسیدگی مراسلہ پر چہ دیا گیا
۷-	تھانہ سے رواگی کی تاریخ و وقت	برسبیل ڈاک

## ابتدائی اطلاع نیچے درج کرو۔

ایک تحریری مراسلہ منجانب عرفان خان SHO بغرض قائمی مقدمہ بدست کنسٹیبل صفی اللہ 17 موصول ہو کر ذیل ہے۔ محرر تھانہ گمبیلہ میں معنفری پولیس دوران موبائل گشت جب جائے وقوعہ بالا پر پہنچا تو ایک شخص جسکے ہاتھ میں برنگ نیلا رنگ پلاسٹک لفافہ تھا اور پیدل جانب تاج زئی جا رہا تھا جس پارٹی پولیس کو دیکھ کر بھاگ پڑا۔ جو مشنر جان کر اس کا تعاقب کیا۔ تھوڑے فاصلے پر شخص مذکورہ کو قابو کیا۔ دریافت پر اپنا نام ایوب خان ولد رئیس خان سکند میر و کسہ قوم غلجے سدا ضلع کرم ایجنسی بتلایا تلاش لینے پر پلاسٹک لفافے میں تین پیکٹ چرس جس میں زرد سلوشن لپٹی ہوئی تھی برآمد ہوئی۔ جملہ چرس بمعہ پلاسٹک لفافہ تحویل میں کر کے جو بر موقع وزن کرنے پر کل 3000/- گرام چرس اتری۔ شخص مذکورہ کو مرتکب جرم بالا پا کر حسب ضابطہ گرفتار کر کے کارڈ گرفتاری جاری کی۔ مراسلہ بغرض قائمی مقدمہ تفتیش بدست کنسٹیبل صفی اللہ 17 ارسال تھانہ ہے۔ میں بر موقع موجود ہوں۔ دستخط انگریزی عرفان خان SHO 26.09.2020 کاروائی تھانہ پس برسیدگی مراسلہ پر چہ مجرم بالا برخلاف ملزم بالا کا چاک ہو کر نقول FIR بغرض تفتیش حوالہ QBI سٹاف کئے جاتے ہیں۔ پرچہ گزارش ہے۔ ASI PS Qambila

26.09.2020

ASD  
3

تعمیراتی کاموں کے لئے  
پرائیویٹ سروس

مقررہ 171 صفحہ 269 صوم KPCNSA اور تعمیراتی  
نیام - ایوب خان روڈ ریسٹوریشن خانہ قوم میونسپلٹی  
آپ کے والدین اور بیٹی کے نام پر  
علاقہ زرندہ عمارت والارہ ٹوٹ ہوئی ہے

میں یہ آپ کے محل کے برادران ہیں  
ج + میرے برادران ہیں  
سواء آپ کے محل کے نہیں ہیں  
ج + میرا نہیں ہیں جیسی جامع حاضریہ جی ایس  
غیرت و شرف

میں یہ آپ کے حاکمان محل کے ہیں  
ج + ایک چھوٹے خانہ خردق خانہ  
سے آپ کے مختلف ٹون کے قسم و قیامت ہیں  
رجسٹر ہوئے

ج + ہمارے علاقہ میں بھی متعدد دکانیں ہیں  
پرائیویٹ ٹون ٹون ہیں  
میں نے اپنے وقت میں  
ج + میں نے یہ سب دیکھا تھا۔ یہ سب سب  
تین ٹون ہیں جو کہ سب سے پہلے  
میں اس وقت کے لئے یہ سب  
وہاں کھینچنے کے لئے ہیں

Acento



بیلڈ کے اوزان سے متاثر ہونے والے مریض کا معائنہ

MC NO 11201 9900858 9 Moh 11/11/2007 800064

سائنس کے شعبے میں داخلہ ہونے کے بعد مریض کو طبی معائنہ کے لئے لائبریری میں لے جایا گیا۔

میں وہ لائبریری کے ممبروں کے ساتھ مل کر کام کرتا تھا اور وہیں ہی وہ طبی معائنہ کے لئے آیا۔

میں نے اس کے ساتھ ساتھ اس کے طبی معائنہ کے لئے اسے لائبریری میں لے جایا گیا۔

وہاں اس کے طبی معائنہ کے لئے اسے لائبریری میں لے جایا گیا۔

میں نے اس کے ساتھ ساتھ اس کے طبی معائنہ کے لئے اسے لائبریری میں لے جایا گیا۔

میں نے اس کے ساتھ ساتھ اس کے طبی معائنہ کے لئے اسے لائبریری میں لے جایا گیا۔

میں نے اس کے ساتھ ساتھ اس کے طبی معائنہ کے لئے اسے لائبریری میں لے جایا گیا۔

میں نے اس کے ساتھ ساتھ اس کے طبی معائنہ کے لئے اسے لائبریری میں لے جایا گیا۔

میں نے اس کے ساتھ ساتھ اس کے طبی معائنہ کے لئے اسے لائبریری میں لے جایا گیا۔

میں نے اس کے ساتھ ساتھ اس کے طبی معائنہ کے لئے اسے لائبریری میں لے جایا گیا۔

Dr. [Signature]

ADAMS



بیان میزان سہ ماہی کے استعمال اور دیگر تفصیلات کے بارے میں

NIC NO 11701-0330977-1 Model No 0345 9800250

میں کیا گیا ہے۔ مندرجہ ذیل کو کم لگائی گئی ہے۔ ۱۲۲ اور ۱۲۳ کے تحت  
کم تر اور زیادہ سے زیادہ استعمال کے بارے میں اس کے تحت اور دیگر تفصیلات  
والی طرح کے اس کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں

حرف ۱۲۵ کے تحت اس کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں  
کا تعلق ہے اور اس کے تحت اور دیگر تفصیلات کے بارے میں اس کے تحت اور دیگر تفصیلات  
حرف ۱۲۶ کے تحت اس کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں

اس کے تحت اور دیگر تفصیلات کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں  
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اس کے تحت اور دیگر تفصیلات کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں

واقعہ اور دیگر تفصیلات کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں  
اس کے تحت اور دیگر تفصیلات کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں  
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تعمیرات اور دیگر تفصیلات کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں  
تعمیرات اور دیگر تفصیلات کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں  
تعمیرات اور دیگر تفصیلات کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں

۱۲۵ کے تحت اور دیگر تفصیلات کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں  
۱۲۵ کے تحت اور دیگر تفصیلات کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں  
۱۲۵ کے تحت اور دیگر تفصیلات کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں

اور دیگر تفصیلات کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں  
اور دیگر تفصیلات کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں  
اور دیگر تفصیلات کے بارے میں اس کے تحت اور دیگر تفصیلات کے بارے میں

علی محمد 674  
5-20-020

Attest  




### ابتدائی اطلاع رپورٹ

(۱) ابتدائی اطلاع رپورٹ جو قابل دست اندازی پولیس رپورٹ شدہ ذرا دلچسپی اور تحقیق کے ساتھ فراہم کی جائے۔

سٹیٹس

تاریخ

تعداد

1	تاریخ وقت 26:10	180
2	نام ایجنٹ (موجودہ) / سابق سپیکل ایجنٹ خان 115	
3	جائے وقوعہ (موجودہ) / سابق	407-202-201-200-164-119-118
4	نام ایجنٹ / سرپرست	
5	کارروائی / نتیجہ / تعلق / کنفیڈنس / تاریخ / وقت / ایجنٹ / ایجنس	صیبی سٹیٹ انسپشن لاہور
6	تعداد / ذرا دلچسپی / مزید	پربھیمل ڈاک

ابتدائی اطلاع رپورٹ کے بارے میں  
 مذکورہ انفارمیشن کے ساتھ ساتھ  
 26:10  
 180  
 407-202-201-200-164-119-118  
 سپیکل ایجنٹ خان 115  
 صیبی سٹیٹ انسپشن لاہور  
 پربھیمل ڈاک  
 06-10-20

STP/Compta  
06-10-20

Handwritten signature and flourish.

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.No. 6597 /Dated: 6-10 /2020.DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975.

I, Abdul Rauf Babar PSP, District Police Officer, Lakki Marwat as competent authority am of the opinion that HC Ghulam Qadir No.193 while posted at PS Gambila has rendered himself liable to be proceeded against as he committed the following acts/commission within the meaning of Section-02 (ii) of NWFP Police Rules 1975.

STATEMENT OF ALLEGATIONS.

1. That on 26.09.2020 at 02:00 AM, on the information of Constable Ali Muhammad No.674, he alongwith SI Irfan Ullah, FC Zubair Khan No.345, FC Habib ur Rehman No.7058 and FC Sali Ullah No.19 seized a Hino Truck No.1229 in place of Meraj Market opposite Muslim Diesel Agency near Gambila Adda PS Gambila drive by unknown driver alongwith Ayub Khan s/o Raees Khan r/o Mirokasa District Kurum. They actually recovered 120 KG Charas from the Truck but entered only 3 KG Charas in the version of FIR No.171 dated 26.09.2020 u/s 9CNSA (D-KP) PS Gambila while the remaining 117 KG Charas was disappeared and also arrested only accused Ayub Khan s/o Raees Khan r/o Mirokasa District Kurum Agency. On collusion, bargaining been made and the driver concerned and Truck was set free.
2. That all speaks his gross misconduct on his part and makes him liable to be punished under Police Rules-1975.

For the purpose of securitizing the conduct of the said official with reference to the above allegations DSP/Hqrs, Lakki Marwat is appointed as Enquiry Officer.

The Enquiry Officer shall conduct proceedings in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its finding and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

District Police Officer,  
Lakki Marwat.

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.No. 6598-99/SRC, dated Lakki Marwat the 6-10 /2019.

Copy of above is forwarded to the:-

1. DSP/Hqrs: Lakki Marwat for initiating proceedings against the accused officer under Police Rules 1975.
2. HC Ghulam Qadir No.193 with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

.....  
A. Rauf

.....  
A. Rauf

CHARGE SHEET UNDER NWFP POLICE RULES 1975.

I, Abdul Rauf Babar PSP, District Police Officer, Lakki Marwat as competent authority hereby charge you HC Qhulam Qadir No.193 while posted at PS Gambila as follow:-

1. That on 26.09.2020 at 02:00 AM, on the information of Constable Ali Muhammad No.674, you alongwith SI Irfan Ullah, FC Zubair Khan No.345, FC Habib ur Rehman No.7058 and FC Safi Ullah No.19 seized a Hino Truck No.1229 in place of Meraj Market opposite Muslim Diesel Agency near Gambila Adda PS Gambila drive by unknown driver alongwith Ayub Khan s/o Raees Khan r/o Mirokasa District Kurum. You actually recovered 120 KG Charas from the Truck but entered only 3 KG Charas in the version of FIR No.171 dated 26.09.2020 u/s 9CNSA (D-KP) PS Gambila while the remaining 117 KG Charas was disappeared and also arrested only accused Ayub Khan s/o Raees Khan r/o Mirokasa District Kurum Agency. On collision, bargaining been made and the driver concerned and Truck was set free.
2. That all speaks of gross misconduct on your part and liable to be punished under Police Rule-1975.
3. By reason of the above, you appear to be guilty or misconduct under section - 02 (iii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section -04 (i) and & b of the said rules.
4. You are therefore directed to submit your written defense within seven days (7) of the receipt of this Charge Sheet to the Enquiry Officer.
5. Your written defense if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
6. Intimate whether you desired to be heard in persons.

No. 6597 / Dated Lakki Marwat the 6-10 / 2020.

District Police Officer  
Lakki Marwat

*Aturo*  
*[Signature]*

ذاتِ عالیٰ کوال چارج شیٹ نمبر 6597 مورخہ 06.10.2020ء پر یہ جواب دی۔ اس صاحب کی مراد معروضی ہوں کہ عدم قابو نہ  
 193/HC پر الزام ہے کہ مورخہ 26.09.2020ء کو وقت 0200 بجے کنسٹیبل علی محمد نمبر 674 انڈر میٹن پر آپ نے ہمراہ عرفان خان ایس۔ ایچ  
 ۔ ایچ ایم 193/HC کنسٹیبل محمد زبیر 345، حبیب الرحمن 7058 ڈیوڑک نمبر 1229 نزد معراج مارکیٹ بہ قابل مسلم لیڈل ایجنسی قبضہ میں  
 کر کے جس کی ذرائع تک نامعلوم ذرائع راہ اور ایوب خان ولد رئیس خان سکندر کرم ایجنسی موجود تھا اور اصل 120 کلوگرام چرس ٹرک سے  
 کرتے جس میں صرف تین کلوگرام چرس ظاہر کر کے جس پر مقدمہ ملت نمبر 171 مورخہ 26.09.2020ء م 9CNSA(D) KP تحت نمبر  
 درج کر کے 117 کلوگرام چرس غائب کر دیئے اور صرف ذرا تھوڑا ایوب خان ولد رئیس خان سکندر کرم ایجنسی کو گواہ کیا اور پتہ میں ذرا تھوڑا کلوگرام  
 چھوڑ دیا۔

یہ تمام واقعہ انتہائی غیر ذمہ داری اور پولیس رولز 1975ء کے تحت قابل سزا ہے۔

جواب عالی! جواہر معروضی ہوں!

۱۔ کہ مورخہ 06.10.2020ء کو معلوم ہوا کہ من مسائل کے خلاف مقدمہ ملت 180 مورخہ 06.10.2020ء  
 PPC 118, 119, 164, 200, 201, 202, 409 تحت کیس کیا گیا اور مسائل پر الزام ہے کہ مورخہ 26.09.2020ء کو بدواں مشت  
 ہمراہ دیگر پولیس ٹیم کے ساتھ ٹرک سے 120 کلوگرام چرس برآمدی اور ایوب خان ولد رئیس خان سکندر کرم ایجنسی کے خلاف تین کلوگرام کا مقدمہ  
 درج کیا ہے اور مبلغ 16 لاکھ روپے وصول کئے اور مجرم کو چھپایا ہے جو ہر امر لفظ اور بے بیایا ہے و توہم کے وقت میں حسب اجازت ایس۔ ایچ۔ اے  
 تھا جس پر (توا حسب نمبر اولف ہے) اور ایوب خان ولد رئیس خان کے خلاف ایس۔ ایچ۔ اے عرفان خان نے مورخہ 26.09.2020ء کو وقت 02  
 15 بجے تین کلوگرام چرس، آدھ کرتے جس سے خلاف مقدمہ ملت 171 مورخہ 26.09.2020ء م 9CNSA(D) KP تحت کیس کیا گیا  
 ہے جس کی تحقیقات بر موقع 10 نے عمل میں آئی ہے مگر تحقیقات کے دوران میرے خلاف کوئی قانونی فعل ثابت نہ ہوا اور نہ مقدمہ ملت  
 180 مورخہ 06.10.2020ء PPC 118, 119, 164, 200, 201, 202, 409 تحت کیس لانے من مسائل کے خلاف کوئی قانونی شہادت دستیاب ہوا

*(Handwritten signature)*

بیرے خلاف گائے کے الزامات میں دہلی میں برآمد کیے گئے ہیں اور ان کے خلاف مقدمہ چلایا گیا ہے اور ان کے خلاف کارروائی جاری ہے۔

B جانب مالی ایکٹنگ کے خلاف کارروائی جاری ہے اور ان کے خلاف مقدمہ چلایا گیا ہے اور ان کے خلاف کارروائی جاری ہے۔  
بیرے خلاف گائے کے الزامات میں دہلی میں برآمد کیے گئے ہیں اور ان کے خلاف مقدمہ چلایا گیا ہے اور ان کے خلاف کارروائی جاری ہے۔

C جانب مالی ایکٹنگ کے خلاف کارروائی جاری ہے اور ان کے خلاف مقدمہ چلایا گیا ہے اور ان کے خلاف کارروائی جاری ہے۔  
بیرے خلاف گائے کے الزامات میں دہلی میں برآمد کیے گئے ہیں اور ان کے خلاف مقدمہ چلایا گیا ہے اور ان کے خلاف کارروائی جاری ہے۔

بیرے خلاف گائے کے الزامات میں دہلی میں برآمد کیے گئے ہیں اور ان کے خلاف مقدمہ چلایا گیا ہے اور ان کے خلاف کارروائی جاری ہے۔

سائل غلام قادر IHC/193

موجودہ ایس ایس کی صورت


Handwritten signature and scribble at the bottom of the page.

رپورٹ ضمنی مقدمہ 79 بم

بیان اذان صلترم ایوب خان وارڈ شیخ خان سکندریہ میں واقع ہے۔  
 یہ تقریباً 70 سال پہلے بنی ہوئی ہے اور اس کا پتہ 1300-086385555 ہے۔  
 اس کے مالک نے یہ مکان 16 فروری 1954ء میں  
 میں صبح دیکھا اور اس کے کوچ سے اتر کر ٹھہری اور وہ اس مکان کا تھا۔  
 اسی وقت اس کے ساتھ ساتھ اس کے پاس میں چلے گئے  
 تھے اور ان کے ساتھ لارڈ اور شیخ گلویس کا پرچہ لیا یہ چورس  
 میں نے اس کے پاس سے لے کر یہ سکن درزانی شخص کو کہہ چوری  
 کا سکوت ہے۔ اس کے پاس لے کر یہ 2000 روپے ہے  
 کہیں سے اس کے پاس لے کر یہ 2000 روپے ہے۔ بیان سن لیا جو

ترجمت ہے۔

NEJ  
 5/1/15/15/8  
 15/10/2015

Asad  




ضلع کلکتہ

دفتر DSP/HQR کلکتہ

نمبر 527 تاریخ 23.10.2020

فائل انکوائری رپورٹ

برخلاف: HC قادر خان

جناب عالی!

معروض خدمت ہوں کہ آپ جناب کے دفتر سے جاری شدہ بحوالہ چارج شیٹ دسری آف ایکٹیشن نمبر 99-6598 مورخہ 06.10.2020 برخلاف HC قادر خان بسلسلہ انکوائری موصول ہو کر باقاعدہ دفتر زیر دستخطی سے مذکورہ HC کو جواب کی غرض سے نوٹس دیا گیا کہ آپ پر ذیل الزامات عائد ہیں۔

**الزام:-** مورخہ 26.09.2020 بوقت 02:00 بجے کنسٹیبل علی محمد نمبر 674 کے انفارمیشن پراپ نے ہمراہ SI عرفان خان کنسٹیبل محمد زبیر نمبر 345، کنسٹیبل حبیب الرحمان نمبر 7058 ہینوزک نمبر 1229 نذر معراج مارکیٹ بمقام مسلم ڈیزل ایجنسی قبضہ میں کر کے جس کی ڈرائیونگ نامعلوم ڈرائیور اور ایوب ولد رئیس خان سکندہ سیرو کہ کرم ایجنسی موجود تھا۔ دراصل 120 کلو گرام چرس ٹرک سے برآمد کر کے جس میں صرف 3 کلوگرام چرس ظاہر کر کے جس پر مقدمہ 171 مورخہ 26.09.2020 جرم CNSA 9CNSA تھانہ گمبھلا درج رجسٹر کر کے 117 کلوگرام چرس غائب کیے اور صرف ایک ملزم ایوب خان ولد رئیس خان سکندہ کرم ایجنسی کو گرفتار کیا جبکہ ڈرائیور اور ٹرک کو چھوڑ دیا۔

**بیان:-** الزام علیہ ایفسر نے اندر معیاد اپنا تحریری جواب دیا کہ مقدمہ علت 180 مورخہ 06.10.2020

جرم PPC 409-202-201-200-164-119-118 تھانہ گمبھلا سراسر غلط اور بے بنیاد ہے۔ وقوعہ کے وقت میں

حسب اجازت SHO شاباسی پر تھا۔ اور ملزم ایوب ولد رئیس خان کے خلاف SHO عرفان خان نے

مورخہ 26.09.2020 بوقت دن 09:15 بجے 3 کلو چرس برآمد کر کے جس کے خلاف مقدمہ علت 171

مورخہ 26.09.2020 جرم CNSA(D) 9CNSA تھانہ گمبھلا قائم کیا جس کی تفتیش برسر موقع عمل میں لائی گئی ہے۔ مگر تفتیش

کردوران میرے خلاف کوئی قانونی فعل ثابت نہ ہوا۔ میرے خلاف لگائے گئے الزامات میں نہ چرس برآمد کیے ہے اور نہ ٹرک

متذکرہ قبضہ پولیس کی گئی ہے اور نہ رقم برآمد کی گئی ہے۔ ایک غلط بے بنیاد اور بددیانتی پر مبنی انفارمیشن کے ذریعہ سائل پر مقدمہ قائم

کیا گیا ہے جس کی کوئی ثبوت مثل پر موجود نہیں ہے۔ وقوعہ کا بنیادی مقدمہ 171 مورخہ 26.09.2020

Airly

جرم (D) CNSA 9 تھانہ گمبیلہ ہے۔ جس میں میرے خلاف کوئی شہادت میسر نہیں ہے۔ میں ایک ذمہ دار پولیس افسر ہوں اور آج تک اپنی فرائض نہایت خوش اصولی سے سرانجام دیے ہیں۔ میرے خلاف لگائے گئے الزامات بے بنیاد ہیں۔ تحریری بیان، ہمراہ لفظ ہے۔

اندریں بارہ SI نصر الدین انچارج انوسٹیگیشن، ASI/LBI محمد شاہ تھانہ گمبیلہ، شاہراہ اللہ PASI، ڈرائیور نادر خان متعینہ تھانہ گمبیلہ اور کنسٹیبل علی محمد نمبر 674 متعینہ پولیس لائن کی دفتر طلب کر کے ان کے تحریری بیانات اور جرح و سوالات کیے گئے جو لفظ انکوائری ہذا ہے۔

رائے انکوائری آفسر:- کیٹی انکوائری لئے گئے بیانات، جرح و سوالات اور میسر شدہ ریکارڈ انکوائری سے اس نتیجہ پر پہنچا کہ الزام علیہ HC قادر خان مقدمہ 180 مورخہ 06.10.2020

جرم PPC 409-202-201-200-164-119-118 تھانہ گمبیلہ میں ڈاریکٹ چارج ہوا ہے۔ اور PASI شاہراہ اللہ، ڈرائیور نادر خان نمبر 297 اور کنسٹیبل علی محمد نمبر 674 جو گواہ چشم دید ہے۔ بیانات کی روشنی میں الزام علیہ افسر قصور وار اور گنہگار پایا جاتا ہے۔ تاہم چارج شیٹ میں لگائے گئے الزامات درست ثابت ہوئے۔ مناسب سزا کی سفارش کی جاتی ہے۔ انکوائری رپورٹ مرتب ہو کر گزارش ہے۔

ڈی۔ ایس۔ پی ہیڈ کوارٹری مروت

Dismissed  
from service

26/1/20

ADSD

ORDER

My this order will dispose off the departmental proceedings initiated against Head Constable Ghulam Qadir No.193 while posted at PS Gambila was found to indulge in the following allegations:-

1. That on 26.09.2020 at 02:00 AM, on the information of Constable Ali Muhammad No.674, he alongwith SI Irfan Ullah, FC Zubair No.345, FC Safi Ullah No.19, FC Habib ur Rehman No.7058 and FC Saeed No.897 seized a Hino Truck No.1229 in place of Meraj Market opposite Muslim Diesel Agency near Gambila Adda PS Gambila drive by unknown driver alongwith Ayub Khan s/o Raees Khan r/o Mirokasa District Kurum. They actually recovered 120 KG Charas from the Truck but entered only 3 KG Charas in the version of FIR No.171 dated 26.09.2020 u/s 9CNSA (D-KP) PS Gambila while the remaining 117 KG Charas was disappeared and also arrested only accused Ayub Khan s/o Raees Khan r/o Mirokasa District Kurum Agency. On collision, bargaining been made and the driver concerned and Truck was set free.
2. That all speaks gross misconduct on his part and liable to be punished under Police Rules-1975.

Proper Charge Sheet based upon summary of allegations was served upon him and the enquiry papers were entrusted to DSP/Hqrs: Lakki Marwat for initiated proper departmental proceedings against him. The Enquiry Officer looked into the misconduct and submitted his finding report vide No.5527 dated 23.10.2020, wherein the allegations leveled against him were proved and recommended for suitable punishment.

Therefore, I Abdul Rauf Babar PSP, District Police Officer, Lakki Marwat exercise of the power vested in me under Police Rules-1975, hereby impose upon him major punishment of "*dismissal from service*" with immediate effect. He is directed to deposit all the Govt: articles allotted to him to the concerned branches.

OB No. 676 1

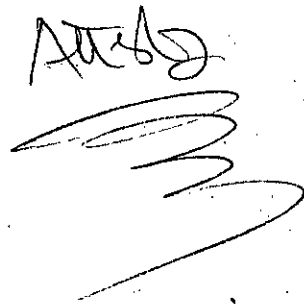
Dated: 27/10/2020.

No. 7093-95 / Dated Lakki Marwat the 27-10-2020.

District Police Officer  
Lakki Marwat

Copy of above is submitted for favour of information to:-

1. The Regional Police Officer, Bannu Region, Bannu.
2. EC, PO, RI Police Lines & OHC for information & necessary action.

Attest  


## بخدمت جناب ریجنل پولیس آفیسر (RPO) صاحب بنوں ریجن بنوں

عنوان: (اپریل بحوالہ رولز 1975 فقرہ 14 باب 16 فقرہ 29 پولیس رولز) بابت بحالی من سائل کا بر ملازمت از تاریخ برخواستگی سے بعد مراعات دینے و کالعدم قرار دینے بحوالہ آرڈر بک نمبر 676 مورخہ 27.10.2020 فیصلہ DPO صاحب کئی مروت

جناب عالی!

بحوالہ مشمولہ فونوٹیشنٹ فیصلہ DPO صاحب کئی مروت متعلق من سائل کے برخاستگی کا بحوالہ آرڈر بک نمبر 676 مورخہ 27.10.2020 سائل بہ سطح

اپریل بابت بحالی بر ملازمت مع مراعات کے کالعدم قرار دینے حکم جناب DPO صاحب کئی مروت سائل ذیل گزارشات بطور استدعا عرض کرنا چاہتا ہے۔

1. من سائل مورخہ: 06-10-2020 کو پشاور گیا ہوا تھا کہ معلوم ہوا کہ میرے خلاف مقدمہ 180 مورخہ 206.10.2020 م

تھانہ گبیلہ میں درج رجسٹر ہوا ہے میں پشاور سے واپس آکر عدالت سے BBA کر کے

تھانہ گبیلہ جا کر اپنا BBA، بیان I/O کو دیا۔

2. میرے خلاف درج شدہ مقدمہ کی تفتیش نصر الدین خان SI نے کی ہے جس نے صفحہ مثل پر کوئی ٹھوس شہادت نہیں لایا ہے۔ اور نہ کوئی

ریکوری کی گئی ہے۔

3. مقدمہ حذا درج رجسٹر ہو کر کسی قسم کی ریکوری ٹھوس شہادت صفحہ مثل پر نہیں لایا ہے۔ افسران بالانے کافی کوشش کی کہ سینہ خرید برڈ چرس

برآمد کیا جائے لیکن حقیقت کے خلاف پاکر ریکوری اور ٹھوس شہادت صفحہ مثل پر لانے سے قاصر رہے۔

4. مثل مقدمہ میں تا حال چالان مکمل نہیں بھیجا گیا ہے اور من سائل کے خلاف حکمانہ کاروائی یک طرفہ طور مکمل کر کے محکمہ سے علیحدہ کیا گیا ہے

5. انکوائری افسر نے اہم گواہان مخرر تھانہ اور تفتیشی افسر مقدمہ علت 171/20 جرم 9DCNSA تھانہ گبیلہ کے بیانات ریکارڈ نہیں کئے ہیں

جو انصاف کے اصولوں کے خلاف ہے جن کی بیانات سے مجھے انصاف ملنے کی قوی امکان ہے۔

Attest

7. یہ کہ انکوائری آفیسر نے گواہ علی محمد کنسٹیبل کی شب و قومہ گمبھلا تھانہ کے حدود میں ڈیوٹی سرانجام دینے کی نقل اور روانگی دو ایسی ریکارڈ پر نہیں لایا ہے۔

8. یہ کہ انکوائری آفیسر نے گواہ علی محمد کنسٹیبل کے اس بیان کو میسر نظر انداز کیا جس میں مخبر کو 45 کلوزس دینے کا بتلایا گیا ہے۔ گواہ کنسٹیبل علی محمد کا بیان خود قابل گرفت ہے لیکن انکوائری آفیسر نے چور اینڈ چپک کی بنیاد پر مجھے ناکردہ جرم کا بغیر ثبوت کے گنہگار ٹھہرا دیا ہے۔

9. یہ کہ انکوائری آفیسر نے بدوران انکوائری تمام قواعد و ضوابط کو قصداً اٹھائے طاق رکھ کر نہایت جلدی میں اپنی رائے قلمبند کیا ہے۔

10. یہ کہ تمام ترا انکوائری یکطرفہ طور پر عمل میں لائی گئی ہے انکوائری کے قواعد و ضوابط پولیس رولز 1975، باب 16 پولیس رولز مجھے گواہان پر جرح کرنے کا حق دیا کرتا ہے لیکن مجھے گواہان پر جرح کرنے کا موقع نہ دیا گیا ہے۔ جو میرے حق تعلق کے مترادف ہے اور قانونی نقاط کی نفی ہے۔

11. یہ کہ انکوائری آفیسر نے اپنے فرائض کی سطح پر گواہان پر کسی قسم کا جرح نہیں کیا ہے۔

12. یہ کہ انکوائری آفیسر کو پولیس رولز 1975 کی رو سے جج جیسا اختیار حاصل ہے لیکن انکوائری آفیسر نے قانونی نقاط سے ہٹ کر اپنی مرضی سے انکوائری عمل میں لائی ہے۔ پولیس انکوائری رولز اور انکوائری ایکٹ 1976 یہ تلقین کرتا ہے کہ الزام علیہ و ملازم کو موقع پر پولیس رولز باب 16 فقرہ 24 کی رو سے تصدیق شدہ کاپی گواہان کے بیانات کا مہیا کرے گا۔ لیکن مجھے کسی قسم کا نقل گواہان کا نہیں دیا گیا ہے۔ جو یہ پولیس رولز کے ہدایات اور انفارمیشن ایکٹ قوانین سے ہٹ کر غیر قانونی طریقہ پر انکوائری کرنے کا آغاز کرتا ہے۔

13. یہ کہ انکوائری آفیسر نے نہ میرا بیان لیا ہے اور نہ مجھے صفائی پیش کرنے کا موقع دیا ہے۔ اس سطح پر بھی میری حق تعلق ہوئی ہے۔ یہ کہ مجاز اتھارٹی جناب DPO صاحب کئی مروت کا فرض بنا تھا کہ سزا دینے سے قبل پیشی کا موقع دیتے۔ اور میرا موقف سننے لیکن مجھے پیشی کرنے کا موقع نہ دیا گیا ہے۔ تو میرے موقف کا سننا کہاں؟

14. یہ کہ عدالت سروس ٹریبونل کا واضح فیصلہ ہے کہ اگر کسی ملازم / ملازم کے متعلق ایف۔ آئی۔ آر درج ہو سکے جب تک عدالت میں الزام / ملازم پر ثابت نہ ہو جائے تب تک ملازم ملازم بے تصور ہے۔

15. یہ کہ پولیس رولز باب 16 فقرہ 3 یہ تلقین کرتا ہے کہ اگر کوئی پولیس آفیسر عدالت سے باعزت بری ہو جائے تو اس کے متعلق محکمانہ کارروائی عمل میں نہیں لائی جائیگی۔

16. یہ کہ پولیس رولز یہ بھی تلقین کرتا ہے کہ عدالتی فیصلہ آنے تک انکوائری کو پینڈنگ رکھا جائے گا۔

Arif

17. یہ کہ 1973 آئین پاکستان یہ ہدایت کرتا ہے کہ اگر کسی ملزم / ملازم کو سزائے موت دی جائے جب تک ریڈ وارنٹ جاری نہ ہو اور تب تک اس کی تنخواہ بحال رکھی جائے گی۔ کہ یہ ان کے اہل و عیال کا حق ہے۔

18. یہ کہ انصاف کا تقاضوں کی رو سے چاہیے تو یہ تھا کہ انکو آڑی کے اصولوں کے مطابق اولاً سرسری (Primal) یعنی بنیادی انکو آڑی عمل میں لاتے اور اس کے بعد انکو آڑی سے جو نتیجہ اخذ ہوتا تو اس کی رو سے جواب طلبی (Explanation) دیا کرتے۔ اگر مجاز اتھارٹی میرے جواب سے مطمئن نہ ہوتے تو شوکارڈ نوٹس جاری کرتے اگر میں نے اس پر تسلی بخش جواب دیا ہوتا تو درست لیکن اگر وہ میرے شوکارڈ نوٹس سے مطمئن نہ ہوتا تو تب انکو آڑی آفیسر چارج شیٹ / سرری آف انکیسٹیشن جاری کرنے کا مجاز تھا۔

19. یہ کہ قانونی ماہرین پولیس رولز 1975 کو انسانی بنیادی حقوق ایکٹ اور انصاف کے تقاضوں کے ساتھ متصادم شمار کرتے ہیں۔

20. یہ کہ ایک وقوعہ اور دو FIR مقدمہ 171 مورخہ 26.09.2020م CNSA KP (D) 9 تھانہ گمبیلہ میں 3 ہزار گرام چرس از قبضہ ملزم ایوب خان سے برآمد ہونا اور قبضہ پولیس ہونا اور ملزم کا گرفتار ہونا درج ہے۔ اور LBI کی تفتیشی آفیسر محمد شاہ ASI نے FIR کے تائید میں تفتیش کر کے جو مقدمہ برائے سماعت عدالت بھجوا کر پینڈنگ پڑا ہے۔ I.O. کا FIR کے حق میں تفتیش کرنا میرے بے قصوری کا ایک مضبوط ثبوت ہے۔

21. یہ کہ میرے متعلق درج مقدمہ 180 مورخہ 06.10.2020م 706.10.2020م 9(D) تھانہ گمبیلہ سنی سنائی

، مفروضوں پر مبنی دہوائی باتوں کے بنیاد پر درج رجسٹر ہوا ہے جس میں نہ واقعاتی شہادت و دستاویزی شہادت جو حقیقت پر مبنی ہو موجود نہیں

ہے۔ بلکہ بطور ادنیٰ ماتحمان FIR بلا سلسلہ نمبر 12 کے تائید میں مجبوری کی وجہ سے بیانات میرے عدم موجودگی میں دیئے ہیں۔ جو انصاف کے

اصول و انفاذیشن ایکٹ قوانین و انسانی ہمدردی قوانین کی طرف طور پر بیانات قلمبند کرنے کی انکو آڑی آفیسر کو اجازت نہیں دیا کرتا ہے۔ بلکہ

قانون یہ تلقین کیا کرتا ہے کہ انکو آڑی آفیسر لا تعلق گواہان پر مبنی شہادت صفحہ انکو آڑی پر / مثل مقدمہ پر لایا کرے جو مقدمہ / انکو آڑی کے

کامیابی کا سبب بنے۔ لیکن میرے متعلق جملہ گواہان و ماتحمان ادنیٰ پولیس آفسران ہے۔ جو افسر متعلقہ کے حکم کے تائیدار اور ماننے والے ہیں

اور یہ نا انصافی کے اصولوں کا مضبوط ثبوت ہے۔ جبکہ مقدمہ 171/020 تھانہ گمبیلہ ملزم ایوب خان جو بعد تفتیش کے متعلق چالان مکمل

دیا گیا ہے۔ اور مقدمہ برائے سماعت پینڈنگ پڑا ہے مقدمہ 180/020 بلا میں ملزم کو ضمیمہ ب پر حکم عدالت برائے بیان جیل سے نکالا جا کر

مذکورہ کا بیان I.O. نصر الدین خان زیر دفعہ 161 ض۔ ف بیان لیا ہے۔ جو سابقہ بیان کے تائید میں بھی بیان دیا ہے۔

Atty  
B

## عالیجاہ:-

میرا اپیل سماعت کنندہ مجاز اتھارٹی RPO صاحب بنوں اپنے عقل سلیم کے روع سے ہمدردانہ سطح پر میرے اپیل کو منظور فرما کر تاریخ برخواستگی سے بعد مراعات کے ملازمت پر بحال کرنے اور فیصلہ / حکم جناب DPO صاحب کو کالعدم قرار دیکر معاف فرمائے کیونکہ اللہ پاک نے رونے زمین کے کسی بھی حصہ پر معافی / صلہ رحمی پر پابندی سائد نہیں کی ہے۔ جبکہ اپنے بے تصوری کے لحاظ سے جملہ قانونی حقوق محفوظ رکھتا ہوں۔

عنایت ماتحت پروری ہوگی۔

مورخہ:- 10-11-2020

العارض

سائل برخواست شدہ ہیڈ کنسٹیبل غلام قادر نمبر 193 ولد حکیم خان سکنہ لنڈیواہ ضلع کلی مروت

شناختی کارڈ نمبر

موبائل نمبر 03475670020

ATK

## ORDER

My this order will dispose off departmental appeal, preferred by Ex-HC Ghulam Qadar No.193 of district police Lakki Marwat, wherein, he has prayed for setting aside the order of major punishment of "dismissal from service", imposed upon him by DPO Lakki Marwat, vide OB No.676 dated 27.10.2020 on committing the following omissions:-

- That on 26.09.2020 at 02:00AM, on the information of Constable Ali Muhammad No.674, the appellant along with SI Irfan Ullah No.193, FC Zubair No.345, FC Safiullah No.19, FC Habibur-Rahman No.7058 and FC Saeed No.897 seized a Heno truck No.1229 in place of Miraj Market opposite Muslim Diesel Agency near Gambila Adda, PS Gambila, driven by unknown driver along with Ayub Khan s/o Rais Khan r/o Mirokasa district Kurram. They actually recovered 120KG charas from the truck but entered only 03KG charas in the version of FIR No.171 dated 26.09.2020 u/s 9CNSA(D-KP) PS Gambila, while the remaining 117KG charas were disappeared and also arrested only accused Ayub Khan s/o Rais Khan r/o Mirokasa district Kurram. They made bargaining and the driver concerned and truck were set free.
- That this all speaks gross misconduct on his part and liable to be punished under Police Rules, 1975.

Service record, inquiry file of the appellant and comments received from DPO Lakki Marwat were perused. Moreover, the appellant was also afforded opportunity of personal hearing in orderly room today on 12.11.2020 in connection with his instant departmental appeal but he did not substantiate his innocence.

Therefore, I, Awal Khan, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) hereby file his appeal and endorse the punishment awarded to him by DPO Lakki Marwat, being one, justifiable and in consonance with law.

ORDER ANNOUNCED

(AWAL KHAN) PSP  
Regional Police Officer,  
Bannu Region, Bannu

No. 3954/EC, dated Bannu the 12/11/2020

Copy to District Police Officer, Lakki Marwat for information and n/action w/r to his office Memo: No.7507/EC dated 11.11.2020.

(AWAL KHAN) PSP  
Regional Police Officer,  
Bannu Region, Bannu

12/11/20

*[Handwritten signature]*



یعدالت جناب سرورس ٹریڈ ہونٹل صوبہ سندھ پشاور

متوجبات اصلاحت

غلام قادر نام

دعویٰ اپیل

باسمہ تحریر ایٹک

میں نے مذکورہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور  
کیسٹیم سعید احمد خان سرورس ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا ہے کہ صاحب  
موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا نیز وکیل صاحب کو کرنے راہی نامہ و آقررت ثالثہ و فیصلہ برتلاف  
میں جواب دہی اور اقبال دعویٰ اور لہجہ تہذیبی و لہجہ چیک و روپیہ اور بعضی دعویٰ اور درخواست  
ہر قسم کی تقدیر اور اس پر دستخط کرنے کا اختیار ہوگا نیز لہجہ تہذیبی و لہجہ چیک و روپیہ یا لہجہ دیگر کسی  
اور کسی چیز دار کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور لہجہ تہذیبی و لہجہ چیک  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقدیر کا اختیار ہوگا  
اور اس پر مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ متعلقہ  
قبول ہوگا و دوران مقدمہ میں جو خرچہ و تر جانہ التوا مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب  
موصوف ہوں گے نیز بقایا دفر حسبہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام روہ  
پر ہو یا عدسے باہر ہو تو وکیل صاحب یا بزرگ ہوں گے کہ پیروی مذکور کریں  
لہذا وکالت نامہ دیکھ دیا کہ سند ہے۔

الرقوم 20-11-16

العبد

العبد

العبد

11  
اریاب سیف انکمال  
ایڈووکیٹ

سعید اللہ رحمان مرشد  
ایڈووکیٹ

J. Dadar

غلام قادر

من رویتنا  
محمد کوز  
ایڈووکیٹ

علی سیف

22/12

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

**Appeal No. 15191/2020.**

Ghulam Qadir S/o Hakim Khan,  
R/o Landiwa Lakki Marwat,  
Ex-Head Constable No.193 PS Gambeela

(Appellant)

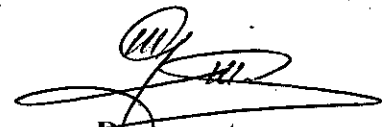
**VERSUS**

- 1) District Police Officer Lakki Marwat.
- 2) Regional Police Officer Bannu Region, Bannu.
- 3) Provincial Police Officer KPK Peshawar.

(Respondents)

**INDEX**

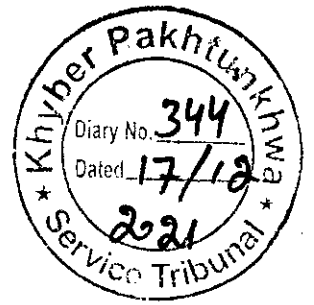
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**Deponent**

①

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**  
**Appeal No. 15191/2020.**

Ghulam Qadir S/o Hakim Khan,  
R/o Landiwa Lakki Marwat,  
Ex-Head Constable No.193 PS Gambila



(Appellant)

**VERSUS**

- 1) District Police Officer Lakki Marwat.
- 2) Regional Police Officer Bannu Region, Bannu.
- 3) Provincial Police Officer KPK Peshawar.

(Respondents)

**Para wise REPLY BY the RESPONDENT NO. 1, 2 & 3**

Respectfully Sheweth:

**PRELIMINARY OBJECTIONS**

- 1) That the appellant has no cause of action and locus standi.
- 2) That the appeal of appellant is not maintainable under the law and rules.
- 3) That the appeal is bad due to non-joinder and mis-joinder of necessary parties.
- 4) That the appellant has approached the Honorable Tribunal with unclean hands.
- 5) That the appeal is badly time barred.

**OBJECTIONS ON FACTS**

1. Pertains to record.
2. In-correct: Brief facts of the case are that at the midnight of 25/26-09-2020 Constable Ali Muhammad No.674 received concrete information to the effect that one unknown Truck is carrying a huge quantity of narcotics / Chars to unknown place, upon which the above named Constable immediately informed (appellant) **Head Constable Ghulam Qadir** regarding the Truck, in response HC Ghulam Qadir, PASI Shakir Khan along with other police contingent conducted Nakabandi & also informed appellant Irfan Ullah (Ex-SHO PS Gambila), in the meantime the suspicious Truck reached and seized by appellant HC Ghulam Qadir & Constable Muhammad Saeed No.897 (**Statement of Constable Ali Muhammad as Annex "A"**). In the meanwhile, the appellant (Ex-SHO Gambila) along-with gunners namely appellant Safi Ullah 19/FC, Habib ur Rehman 7850/FC & Zubair Khan 345/FC reached to the place of occurrence and total 120 Kg Charas (parcels) were recovered from the said Truck, while the appellant Ex-SHO deputed PASI Shakir Khan to PP Manzar Faqir for conducting Nakabandi (**Statement of PASI Shakir Khan as Annex "B"**). Appellant Ex-SHO, appellant Ghulam Qadir along with other Police party by joining hands with accused narcotics peddlers have taken a huge amount a sum of Rs 1600000/- / Sixteen Lacs as a bribe in lieu of concealing the facts and also shown only 03 Kg Charas in version of case FIR No.171 dated 26-09-2020 u/s 9 CNSA (D) PS Gambila, besides one unknown accused was also illegally released on the spot, while one accused namely Ayub Khan s/o Raees Khan was arrested and charged in FIR based on concocted story by showing only 3 Kg charas instead of 120 Kg, which clearly shows the appellant inefficiency / Corruption and mala-fide intentions, punishable under section 118,119,164,200,201,202,490 of the Pakistan Penal Code, hence the Respondents have left with no other option except to register a case vide FIR No.180 dated 06-10-2020 under the above PPC sections against the appellant along with other involved Police Officials. (Copy of FIR dated 06-10-2020 already annexed by appellant as "D")

- 3. In-correct: this para has already replied in Para No.3 of the S.A No.15700/2020, titled Irfan Ullah (Ex-SHO) & 04 others vs IGP KPK and others.
- 4. In-correct: The statements of the other Police officials, who were eye witness of the same occurrence were also recorded, according to which total 120 KG narcotics / Charas recovery was made by the appellant (Ex-SHO Gambila) in the presence of the appellant Constable Safi Ullah No.19, thereby facilitate the drug peddlers / commission of an offence in lieu of huge amount and shown only 03 Kg Charas in the version of FIR and concealed the facts. (Statements already Annexed in Para No. "2" ibid )
- 5. Pertains to record. However, detail reply already given in Para's ibid.
- 6. In reply, it is stated that for such offence of the appellant, charge sheet based upon summary of allegations was issued, properly served upon appellant and DSP/HQrs Lakki Marwat was nominated as E.O with the directions to conduct facts findings enquiry. (Charge sheet already Annexed by appellant as "E")
- 7. In-correct: this para has already explained in above Para No.3.
- 8. In-correct: A detail inquiry into the matter was conducted by DSP/Hqrs Lakki Marwat in accordance with law / rules and put-up findings to R.No.1 (competent authority), wherein the allegations leveled against the appellant stand proved, finally on the basis of findings of the E.O, the appellant was dismissed from service vide OB No.676 dated 27-10-2020. (Photocopy of findings report is Annex 'C')
- 9. As stated in Para 8 above.
- 10. Correct to the extent that appellant submitted departmental appeal for his re-instatement in service before R.No.2, accordingly appellant was afforded full opportunity of self-defense and personal hearing by R.No.2, but the appellant failed to substantiate his innocence, hence the appeal for re-instatement in service was rejected by the R.No.2 on 12-11-2020. (Rejection order already Annex by appellant as "L")

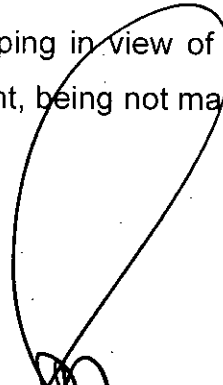
**OBJECTIONS ON GROUNDS:-**

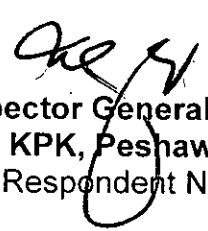
- A. In-correct: As stated in detail earlier in Para No.2, the appellant along with associated police party concealed the design of offence / facts in the FIR No.171 dated 26-09-2020 by joining hands in gloves with accused drug peddler, which was clarified by the eye witness of the occurrence PASI Shakir Ullah & Constable Ali Muhammad, hence all the involved Police officials were charged under Pakistan Penal Code Section as already described in above para.
- B. In-correct: Pertains to record, hence need no comments.
- C. In-correct: A detail probe were made in the matter by Enquiry Officer DSP/Hqrs Lakki, who fulfilled all legal / codal formalities and the appellants were found guilty of the charges leveled against them and put up findings report before R.No.1 with the recommendations for imposition of punishment.
- D. In-correct: A detail fact findings enquiry into the matter was conducted by Enquiry Officer DSP/Hqrs Lakki Marwat in accordance with law / rules and fulfill all legal / codal formalities. The appellant was found guilty of the charges and recommended for imposition of suitable punishment.
- E. In-correct: pertains to record.

- F. In reply, it is stated that the appellant along with other Police officials were directly charged under PPC sections for commission of heinous act earlier mentioned and proper departmental enquiry proceedings were also initiated as per law / rules, according to which the allegations against the appellant stand proved without any shadow of doubt, hence dismissed from service by the authority.
- G. In reply, it is submitted appellant was a discipline force member / public servant and guardian of public life & property, the appellant concealed the design of offence which was his duty to prevent, also caused disappearance of evidence of offence. The appellant proved himself a black sheep for the Police Department, hence his retention in Police Department was no more required, therefore after legal / codal formalities he was charged in FIR under PPC section and imposed the major penalty i.e., dismissal from service upon him.
- H. In-correct: The orders of the respondents were passed in accordance with law / rules and facts.

**Prayer:**

Keeping in view of the above facts and circumstances, it is humbly prayed that appeal of appellant, being not maintainable, may kindly be dismissed with costs.

  
Regional Police Officer,  
Bannu Region, Bannu  
(Respondent No. 2)

  
Inspector General of Police  
KPK, Peshawar  
(Respondent No.3)

  
District Police Officer,  
Lakki Marwat  
(Respondent No.1)

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**  
**Appeal No. 15191/2020.**

Ghulam Qadir S/o Hakim Khan,  
R/o Landiwa Lakki Marwat,  
Ex-Head Constable No.193 PS Gambeela

(Appellant)

**VERSUS**

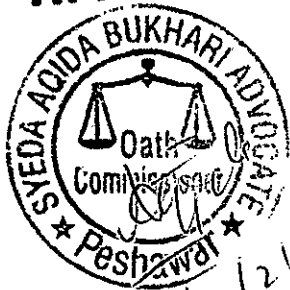
- 1) District Police Officer Lakki Marwat.
- 2) Regional Police Officer Bannu Region, Bannu.
- 3) Provincial Police Officer KPK Peshawar.

(Respondents)

**AFFIDAVIT**

I, **Mr. Younas Khan** SI/Legal representative for Respondents do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable court.

**ATTESTED**



17/12/21

*(Signature)*  
**DEPONENT**

5

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**  
**Appeal No. 15191/2020.**

Ghulam Qadir S/o Hakim Khan,  
R/o Landiwa Lakki Marwat,  
Ex-Head Constable No.193 PS Gambeela

(Appellant)

**VERSUS**

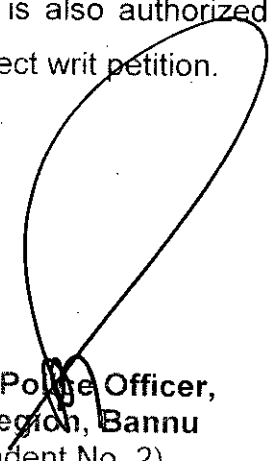
- 1) District Police Officer Lakki Marwat.
- 2) Regional Police Officer Bannu Region, Bannu.
- 3) Provincial Police Officer KPK Peshawar.

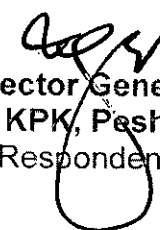
(Respondents)

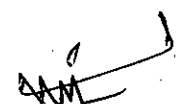
**AUTHORITY LETTER**

We, the undersigned do hereby authorized Mr. **Younas Khan** SI/ Legal Lakki Marwat to appear before the Honorable Service Tribunal KPK Peshawar on behalf of respondents in the above cited titled case.

He is also authorized to submit and sign all documents pertaining to the present subject writ petition.

  
Regional Police Officer,  
Bannu Region, Bannu  
(Respondent No. 2)

  
Inspector General of Police  
KPK, Peshawar  
(Respondent No.3)

  
District Police Officer,  
Lakki Marwat  
(Respondent No.1)

نیٹل آڈائن سٹیشن نمبر 674  
NIC NO 11201-0330977-1 Mobil No 0345-9860288

میں کیا تم عدم قادر HT جو تم کو کبھی سے لیا ہے HT اور فرد نے کہا  
کہ تم کو کوئی کارڈ مل گیا ہے یہ وہی وہی ہے جس میں اس نے آپ کو لیا تھا  
والط اس سے کارڈ مل گیا ہے کہ لکھیں وہاں لکھا ہے


دو دن 25/26 کو الفار سے یہ ساقہ والط اس سے لیا گیا کہ اس کے ذریعہ کارڈ  
کی نشاندہی کر لگا میں نے یہاں عدم قادر HT سے نوٹس میں لکھ لیا  
دو دن 25-26 کے درمیان اس کے تمام سیرا کو وقت 02:30 کو الفار سے لیا گیا

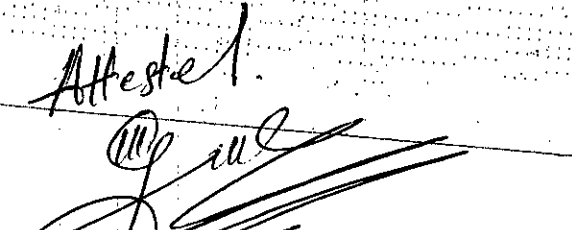
اطلاع میں نے عدم قادر HT سے لیا تھا جو فی الفور سیرا کے طور پر اس سے  
کے پاس سے لیا گیا تھا یہاں جو اس کا عرفان اس کے ساتھ جو والط سے  
یہ اتنے میں آتا تھا کہ اس کے پاس اس کے پاس بھی عدم قادر سے لیا گیا

واقعہ اس وقت کے ساتھ کہ اس کے پاس اس کے پاس اس کے پاس اس کے پاس  
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Attested  
  
District Police Officer  
Lakki Marwat

Attested  
  
District Police Officer  
Lakki Marwat





Anx: C

ضلع لکی مروت

از دفتر DSP/HQ لکی

نمبر 33.10.2020. تاریخ

فائل انکوائری رپورٹ

برخلاف: SI عرفان خان


جناب عالی!

معروض خدمت ہوں کہ آپ جناب کے دفتر سے جاری شدہ بحوالہ چارج شیٹ و سمری آف ایلکیشن نمبر 6592-93 مورخہ 06.10.2020 برخلاف SI عرفان خان بسلسلہ انکوائری موصول ہو کر باقاعدہ دفتر زیر دستخطی سے مذکورہ SI کو جواب کی غرض سے نوٹس دیا گیا کہ آپ پر ذیل الزامات عائد ہیں۔

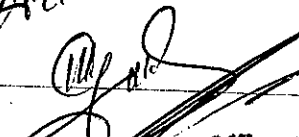
**الزام:-** مورخہ 26.09.2020 بوقت 02:00 بجے کنسٹیبل علی محمد نمبر 674 کے انفارمیشن پر آپ نے ہمراہ غلام قادر HC نمبر 193، کنسٹیبل محمد زبیر نمبر 345، کنسٹیبل حبیب الرحمان نمبر 7058 ہینوٹرک نمبر 1229 نزر معراج مارکیٹ بمقام مسلم ڈیزل ایجنسی قبضہ میں کر کے جس کی ڈرائیونگ نامعلوم ڈرائیور اور ایوب ولد رئیس خان سکنہ سیرو کہ کرم ایجنسی موجود تھا۔ دراصل 120 کلوگرام چرس ٹرک سے برآمد کر کے جس میں صرف 3 کلوگرام چرس ظاہر کر کے جس پر مقدمہ 171 مورخہ 26.09.2020 جرم CNSA 9 تھانہ گمبیلہ درج رجسٹر کر کے 117 کلوگرام چرس غائب کیے اور صرف ایک ملزم ایوب خان ولد رئیس خان سکنہ کرم ایجنسی کو گرفتار کیا جبکہ ڈرائیور اور ٹرک کو چھوڑ دیا۔

**بیان:-** الزام علیہ ایفسر نے اندر معیاد اپنا تحریری جواب دیا کہ مورخہ 25.09.2020 بحوالہ مد نمبر 06 صبح ہمراہ دیگر نفری پولیس کے ڈیوٹی کے لیے تھانہ سے روانہ ہوا اور شب بحوالہ مد نمبر 11 روز نامچہ 25.09.2020 وقت 23:30 بجے علاقہ سے واپس آیا۔ مورخہ 26.09.2020 صبح 09:15 بجے بدوران موبائل گشت بحد نزد ملنگ اوڈہ ملزم ایوب خان ولد رئیس خان سکنہ کرم ایجنسی کے قبضہ سے 3 کلوگرام چرس برآمد کر کے ملزم کو حسب ضابطہ گرفتار کر کے مراسلہ رپورٹ تھانہ بھیجوا یا جس پر مقدمہ 171 مورخہ 26.09.2020 جرم CNSA 9 تھانہ گمبیلہ درج رجسٹر کرنے کے بعد تفتیشی افسر موقع پر حاضر آیا اور موقع پر چرس اور ملزم ایوب حوالہ تفتیشی افسر کیا گیا۔ مورخہ 05.10.2020 من SI بحوالہ مد نمبر 07 روز نامچہ 05.10.2020 پولیس لائن لکی میں بغیر کسی جرم کے بند کو ارٹگارڈ کیا گیا ہے۔ مورخہ 06.10.2020 کو مقدمہ علت 180 جرم PPC 409-202-201-200-164-119-118 تھانہ گمبیلہ مقدمہ میرے خلاف قائم کیا گیا دوران تفتیش نہ

Attested

  
District Police Officer  
Lakki Marwat

Attested

  
District Police Officer  
Lakki Marwat

الزام شدہ چرس برآمد ہوئے اور نہ ٹرک اور نہ میرے قبضہ سے دوران تفتیش کو رقم برآمد کی گئی ہے۔ میں ایک ذمہ دار پولیس افسر ہوا اور آج تک اپنی فرائض نہایت خوش اصولی سے سرانجام دیتے ہوئے افسران بالا نے نقد انعامات سے نوازا ہے۔ میرے خلاف لگائے گئے الزامات بے بنیاد ہے۔ تحریری بیان ہمراہ لف ہے۔

اندریں بارہ SI نصر الدین انچارج انوسیکیشن، ASI/LBI محمد شاہ تھانہ گمبیلہ، شا کر اللہ PASI، ڈرائیور نادر خان متعینہ تھانہ گمبیلہ اور کنسٹیبل علی محمد نمبر 674 متعینہ پولیس لائن کی دفتر طلب کر کے ان کے تحریری بیانات اور جرح سوالات کیے گئے جو ہمراہ انکوآری لف ہے۔

رائے انکوآری افسر:- کیگی انکوآری لئے گئے بیانات، جرح سوالات اور میسر شدہ ریکارڈ انکوآری سے اس نتیجہ پر پہنچا کہ

الزام علیہ SI عرفان خان مقدمہ 180 مورخہ 06.10.2020

جرم PPC-409-202-201-200-164-119-118 تھانہ گمبیلہ میں ڈاریکٹ چارج ہوا ہے۔ اور

PASI شا کر اللہ، ڈرائیور نادر خان نمبر 297 اور کنسٹیبل علی محمد نمبر 674 جو گواہ چشم دید ہے۔ بیانات کی روشنی میں الزام علیہ افسر قصور وار اور گنہگار پایا جاتا ہے۔ تاہم چارج شیٹ میں لگائے گئے الزامات درست ثابت ہوئے۔ مناسب سزا کی سفارش کی جاتی ہے۔ انکوآری رپورٹ مرتب ہو کر گزارش ہے۔

ڈی۔ ایس۔ پی ہیڈ کوارٹر لکی مروت

Dismissed from service.

26/11/20

Attested  
District Police Officer  
Lakki Marwat

Attested.  
District Police Officer  
Lakki Marwat

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**  
**Appeal No. 15191/2020.**

Ghulam Qadir S/o Hakim Khan,  
R/o Landiwa Lakki Marwat,  
Ex-Head Constable No.193 PS Gambeela

(Appellant)


**VERSUS**

- 1) District Police Officer Lakki Marwat.
- 2) Regional Police Officer Bannu Region, Bannu.
- 3) Provincial Police Officer KPK Peshawar.

(Respondents)

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**Deponent**

(1)

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

**Appeal No. 15191/2020.**

Ghulam Qadir S/o Hakim Khan,  
R/o Landiwa Lakki Marwat,  
Ex-Head Constable No.193 PS Gambila

(Appellant)

**VERSUS**

- 1) District Police Officer Lakki Marwat.
- 2) Regional Police Officer Bannu Region, Bannu.
- 3) Provincial Police Officer KPK Peshawar.

(Respondents)

**Para wise REPLY BY the RESPONDENT NO. 1,2 & 3**

Respectfully Sheweth:

**PRELIMINARY OBJECTIONS**

- 1) That the appellant has no cause of action and locus standi.
- 2) That the appeal of appellant is not maintainable under the law and rules.
- 3) That the appeal is bad due to non-joinder and mis-joinder of necessary parties.
- 4) That the appellant has approached the Honorable Tribunal with unclean hands.
- 5) That the appeal is badly time barred.

**OBJECTIONS ON FACTS**

1. Pertains to record.
2. In-correct: Brief facts of the case are that at the midnight of 25/26-09-2020 Constable Ali Muhammad No.674 received concrete information to the effect that one unknown Truck is carrying a huge quantity of narcotics / Chars to unknown place, upon which the above named Constable immediately informed (appellant) **Head Constable Ghulam Qadir** regarding the Truck, in response HC Ghulam Qadir, PASI Shakir Khan along with other police contingent conducted Nakabandi & also informed appellant Irfan Ullah (Ex-SHO PS Gambila), in the meantime the suspicious Truck reached and seized by appellant HC Ghulam Qadir & Constable Muhammad Saeed No.897 (**Statement of Constable Ali Muhammad as Annex "A"**). In the meanwhile, the appellant (Ex-SHO Gambila) along-with gunners namely appellant Safi Ullah 19/FC, Habib ur Rehman 7850/FC & Zubair Khan 345/FC reached to the place of occurrence and total 120 Kg Charas (parcels) were recovered from the said Truck, while the appellant Ex-SHO deputed PASI Shakir Khan to PP Manzar Faqir for conducting Nakabandi (**Statement of PASI Shakir Khan as Annex "B"**). Appellant Ex-SHO, appellant Ghulam Qadir along with other Police party by joining hands with accused narcotics peddlers have taken a huge amount a sum of Rs 1600000/- / Sixteen Lacs as a bribe in lieu of concealing the facts and also shown only 03 Kg Charas in version of case FIR No.171 dated 26-09-2020 u/s 9 CNSA (D) PS Gambila, besides one unknown accused was also illegally released on the spot, while one accused namely Ayub Khan s/o Raees Khan was arrested and charged in FIR based on concocted story by showing only 3 Kg charas instead of 120 Kg, which clearly shows the appellant inefficiency / Corruption and mala-fide intentions, punishable under section 118,119,164,200,201,202,490 of the Pakistan Penal Code, hence the Respondents have left with no other option except to register a case vide FIR No.180 dated 06-10-2020 under the above PPC sections against the appellant along with other involved Police Officials. (Copy of FIR dated 06-10-2020 already annexed by appellant as "D")

- 3. In-correct: this para has already replied in Para No.3 of the S.A No.15700/2020, titled Irfan Ullah (Ex-SHO) & 04 others vs IGP KPK and others.
- 4. In-correct: The statements of the other Police officials, who were eye witness of the same occurrence were also recorded, according to which total 120 KG narcotics / Charas recovery was made by the appellant (Ex-SHO Gambila) in the presence of the appellant Constable Safi Ullah No.19, thereby facilitate the drug peddlers / commission of an offence in lieu of huge amount and shown only 03 Kg Charas in the version of FIR and concealed the facts. (Statements already Annexed in Para No. "2" ibid )
- 5. Pertains to record. However, detail reply already given in Para's ibid.
- 6. In reply, it is stated that for such offence of the appellant, charge sheet based upon summary of allegations was issued, properly served upon appellant and DSP/HQrs Lakki Marwat was nominated as E.O with the directions to conduct facts findings enquiry. (Charge sheet already Annexed by appellant as "E")
- 7. In-correct: this para has already explained in above Para No.3.
- 8. In-correct: A detail inquiry into the matter was conducted by DSP/Hqrs Lakki Marwat in accordance with law / rules and put-up findings to R.No.1 (competent authority), wherein the allegations leveled against the appellant stand proved, finally on the basis of findings of the E.O, the appellant was dismissed from service vide OB No.676 dated 27-10-2020. (Photocopy of findings report is Annex 'C')
- 9. As stated in Para 8 above.
- 10. Correct to the extent that appellant submitted departmental appeal for his re-instatement in service before R.No.2, accordingly appellant was afforded full opportunity of self-defense and personal hearing by R.No.2, but the appellant failed to substantiate his innocence, hence the appeal for re-instatement in service was rejected by the R.No.2 on 12-11-2020. (Rejection order already Annex by appellant as "L")

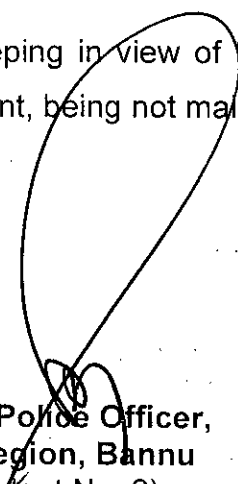
**OBJECTIONS ON GROUNDS:-**

- A. In-correct: As stated in detail earlier in Para No.2, the appellant along with associated police party concealed the design of offence / facts in the FIR No.171 dated 26-09-2020 by joining hands in gloves with accused drug peddler, which was clarified by the eye witness of the occurrence PASI Shakir Ullah & Constable Ali. Muhammad, hence all the involved Police officials were charged under Pakistan Penal Code Section as already described in above para.
- B. In-correct: Pertains to record, hence need no comments.
- C. In-correct: A detail probe were made in the matter by Enquiry Officer DSP/Hqrs Lakki, who fulfilled all legal / codal formalities and the appellants were found guilty of the charges leveled against them and put up findings report before R.No.1 with the recommendations for imposition of punishment.
- D. In-correct: A detail fact findings enquiry into the matter was conducted by Enquiry Officer DSP/Hqrs Lakki Marwat in accordance with law / rules and fulfill all legal / codal formalities. The appellant was found guilty of the charges and recommended for imposition of suitable punishment.
- E. In-correct: pertains to record.

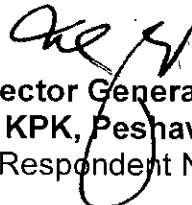
- F. In reply, it is stated that the appellant along with other Police officials were directly charged under PPC sections for commission of heinous act earlier mentioned and proper departmental enquiry proceedings were also initiated as per law / rules, according to which the allegations against the appellant stand proved without any shadow of doubt, hence dismissed from service by the authority.
- G. In reply, it is submitted appellant was a discipline force member / public servant and guardian of public life & property, the appellant concealed the design of offence which was his duty to prevent, also caused disappearance of evidence of offence. The appellant proved himself a black sheep for the Police Department, hence his retention in Police Department was no more required, therefore after legal / codal formalities he was charged in FIR under PPC section and imposed the major penalty i.e., dismissal from service upon him.
- H. In-correct: The orders of the respondents were passed in accordance with law / rules and facts.

**Prayer:**

Keeping in view of the above facts and circumstances, it is humbly prayed that appeal of appellant, being not maintainable, may kindly be dismissed with costs.



Regional Police Officer,  
Bannu Region, Bannu  
(Respondent No. 2)



Inspector General of Police  
KPK, Peshawar  
(Respondent No.3)



District Police Officer,  
Lakki Marwat  
(Respondent No.1)

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**  
**Appeal No. 15191/2020.**

Ghulam Qadir S/o Hakim Khan,  
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Ex-Head Constable No.193 PS Gambaela

(Appellant)

**VERSUS**

- 1) District Police Officer Lakki Marwat.
- 2) Regional Police Officer Bannu Region, Bannu.
- 3) Provincial Police Officer KPK Peshawar.

(Respondents)

**AFFIDAVIT**

I, Mr. Younas Khan SI/Legal representative for Respondents do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable court.

**ATTESTED**



  
**DEFENDENT**



5

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**  
**Appeal No. 15191/2020.**

Ghulam Qadir S/o Hakim Khan,  
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(Appellant)

**VERSUS**

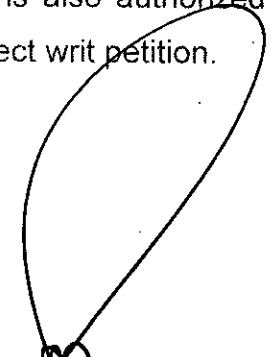
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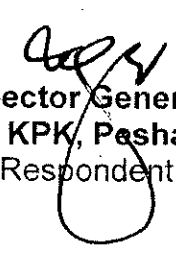
(Respondents)

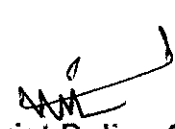
**AUTHORITY LETTER**

We, the undersigned do hereby authorized Mr. Younas Khan SI/ Legal Lakki Marwat to appear before the Honorable Service Tribunal KPK Peshawar on behalf of respondents in the above cited titled case.

He is also authorized to submit and sign all documents pertaining to the present subject writ petition.

  
Regional Police Officer,  
Bannu Region, Bannu  
(Respondent No. 2)

  
Inspector General of Police  
KPK, Peshawar  
(Respondent No.3)

  
District Police Officer,  
Lakki Marwat  
(Respondent No.1)

پولیس اڈان لکی مہراں 674 صفحہ اولیٰ میں مل کر  
NIC NO. 11201-0330977-1 Mobil No. 0345-9860288

میں کیا گیا۔ مقدمہ نمبر H-1 جو کہ قبیلہ میں نشانی کے تحت H-1 مقدمہ نمبر سے  
کم تر ہو گا۔ کارروائی کے دوران میں یہ سب سے پہلے ایف اے کے ذریعہ  
رابطہ کے ذریعے کارروائی کے لئے تین دنوں کے دوران

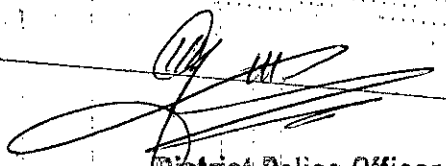
درج ذیل کے واقعے کے بارے میں رابطہ کے ذریعے تین دنوں کے دوران  
کے لئے تین دنوں کے دوران میں یہ سب سے پہلے ایف اے کے ذریعہ  
درج ذیل کے واقعے کے بارے میں رابطہ کے ذریعے تین دنوں کے دوران

اطلاعات کے ذریعے مقدمہ نمبر H-1 سے رابطہ کیا گیا جو فوراً سرکاری طور پر  
کارروائی کے لئے تین دنوں کے دوران میں یہ سب سے پہلے ایف اے کے ذریعہ  
درج ذیل کے واقعے کے بارے میں رابطہ کے ذریعے تین دنوں کے دوران

اس کے نتیجے میں تین دنوں کے دوران میں یہ سب سے پہلے ایف اے کے ذریعہ  
کارروائی کے لئے تین دنوں کے دوران میں یہ سب سے پہلے ایف اے کے ذریعہ  
درج ذیل کے واقعے کے بارے میں رابطہ کے ذریعے تین دنوں کے دوران

درج ذیل کے واقعے کے بارے میں رابطہ کے ذریعے تین دنوں کے دوران  
کارروائی کے لئے تین دنوں کے دوران میں یہ سب سے پہلے ایف اے کے ذریعہ  
درج ذیل کے واقعے کے بارے میں رابطہ کے ذریعے تین دنوں کے دوران

Attested

  
District Police Officer  
Lakki Marwat



Anx: C

ضلع لکی مروت

از دفتر DSP/HQr لکی

نمبر 33.10.2020. تاریخ

فائل انکوائری رپورٹ

برخلاف: SI عرفان خان

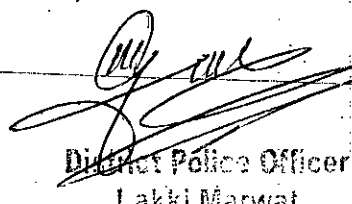
جناب عالی!

معروض خدمت ہوں کہ آپ جناب کے دفتر سے جاری شدہ بحوالہ چارج شیٹ و سمری آف ایلکیشن نمبر 6592-93 مورخہ 06.10.2020 برخلاف SI عرفان خان بسلسلہ انکوائری موصول ہو کر باقاعدہ دفتر زیر دستخطی سے مذکورہ SI کو جواب کی غرض سے نوٹس دیا گیا کہ آپ پر ذیل الزامات عائد ہیں۔

**الزام:-** مورخہ 26.09.2020 بوقت 02:00 بجے کنسٹیبل علی محمد نمبر 674 کے انفارمیشن پر آپ نے ہمراہ غلام قادر HC نمبر 193، کنسٹیبل محمد زبیر نمبر 345، کنسٹیبل حبیب الرحمان نمبر 7058 ہینڈ ٹک نمبر 1229 نزر معراج مارکیٹ بمقام مسلم ڈیزل ایجنسی قبضہ میں کر کے جس کی ڈرائیونگ نامعلوم ڈرائیور اور ایوب ولد رئیس خان سکنہ سیرو کہ کرم ایجنسی موجود تھا۔ دراصل 120 کلوگرام چرس ٹرک سے برآمد کر کے جس میں صرف 3 کلوگرام چرس ظاہر کر کے جس پر مقدمہ 171 مورخہ 26.09.2020 جرم CNSA 9 تھانہ گمبیلہ درج رجسٹر کر کے 117 کلوگرام چرس غائب کیے اور صرف ایک ملزم ایوب خان ولد رئیس خان سکنہ کرم ایجنسی کو گرفتار کیا جبکہ ڈرائیور اور ٹرک کو چھوڑ دیا۔

**بیان:-** الزام علیہ افسر نے اندر معیاد اپنا تحریری جواب دیا کہ مورخہ 25.09.2020 بحوالہ مد نمبر 06 صبح ہمراہ دیگر نفری پولیس کے ڈیوٹی کے لیے تھانہ سے روانہ ہوا اور شب بحوالہ مد نمبر 11 روز نامچہ 25.09.2020 وقت 23:30 بجے علاقہ سے واپس آیا۔ مورخہ 26.09.2020 صبح 09:15 بجے بدوران موبائل گشت بحد نزد ملنگ اڈہ ملزم ایوب خان ولد رئیس خان سکنہ کرم ایجنسی کے قبضہ سے 3 کلوگرام چرس برآمد کر کے ملزم کو حسب ضابطہ گرفتار کر کے مراسلہ رپورٹ تھانہ بھیج دیا جس پر مقدمہ 171 مورخہ 26.09.2020 جرم CNSA 9 تھانہ گمبیلہ درج رجسٹر کرنے کے بعد تفتیشی افسر موقع پر حاضر آیا اور موقع پر چرس اور ملزم ایوب حوالہ تفتیشی افسر کیا گیا۔ مورخہ 05.10.2020 من SI بحوالہ مد نمبر 07 روز نامچہ 05.10.2020 پولیس لائن لکی میں بغیر کسی جرم کے بند کو ارٹگار ڈکيا گیا ہے۔ مورخہ 06.10.2020 کو مقدمہ علت 180 جرم PPC 409-201-202-200-164-119-118 تھانہ گمبیلہ مقدمہ میرے خلاف قائم کیا گیا دوران تفتیش نہ

Attested

  
District Police Officer  
Lakki Marwat

C

الزام شدہ چرس برآمد ہوئے اور نہ ٹرک اور نہ میرے قبضہ سے دوران تفتیش کو رقم برآمد کی گئی ہے۔ میں ایک ذمہ دار پولیس افسر ہوا اور آج تک اپنی فرائض نہایت خوش اصولی سے سرانجام دیتے ہوئے افسران بالا نے نقد انعامات سے نوازا ہے۔ میرے خلاف لگائے گئے الزامات بے بنیاد ہے۔ تحریری بیان ہمراہ لف ہے۔

اندریں بارہ SI نصر الدین انچارج انوسٹیگیشن، ASI/LBI محمد شاہ تھانہ گمبیلہ، شا کر اللہ PASI، ڈرائیور نادر خان متعینہ تھانہ گمبیلہ اور کنسٹیبل علی محمد نمبر 674 متعینہ پولیس لائن کی دفتر طلب کر کے ان کے تحریری بیانات اور جرح سوالات کیے گئے جو ہمراہ انکوائری لف ہے۔

رائے انکوائری آفسر:- کیگنی انکوائری لئے گئے بیانات، جرح سوالات اور میسر شدہ ریکارڈ انکوائری سے اس نتیجہ پر پہنچا کہ

الزام علیہ SI عرفان خان مقدمہ 180 مورخہ 06.10.2020

جرم PPC 409-202-201-200-164-119-118 تھانہ گمبیلہ میں ڈارکٹ چارج ہوا ہے۔ اور

PASI شا کر اللہ، ڈرائیور نادر خان نمبر 297 اور کیسٹبل علی محمد نمبر 674 جو گواہ چشم دید ہے۔ بیانات کی روشنی میں الزام علیہ افسر قصور وار اور گنہگار پایا جاتا ہے۔ تاہم چارج شیٹ میں لگائے گئے الزامات درست ثابت ہوئے۔ مناسب سزا کی سفارش کی جاتی ہے۔ انکوائری رپورٹ مرتب ہو کر گزارش ہے۔

ڈی۔ ایس۔ پی ہیڈ کوارٹر لکی مروت

Dismissed from service.

26/11/20

Attested  
District Police Officer  
Lakki Marwat

**IN THE COURT OF MIRZA MUHAMMAD KASHIF  
ADDL: SESSIONS JUDGE-II, LAKKI MARWAT.**

Sessions Case No.....20/SC of 2021  
Date of original institution.....17-02-2021  
Date of decision.....21-12-2021

**The State through:**

Kalimullah Khan SHO PS Gambila, Tehsil &  
District Lakki Marwat.....(Complainant)

**VERSUS**

1-Irfanullah s/o Nasibullah r/o Azar Khel,  
2-Zubair Khan s/o Noor Khan r/o Ghazni Khel,  
3-Safiullah s/o Mir Qalam r/o Zafar Mama Khel,  
4-Habib ur Rehman s/o Painsa Khan r/o Baist Khel  
5-Ghulam Qadir Khan s/o Hakim Khan r/o Landiwah  
6-Muhammad Saeed s/o Muhammad Iqbal s/o Landiwah all  
Tehsil and District Lakki Marwat.

.....(Accused facing trial)

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Case FIR No. 180 Dated: 06-10-2020 U/S  
118/119/164/200/201/202/409 PPC of PS Gambila  
District Lakki Marwat.

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**JUDGMENT:**

- 1- All the six accused named above, faced the trial in above captioned case.
- 2- Brief facts of the prosecution case as per contents of the FIR are that on 06-10-2020 at 12:00 hours complainant Kalimullah Khan SHO lodged the report in PS Gambila, alleging therein that through informer he came to know that on 26-09-2020 at 02:30 hours (night) a truck without number was

**ATTESTED**

  
Examiner to  
District & Session Judge

21/12/21

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intercepted by constable Ghulam Qadir No.193/HC and Saeed Khan No.897 at Mairaj market Adda Gambila within the limits of PS Gambila, in the meanwhile Irfanulath Khan SHO PS Gambila along with gunners Safiullah No.19, Habib ur Rehman No.7850 and Zubair Khan No.345 arrived on the spot who searched the truck which led the recovery of 120 KG charas however the process and recovery was kept secret being bribed of Rs.16,00,000/- by the accused, that they did not take any legal action against the accused and the crime was kept secret, that it was also came into his knowledge that FIR No.171 dated: 26-09-2020 u/s 9 D CNSA at PS Gambila was registered against the driver of the truck namely Ayub Khan and showed the recovery of 3 KG charas in the case, that above named officials committed dishonesty in their official duty by keeping the crime underground, hence the FIR.

3- After registration of FIR necessary investigation was initiated in the case and after completion of investigation, prosecution submitted complete challan on 26-11-2020 against all the six accused named above for trial. On 18-02-2021, instant case file was received by the court of Hon'ble Sessions Judge Lakki Marwat from the court of learned Magistrate Lakki Marwat which was further entrusted to this court. All the six accused on bail were summoned, they appeared before the court and copies were supplied to them u/s 265-C Cr.P.C on 02-03-2021. Thereafter, on 09-03-2021 formal charge was framed against the accused named above, wherein they pleaded not guilty to the charge and claimed trial, thereafter, prosecution was allowed to adduce their evidence. Prosecution evidence was summoned, in order to prove its case against the accused facing trial. Prosecution examined as many as seven (07) PWs, with the following brief gist:-

(i) PW-1 Shafqatullah PASI deposed that on 26-11-2020 after completion of investigation, he submitted complete challan against the accused Ex PW 1/1.

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Examiner to  
District & Session Judge  
Lakki Marwat


  
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(ii) PW-2 Kalimullah Khan ASI deposed that on 6-10-2020, he registered a case vide FIR No.180 for an occurrence of 26-9-2020 u/s 118/119/146/202/209/200 PPC against the accused mentioned therein. Copy of the FIR is Ex PW 2/1. The copy of FIR was then sent to LBI staff for investigation of the case.

(iii) PW-3 Naseer ud Din S.I deposed that on 6-10-2020, on receipt of copy of FIR, he proceeded to the spot where he prepared site plan upon his own observations Ex PW 3/1. On the same date, he arrested the accused Irfanullah Khan, Zubair Khan, Safiullah and Habib ur Rehman and issued their card of arrest Ex PW 3/2. On the same day, he also arrested the accused Saeed and issued his card of arrest Ex PW 3/3. On 6-10-2003, he produced the accused Irfanullah, Zubair Khan, Safiullah and Habib ur Rehman before the court for obtaining their physical custody. One day physical custody was granted vide his application Ex PW 3/4. On 7-10-2020, he also produced accused Irfanullah before the court for obtaining his physical remand and was granted one day police custody vide his application which is Ex PW 3/5. On 8-10-2020, produced the accused for further physical remand of the accused vide his application Ex PW 3/6, however his request was turned down and accused was committed to jail. He recorded the statements of PWs u/s 161 Cr.P.C. He interrogated the accused and prepared their interrogation report Ex PW 3/7 to 3/12 respectively. He placed on file, naqal Mad No.7 Ex P-1, Naqal Mad No.31 Ex P-2, Naqal Mad No.11 Ex P-3, Naqal Mad No.19 Ex P-4 and placed the same on judicial file. On 7-10-2020, he applied to the court for summoning the accused through zamima bey against the accused Ayub Khan of case FIR No.171 dated 26-9-2020 u/s 9D of CNSA of P.S Gambila from Central Jail, Bannu for the purpose of interrogation and dig out the real facts from his mouth vide his application Ex PW 3/13. He interrogated the accused Ayub in the instant case and recorded his statement u/s 161 Cr.P.C Ex PW 3/14. He has also placed on

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Examiner to  
District & Session Judge  
Lahli Marwat

21/12/21

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file the case FIR No.171 Ex PW 3/15. He also recorded the statements of PWs u/s 161 Cr.P.C. On completion of investigation, he handed over the case file to SHO for submission of challan.

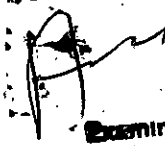
(iv) PW-4 Ayub Khan (driver of the alleged truck) deposed that on 26-09-2020 at 02:30 A.M, he was not driving any truck. No truck or charas mentioned in case FIR No. 171/2020 of PS Gambila was recovered from him nor he was present during that time. Further deposed that neither he was present at that time at Meraj market Serai Gambila nor he knows any SHO namely Irfanullah.

After recording the statements of above-mentioned PWs, the prosecution, closed its evidence on 25-03-2021 and in this respect the signature of learned Dy:PP for the State was obtained. On 29-03-2021 all the six accused facing trial named above were examined under section 342 Cr.P.C wherein they pleaded their innocence, however they neither wished to be examined on oath nor to produce evidence in their defence.

On 12-04-2021 learned APP for the State submitted an application u/s 540 Cr.P.C before the court for summoning of PWs namely Iqbal Muhammad, Inspector Nabi, Ali Muhammad No.674 and Shakirullah ASI and Nadir Khan No.297 on the grounds mentioned therein. Request was allowed being genuine and the witnesses were ordered to be summoned.

(v) PW-5 Ali Muhammad No.674 deposed that Ghulam Qadir HC, who was posted at P.S Gambila, told him to make him perform an operation. So, he contacted with an informer (spy) who assured of an operation. On 25-9-2020, informer contacted him and told that he will make pointation of a vehicle in night time. He brought this fact in the notice of Ghulam Qadir HC. In the mid night on 25/26-9-2020, at nursery place at about 2.30 am "on the information of informer he contacted with Ghulam Qadir HC, who along with Shakirullah PASI and gunners at once reached to the spot, who was also in contact with Irfanullah SHO. Meanwhile one mazda truck

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Examiner to  
District & Session Judge  
Lahki Marwat


21/12/21

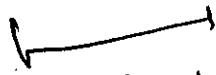
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passed towards D.I.Khan and they were standing at Muslim Diesel Agency situated at Adda Gambila, Ghulam Qadir HC chased the truck. At the same time, another Mazda truck of parrot colour came, then informer told that this is the same truck which is loaded with narcotics. He informed Ghulam Qadir HC about it and after some time he saw that Zubair MM was driving the said mazda truck reached and parked the truck in Miraj market Seria Gambila. Meanwhile SHO Irfanullah along with his gunners dressed in civil clothes came to the spot in car and in his supervision 120 packets of yellow colour containing charas were recovered from the mazda truck and in his presence Ghulam Qadir HC handed over 45 packets of charas to the informer on the spot and thereafter informer left the spot. The remaining charas alongwith truck and driver were taken towards P.S by Ghulam Qadir HC, SHO Irfanullah and police officials. He is eyewitness of the occurrence. He recorded his statement before DSP on 5-10-2020, verified by him and is Ex PW 5/1.

(vi) PW-6 Shakirullah ASI deposed that on the night of occurrence, he was at second patrolling gusht in the locality. Ghulam Qadir IHC, P.S Gambila called upon vehicle driver Nadir Khan on mobile asked him to come to his private residence outside the P.S Gambila. On this he alongwith police officials went to residence of Ghulam Qadir IHC. Ghulam Qadir IHC alongwith his gunners were present on road at the spot whereas Ali Muhammad dressed in civil clothes was also present with him. Ghulam Qadir set with him in the mobile pickup and told him that he has some information and they started proceedings and reached to the last boundary of P.S Gambila near Nursery. There they stopped the vehicle and started search of vehicles. In the meanwhile one truck came from Gambila side which was stopped and two persons boarded in the truck. Ghulam Qadir IHC spared one person while arrested the other and took the truck into his possession and drove it towards his residence. He himself was driving the official vehicle whereas the truck was driven by driver Nadir

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Examiner to  
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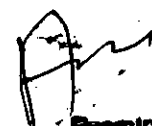
Khan. When they reached Gambila bridge then Zubair MM called him upon his mobile and told him that mobile driver Nadir Khan is standing at Gambile bridge and further stated him to continue with his routine gusht. The said truck was driven by Zubair MM. During his routine gusht, when he reached at the residence of Ghulam Qadir IHC, he found the same truck parked there while Ghulam Qadir IHC alongwith gunner Saeed FC, Safiullah FC, Darwaish FC, Zubair MM and Ali Muhammad No.674 were standing with truck. In the meanwhile SHO Irfanullah called him through mobile phone that where is he. He replied that he is on his routine gusht. On this he told him to proceed towards PP Manzar Faqir, as there is information of a vehicle so you make lay barricade for it. On this he following the directions of SHO proceeded towards PP Manzir Faqir road. He recorded his statement before DSP, the same was verified by him and is Ex PW 6/1.

(vii) PW-7 Muhammad Iqbal Mehmmand DSP deposed that vide letter No.2564-67 dated 7-10-2020 already exhibited as PW-3/16, special investigation team was formed consisting Inspector Nabi Shah, S.I Naseer ud Din, ASI Kalimullah along with him. After inquiry the report was submitted to SP Investigation Lakki Marwat.

(viii) PW-8 Nabi Shah Inspector DSP Rural Bannu deposed that vide letter No.2564-67 dated 7-10-2020 already exhibited as PW-3/16, special investigation team was formed consisting Iqbal Muhammad DSP, S.I Naseer ud Din, ASI Kalimullah along with him. After inquiry the report was submitted to SP Investigation Lakki Marwat. The inquiry team member ASI Kalimullah, who has been martyred vide FIR No.323 dated 8-7-2021 u/s 302/324/353 PPC/7 ATA P.S Pezu. In this respect, copy of the said FIR is Ex PA and notice of the court is Ex PB.

After recording the statements of above-mentioned PWs, the prosecution one again closed its evidence on 02-10-2021 and in this respect the signature of learned APP for the

**ATTESTED**

  
Examiner to  
District & Session Judge  
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State was obtained. On 06-10-2021 all the six accused facing trial named above were re-examined under section 342 Cr.P.C relying upon already recorded evidence on behalf APP for the State and learned defence with no further any question, wherein all the six accused facing trial pleaded their innocence, however they neither wished to be examined on oath nor to produce evidence in their defence. Thereafter, the arguments of APP for the State and learned defence counsel were invited.

5- Learned APP for the State argued that although there is some delay in lodging the report however the accused are directly named in the FIR for the offence after proper satisfaction and on the basis of solid information, the delay in lodging the report has plausibly been explained, the accused facing trial have misused their authorities intentionally vested under the law and have committed dishonesty in their official duties, that they earned money through unfair means by way of bribe, that act of accused facing trial are against the law and morality, that complainant has got no ill will or grudge for their false implication in the case, that offence is heinous in nature which should be nipped in the bud, that prosecution has proved their charges against the accused beyond shadow of any reasonable doubt, that prosecution evidence is in line with each other and there is no material contradiction in the statements of prosecution witnesses, hence the accused deserve conviction.

6- On the other hand learned defense counsel emphasized for acquittal of the accused facing trial on the grounds that accused facing trial are innocent, have falsely been charged with mala fide intention by the complainant and is the result of some ulterior motive with high ups of police department which apparently perceived, that there is no solid evidence against the accused, that occurrence is unseen, taken place at mid night and complainant is not the eyewitness of the alleged occurrence, that nothing incriminating what so ever have been recovered either from the direct possession of the accused facing trial on their pointaiton, that ocular account and site plan

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does not support the prosecution case, that there is sufficient unexplained delay of ten days in lodging the report/FIR which further create dents in the prosecution case. It is not sufficient to record conviction in absence of any corroborative evidence, there must be ocular account of unimpeachable character, trustworthy and confidence inspiring, corroborated by other material circumstantial evidence, that ocular account and site plan do not support prosecution case, there are material discrepancies in prosecution evidence and the prosecution has failed to prove the charges against the accused facing trial, hence seeks acquittal of the accused facing trial.

7- Arguments heard and file perused.

8- It is a very special and unique case having deep impact upon the police force in particular and society in general. It is a crime allegedly committed by police in their uniform. **"Criminals in Uniform"**

What would be the gravity of offence when committed by a person in line of his duty and under the color of uniform? The morality of society had already been depressed deep but when a person who is invest and reposed with confidence of duty to safeguard becomes traitor and criminal then its impact over society is countless. This is ugly face which needs iron handed dealing. It is menace and dilemma of the society that due to black sheeps in police force overall image of Police force is stigmatized as corrupt. Nowadays it is persistently been reported in large volume that many police officials are goons in garb and color of uniform. The deterrence of the punishment, if reduced is only because of such ugly faced wolves in Police force.

9- Before examining the chain of evidence, suffice it to state that according to record of the DPO Lakki Marwat (Now transferred out) spy information was transmitted that accused police officials apprehended an accused namely Muhammad Ayub S/O Raees Khan red handedly who was involved in transporting huge quantity of contraband i.e. 120 Kg in a truck.

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The alleged transporter was apprehended by the accused police party vide FIR No 171 dated 26-09-2020 u/s 9 D- KP CNSA of PS Gambila whereby it was shown that he was in possession of 3 Kg Chars. Later the then DPO Lakki Marwat (now transferred) upon spy information against the accused police party SHO Kalim Ullah Kahn to dig out the real facts and expose the black sheep, if found involved. The complainant SHO after detained inquiry reported the FIR wherein charged that allegedly the accused police party took bribe amounting Rs.16,00,000/- from arrested accused and let/released the truck and contraband, however, FIR No 171 of even dated was chalked out under section 9(d) KP CNSA where only meager quantity of 3 Kg is shown to be recovered from detained accused. Since the seized truck alongwith contraband had already been allegedly released and left away by the accused police officials therefore, with no other option instant FIR No. 180 was chalked out and accused officials were booked in the case.

10- Primarily, it is job of prosecution in each and every criminal case to bring the charge home for conviction, however, the accused being police officials could not be given such concession, especially when the crime is committed in line and color of uniform and duty. No doubt the accused is favourite child of law and courts and he shall be presumed innocent until proved guilty however, the yardstick and standard to evaluate the crime by the police official in colour of his uniform and reported by his authority would certainly be different. The onus to establish their innocence is at par with the onus to prove their guilt. It is worth referral that the accused officials took defense plea that they were charged and involved by the then DPO (High ups) due to personal grudge/malice. In view of such defense plea they were bound to establish it through reliable evidence in order to earn favourable decision. Evidently, there isn't a single circumstance where any of accused official was either reprimanded or punished by the then DPO. So much so, they failed to surface anything suggesting issuance of show cause to

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them by the then DPO during his entire period of posting. The accused officials badly failed to surface malice or personal grudge against the then DPO/ high ups in police. They even did not apply for any independent inquiry pleading their innocence, since the report till today. Neither they approached the police review board even claiming any plea of innocence.

11- Now reverting to the factual aspect of the matter, I am conscious of the fact that since trail of the accused police official was initiated after the departure of the then DPO, therefore their influence upon witnesses is apparently observed and perceived. Each police official who faced witness box uttered the incident in accordance with record prepared but when put to cross examination, suddenly took u-turn in favour of the accused police officials. The prosecutor was left in mid sea, who compellingly applied and seek declaration of hostility. Accordingly almost each and every prosecution witness took opposite turn in cross examination and thus was declared hostile to prosecution version. In such developed circumstances it seems completely weird that why all the witnesses did not uttered their innocence in chief examination and what are the reasons to deny the occurrence and accept the innocence of accused officials in cross examination. Neither the IO nor any other witness deposed and admitted innocence plea of accused in their chief examination.

12- It is worth mentioning that courts are bound to the set of evidence led in the court and anything hearsay or personally known by judge would not be beneficial to either prosecutor or accused. The challan was submitted by PW-1 who in cross examination categorically admitted that nothing in shape of direct evidence or circumstantial evidence was available against the accused. Similarly, the complainant (PW-2) also stepped back while deposing in cross examination that, it is correct that he registered the instant case against the accused upon the direction of high-ups of the district Lakki police without any direct evidence against accused facing trail. Naseer

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ud Din (PW-3) conducted investigation of the case but surprisingly, he also uttered that, it is correct that the accused was booked in the instant case upon the direction of high ups of the district police Lakki Marwat without any direct or indirect evidence against them. He could not recover or collect any incriminating material against the accused police party. He categorically deposed that the then DPO Lakki Marwat detained all the accused facing trail in the judicial lock up of PS Gambilla even prior to registration of the case and no such like entry has been made in the daily dairy of the PS Gambila. He deposed further that, it is correct that as per his investigation, the accused are innocent and they were charged maliciously on the direction of the then DPO Lakki. Ayub Khan (PW-4) was allegedly arrested and detained in case FIR No171/2020 PS Gambilla denied the entire occurrence even he claimed that he was also wrongly and illegally arrested by accused police party.

13- The ASI Shakir ullah Incharge 15 (PW-6) narrated the same facts which he tendered and stated in his statement before JIT. He was cross examined. Though he remained stuck to his chief examination statement but could not respond certain queries. He was even unaware of actual alleged quantity of chars allegedly recovered from truck. Both the other JIT members were also summoned upon the request of prosecutor but they were found to be connected with investigation only and did not collect any incriminating material either of the accused police party facing trail.

14- In light of foregoing discussion and evaluation of recorded evidence, no doubt the then DPO reacted in bona fide to eliminate the criminal element from the police force but it is observed from the record that he remained unsuccessful. The present case is one of the adequate examples. Although, the witnesses went against the prosecution yet the accused also failed to surface anything suggesting personal grudge or involvement of the then high ups in Lakki police. To sum up all discussions, I am constrained to hold that witnesses did not

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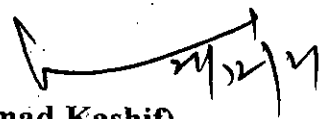


perform their vested duty under the law and unnecessarily favored the accused facing trial so they can earn acquittal. Keeping in view the above discussed dilemma and circumstances of the case, it can be safely held that the procedural flaws were introduced, witnesses become won over, incriminating material was neither collected nor surfaced on record, explicit floating doubts were brought in evidence therefore, conviction cannot be granted. Compellingly, this court acquits all the six accused facing trial named above for the reasons mentioned above. They are on bail, their bail bonds stands cancelled while their sureties are absolved from the liabilities of the bail bonds.

Case property be kept intact till the expiry of period provided for an appeal / revision and thereafter be dealt as per law. Copy of this judgment be sent to DPO Lakki Marwat, RPO Bannu Region and IG KPK for information.

File of this court be consigned to the record room after its necessary completion and compilation.

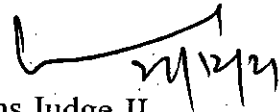
Announced.  
21-12-2021



(Mirza Muhammad Kashif)  
Addl: Sessions Judge-II,  
Lakki Marwat.

**CERTIFICATE:**

Certified that this judgment comprising twelve (12) pages. Each page has been checked, corrected and signed by me wherever it was necessary.



Addl: Sessions Judge-II,  
Lakki Marwat.

53  
C.D. No. ....  
Application received on..... 4.1.22  
Copying Fee deposited on.....  
Judgment received for copying..... 4.1.22  
No. of words..... 13.....  
Copying Fee.....  
Search Fee.....  
Urgent Fee.....  
Name of Copyist.....  
Copy Completed on..... 4.1.22  
Copy Delivered on..... 4.1.22  
Name of Examiner.....

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Present; APP for the State. All the six accused facing trial namely Irfanullah, Zubair Khan, Safiullah, Habib ur Rehman, Ghulam Qadir Khan and Muhammad Saeed present on bail.

Arguments have already been heard and file perused.

Vide my detailed separate judgment of even date consists of twelve (12) pages placed on file. It is held that procedural flaws were introduced, witnesses become won over, incriminating material was neither collected nor surfaced on record, explicit floating doubts were brought in evidence therefore, conviction cannot be granted. Compellingly, this court acquits all the six accused facing trial named above for the reasons mentioned above. They are on bail, their bail bonds stands cancelled while their sureties are absolved from the liabilities of the bail bonds.

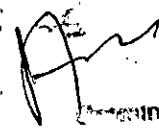
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21-12-2021

(Mirza Muhammad Kashif)  
Addl: Sessions Judge-II,  
Lakki Marwat.

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Attorney to  
Addl. Sessions Judge  
Lakki Marwat

4-1-28

**IN THE COURT OF MIRZA MUHAMMAD KASHIF  
ADDL: SESSIONS JUDGE-II, LAKKI MARWAT.**

Sessions Case No.....20/SC of 2021  
Date of original institution.....17-02-2021  
Date of decision.....21-12-2021

**The State through:**

Kalimullah Khan SHO PS Gambila, Tehsil &  
District Lakki Marwat.....(Complainant)

**VERSUS**

1-Irfanullah s/o Nasibullah r/o Azar Khel,  
2-Zubair Khan s/o Noor Khan r/o Ghazni Khel,  
3-Safiullah s/o Mir Qalam r/o Zafar Mama Khel,  
4-Habib ur Rehman s/o Painsa Khan r/o Baist Khel  
5-Ghulam Qadir Khan s/o Hakim Khan r/o Landiwah  
6-Muhammad Saeed s/o Muhammad Iqbal s/o Landiwah all  
Tehsil and District Lakki Marwat.

.....(Accused facing trial)

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Case FIR No. 180 Dated: 06-10-2020 U/S  
118/119/164/200/201/202/409 PPC of PS Gambila  
District Lakki Marwat.

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**JUDGMENT:**

- 1- All the six accused named above, faced the trial in above captioned case.
- 2- Brief facts of the prosecution case as per contents of the FIR are that on 06-10-2020 at 12:00 hours complainant Kalimullah Khan SHO lodged the report in PS Gambila, alleging therein that through informer he came to know that on 26-09-2020 at 02:30 hours (night) a truck without number was

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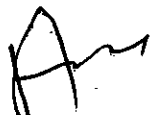
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intercepted by constable Ghulam Qadir No.193/HC and Saeed Khan No.897 at Mairaj market Adda Gambila within the limits of PS Gambila, in the meanwhile Irfanulalh Khan SHO PS Gambila along with gunners Safiullah No.19, Habib ur Rehman No.7850 and Zubair Khan No.345 arrived on the spot who searched the truck which led the recovery of 120 KG charas however the process and recovery was kept secret being bribed of Rs.16,00,000/- by the accused, that they did not take any legal action against the accused and the crime was kept secret, that it was also came into his knowledge that FIR No.171 dated: 26-09-2020 u/s 9 D CNSA at PS Gambila was registered against the driver of the truck namely Ayub Khan and showed the recovery of 3 KG charas in the case, that above named officials committed dishonesty in their official duty by keeping the crime underground, hence the FIR.

3- After registration of FIR necessary investigation was initiated in the case and after completion of investigation, prosecution submitted complete challan on 26-11-2020 against all the six accused named above for trial. On 18-02-2021, instant case file was received by the court of Hon'ble Sessions Judge Lakki Marwat from the court of learned Magistrate Lakki Marwat which was further entrusted to this court. All the six accused on bail were summoned, they appeared before the court and copies were supplied to them u/s 265-C Cr.P.C on 02-03-2021. Thereafter, on 09-03-2021 formal charge was framed against the accused named above, wherein they pleaded not guilty to the charge and claimed trial, thereafter, prosecution was allowed to adduce their evidence. Prosecution evidence was summoned, in order to prove its case against the accused facing trial. Prosecution examined as many as seven (07) PWs, with the following brief gist:-

(i) PW-1 Shafqatullah PASI deposed that on 26-11-2020 after completion of investigation, he submitted complete challan against the accused Ex PW 1/1.

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(ii) PW-2 Kalimullah Khan ASI deposed that on 6-10-2020, he registered a case vide FIR No.180 for an occurrence of 26-9-2020 u/s 118/119/146/202/209/200 PPC against the accused mentioned therein. Copy of the FIR is Ex PW 2/1. The copy of FIR was then sent to LBI staff for investigation of the case.

(iii) PW-3 Naseer ud Din S.I deposed that on 6-10-2020, on receipt of copy of FIR, he proceeded to the spot where he prepared site plan upon his own observations Ex PW 3/1. On the same date, he arrested the accused Irfanullah Khan, Zubair Khan, Safiullah and Habib ur Rehman and issued their card of arrest Ex PW 3/2. On the same day, he also arrested the accused Saeed and issued his card of arrest Ex PW 3/3. On 6-10-2003, he produced the accused Irfanullah, Zubair Khan, Safiullah and Habib ur Rehman before the court for obtaining their physical custody. One day physical custody was granted vide his application Ex PW 3/4. On 7-10-2020, he also produced accused Irfanullah before the court for obtaining his physical remand and was granted one day police custody vide his application which is Ex PW 3/5. On 8-10-2020, produced the accused for further physical remand of the accused vide his application Ex PW 3/6, however his request was turned down and accused was committed to jail. He recorded the statements of PWs u/s 161 Cr.P.C. He interrogated the accused and prepared their interrogation report Ex PW 3/7 to 3/12 respectively. He placed on file, naqal Mad No.7 Ex P-1, Naqal Mad No.31 Ex P-2, Naqal Mad No.11 Ex P-3, Naqal Mad No.19 Ex P-4 and placed the same on judicial file. On 7-10-2020, he applied to the court for summoning the accused through zamima bey against the accused Ayub Khan of case FIR No.171 dated 26-9-2020 u/s 9D of CNSA of P.S. Gambila from Central Jail, Bannu for the purpose of interrogation and dig out the real facts from his mouth vide his application Ex PW 3/13. He interrogated the accused Ayub in the instant case and recorded his statement u/s 161 Cr.P.C Ex PW 3/14. He has also placed on

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file the case FIR No.171 Ex PW 3/15. He also recorded the statements of PWs u/s 161 Cr.P.C. On completion of investigation, he handed over the case file to SHO for submission of challan.


(iv) PW-4 Ayub Khan (driver of the alleged truck) deposed that on 26-09-2020 at 02:30 A.M, he was not driving any truck. No truck or charas mentioned in case FIR No. 171/2020 of PS Gambila was recovered from him nor he was present during that time. Further deposed that neither he was present at that time at Meraj market Serai Gambila nor he knows any SHO namely Irfanullah.

After recording the statements of above-mentioned PWs, the prosecution, closed its evidence on 25-03-2021 and in this respect the signature of learned Dy:PP for the State was obtained. On 29-03-2021 all the six accused facing trial named above were examined under section 342 Cr.P.C wherein they pleaded their innocence, however they neither wished to be examined on oath nor to produce evidence in their defence.

On 12-04-2021 learned APP for the State submitted an application u/s 540 Cr.P.C before the court for summoning of PWs namely Iqbal Muhammad, Inspector Nabi, Ali Muhammad No.674 and Shakirullah ASI and Nadir Khan No.297 on the grounds mentioned therein. Request was allowed being genuine and the witnesses were ordered to be summoned.

(v) PW-5 Ali Muhammad No.674 deposed that Ghulam Qadir HC, who was posted at P.S Gambila, told him to make him perform an operation. So, he contacted with an informer (spy) who assured of an operation. On 25-9-2020, informer contacted him and told that he will make pointation of a vehicle in night time. He brought this fact in the notice of Ghulam Qadir HC. In the mid night on 25/26-9-2020, at nursery place at about 2.30 am "on the information of informer he contacted with Ghulam Qadir HC, who along with Shakirullah PASI and gunners at once reached to the spot, who was also in contact with Irfanullah SHO. Meanwhile one mazda truck

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passed towards D.I.Khan and they were standing at Muslim Diesel Agency situated at Adda Gambila, Ghulam Qadir HC chased the truck. At the same time, another Mazda truck of parrot colour came, then informer told that this is the same truck which is loaded with narcotics. He informed Ghulam Qadir HC about it and after some time he saw that Zubair MM was driving the said mazda truck reached and parked the truck in Miraj market Seria Gambila. Meanwhile SHO Irfanullah along with his gunners dressed in civil clothes came to the spot in car and in his supervision 120 packets of yellow colour containing charas were recovered from the mazda truck and in his presence Ghulam Qadir HC handed over 45 packets of charas to the informer on the spot and thereafter informer left the spot. The remaining charas alongwith truck and driver were taken towards P.S by Ghulam Qadir HC, SHO Irfanullah and police officials. He is eyewitness of the occurrence. He recorded his statement before DSP on 5-10-2020, verified by him and is Ex PW 5/1.

(vi) PW-6 Shakirullah ASI deposed that on the night of occurrence, he was at second patrolling gusht in the locality. Ghulam Qadir IHC, P.S Gambila called upon vehicle driver Nadir Khan on mobile asked him to come to his private residence outside the P.S Gambila. On this he alongwith police officials went to residence of Ghulam Qadir IHC. Ghulam Qadir IHC alongwith his gunners were present on road at the spot whereas Ali Muhammad dressed in civil clothes was also present with him. Ghulam Qadir set with him in the mobile pickup and told him that he has some information and they started proceedings and reached to the last boundary of P.S Gambila near Nursery. There they stopped the vehicle and started search of vehicles. In the meanwhile one truck came from Gambila side which was stopped and two persons boarded in the truck. Ghulam Qadir IHC spared one person while arrested the other and took the truck into his possession and drove it towards his residence. He himself was driving the official vehicle whereas the truck was driven by driver Nadir

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Khan. When they reached Gambila bridge then Zubair MM called him upon his mobile and told him that mobile driver Nadir Khan is standing at Gambile bridge and further stated him to continue with his routine gusht. The said truck was driven by Zubair MM. During his routine gusht, when he reached at the residence of Ghulam Qadir IHC, he found the same truck parked there while Ghulam Qadir IHC alongwith gunner Saeed FC, Safiullah FC, Darwaish FC, Zubair MM and Ali Muhammad No.674 were standing with truck. In the meanwhile SHO Irfanullah called him through mobile phone that where is he. He replied that he is on his routine gusht. On this he told him to proceed towards PP Manzar Faqir, as there is information of a vehicle so you make lay barricade for it. On this he following the directions of SHO proceeded towards PP Manzir Faqir road. He recorded his statement before DSP, the same was verified by him and is Ex PW 6/1.

(vii) PW-7 Muhammad Iqbal Mehmand DSP deposed that vide letter No.2564-67 dated 7-10-2020 already exhibited as PW-3/16, special investigation team was formed consisting Inspector Nabi Shah, S.I Naseer ud Din, ASI Kalimullah along with him. After inquiry the report was submitted to SP Investigation Lakki Marwat.

(viii) PW-8 Nabi Shah Inspector DSP Rural Bannu deposed that vide letter No.2564-67 dated 7-10-2020 already exhibited as PW-3/16, special investigation team was formed consisting Iqbal Muhammad DSP, S.I Naseer ud Din, ASI Kalimullah along with him. After inquiry the report was submitted to SP Investigation Lakki Marwat. The inquiry team member ASI Kalimullah, who has been martyred vide FIR No.323 dated 8-7-2021 u/s 302/324/353 PPC/7 ATA P.S Pezu. In this respect, copy of the said FIR is Ex PA and notice of the court is Ex PB.

After recording the statements of above-mentioned PWs, the prosecution one again closed its evidence on 02-10-2021 and in this respect the signature of learned APP for the

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State was obtained. On 06-10-2021 all the six accused facing trial named above were re-examined under section 342 Cr.P.C relying upon already recorded evidence on behalf APP for the State and learned defence with no further any question, wherein all the six accused facing trial pleaded their innocence, however they neither wished to be examined on oath nor to produce evidence in their defence. Thereafter, the arguments of APP for the State and learned defence counsel were invited.

5- Learned APP for the State argued that although there is some delay in lodging the report however the accused are directly named in the FIR for the offence after proper satisfaction and on the basis of solid information, the delay in lodging the report has plausibly been explained, the accused facing trial have misused their authorities intentionally vested under the law and have committed dishonesty in their official duties, that they earned money through unfair means by way of bribe, that act of accused facing trial are against the law and morality, that complainant has got no ill will or grudge for their false implication in the case, that offence is heinous in nature which should be nipped in the bud, that prosecution has proved their charges against the accused beyond shadow of any reasonable doubt, that prosecution evidence is in line with each other and there is no material contradiction in the statements of prosecution witnesses, hence the accused deserve conviction.

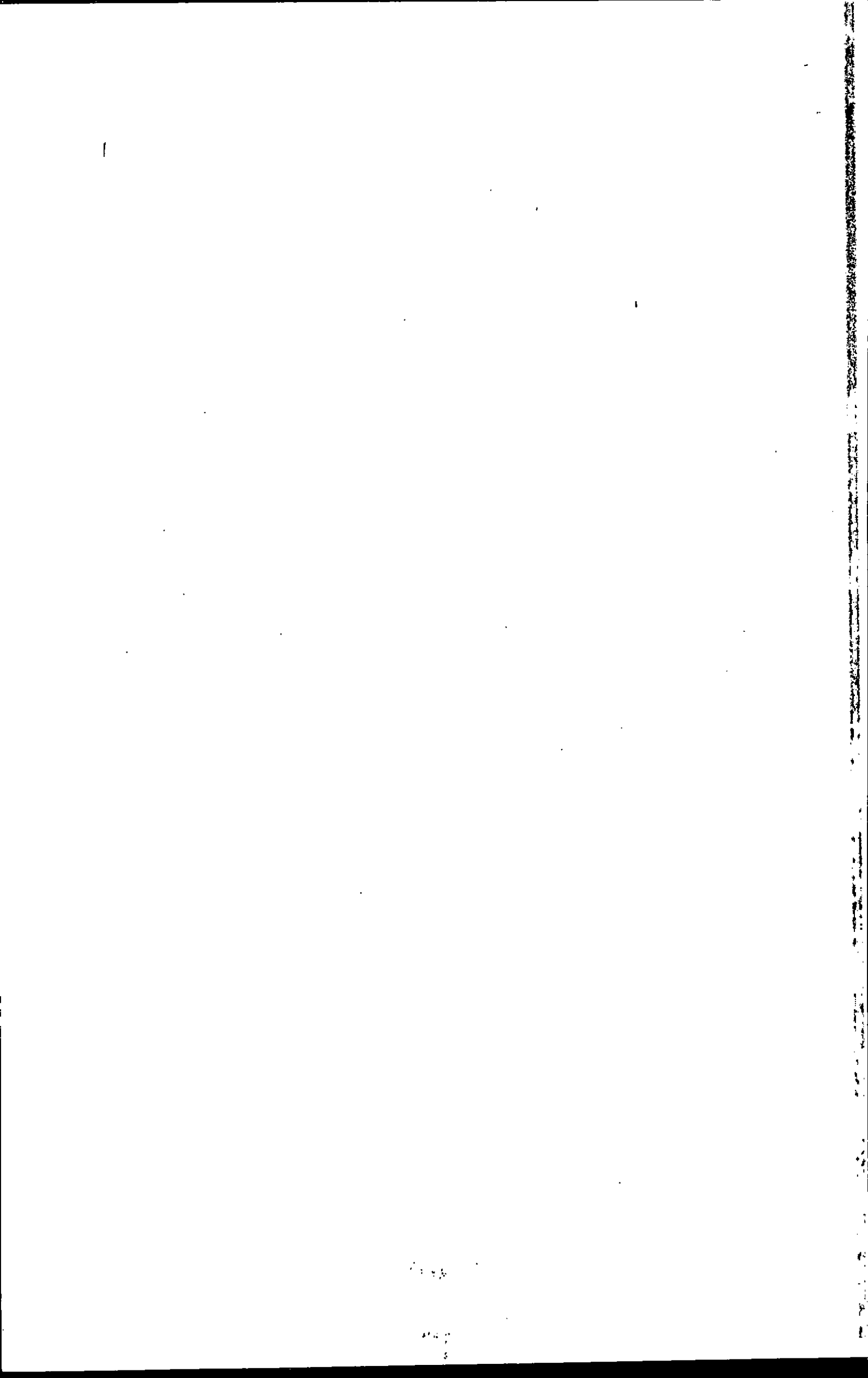
6- On the other hand learned defense counsel emphasized for acquittal of the accused facing trial on the grounds that accused facing trial are innocent, have falsely been charged with mala fide intention by the complainant and is the result of some ulterior motive with high ups of police department which apparently perceived, that there is no solid evidence against the accused, that occurrence is unseen, taken place at mid night and complainant is not the eyewitness of the alleged occurrence, that nothing incriminating what so ever have been recovered either from the direct possession of the accused facing trial on their pointaiton, that ocular account and site plan

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does not support the prosecution case, that there is sufficient unexplained delay of ten days in lodging the report/FIR which further create dents in the prosecution case. It is not sufficient to record conviction in absence of any corroborative evidence, there must be ocular account of unimpeachable character, trustworthy and confidence inspiring, corroborated by other material circumstantial evidence, that ocular account and site plan do not support prosecution case, there are material discrepancies in prosecution evidence and the prosecution has failed to prove the charges against the accused facing trial, hence seeks acquittal of the accused facing trial.


7- Arguments heard and file perused.

8- It is a very special and unique case having deep impact upon the police force in particular and society in general. It is a crime allegedly committed by police in their uniform. "Criminals in Uniform"

What would be the gravity of offence when committed by a person in line of his duty and under the color of uniform? The morality of society had already been depressed deep but when a person who is invest and reposed with confidence of duty to safeguard becomes traitor and criminal then its impact over society is countless. This is ugly face which needs iron handed dealing. It is menace and dilemma of the society that due to black sheeps in police force overall image of Police force is stigmatized as corrupt. Nowadays it is persistently been reported in large volume that many police officials are goons in garb and color of uniform. The deterrence of the punishment, if reduced is only because of such ugly faced wolves in Police force.

9- Before examining the chain of evidence, suffice it to state that according to record of the DPO Lakki Marwat (Now transferred out) spy information was transmitted that accused police officials apprehended an accused namely Muhammad Ayub S/O Raees Khan red handedly who was involved in transporting huge quantity of contraband i.e. 120 Kg in a truck.

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The alleged transporter was apprehended by the accused police party vide FIR No 171 dated 26-09-2020 u/s 9 D- KP CNSA of PS Gambila whereby it was shown that he was in possession of 3 Kg Chars. Later the then DPO Lakki Marwat (now transferred) upon spy information against the accused police party SHO Kalim Ullah Kahn to dig out the real facts and expose the black sheep, if found involved. The complainant SHO after detained inquiry reported the FIR wherein charged that allegedly the accused police party took bribe amounting Rs.16,00,000/- from arrested accused and let/released the truck and contraband, however, FIR No 171 of even dated was chalked out under section 9(d) KP CNSA where only meager quantity of 3 Kg is shown to be recovered from detained accused. Since the seized truck alongwith contraband had already been allegedly released and left away by the accused police officials therefore, with no other option instant FIR No. 180 was chalked out and accused officials were booked in the case.

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11- Now reverting to the factual aspect of the matter, I am conscious of the fact that since trail of the accused police official was initiated after the departure of the then DPO, therefore their influence upon witnesses is apparently observed and perceived. Each police official who faced witness box uttered the incident in accordance with record prepared but when put to cross examination, suddenly took u-turn in favour of the accused police officials. The prosecutor was left in mid sea, who compellingly applied and seek declaration of hostility. Accordingly almost each and every prosecution witness took opposite turn in cross examination and thus was declared hostile to prosecution version. In such developed circumstances it seems completely weird that why all the witnesses did not uttered their innocence in chief examination and what are the reasons to deny the occurrence and accept the innocence of accused officials in cross examination. Neither the IO nor any other witness deposed and admitted innocence plea of accused in their chief examination.

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ud Din (PW-3) conducted investigation of the case but surprisingly, he also uttered that, it is correct that the accused was booked in the instant case upon the direction of high ups of the district police Lakki Marwat without any direct or indirect evidence against them. He could not recover or collect any incriminating material against the accused police party. He categorically deposed that the then DPO Lakki Marwat detained all the accused facing trail in the judicial lock up of PS Gambilla even prior to registration of the case and no such like entry has been made in the daily dairy of the PS Gambila. He deposed further that, it is correct that as per his investigation, the accused are innocent and they were charged maliciously on the direction of the then DPO Lakki. Ayub Khan (PW-4) was allegedly arrested and detained in case FIR No171/2020 PS Gambilla denied the entire occurrence even he claimed that he was also wrongly and illegally arrested by accused police party.

13- The ASI Shakir ullah Incharge 15 (PW-6) narrated the same facts which he tendered and stated in his statement before JIT. He was cross examined. Though he remained stuck to his chief examination statement but could not respond certain queries. He was even unaware of actual alleged quantity of chas allegedly recovered from truck. Both the other JIT members were also summoned upon the request of prosecutor but they were found to be connected with investigation only and did not collect any incriminating material either of the accused police party facing trail.

14- In light of foregoing discussion and evaluation of recorded evidence, no doubt the then DPO reacted in bona fide to eliminate the criminal element from the police force but it is observed from the record that he remained unsuccessful. The present case is one of the adequate examples. Although, the witnesses went against the prosecution yet the accused also failed to surface anything suggesting personal grudge or involvement of the then high ups in Lakki police. To sum up all discussions, I am constrained to hold that witnesses did not

ATTESTED

  
 District & Sessions Judge  
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perform their vested duty under the law and unnecessarily favored the accused facing trial so they can earn acquittal. Keeping in view the above discussed dilemma and circumstances of the case, it can be safely held that the procedural flaws were introduced, witnesses become won over, incriminating material was neither collected nor surfaced on record, explicit floating doubts were brought in evidence therefore, conviction cannot be granted. Compellingly, this court acquits all the six accused facing trial named above for the reasons mentioned above. They are on bail, their bail bonds stands cancelled while their sureties are absolved from the liabilities of the bail bonds.

Case property be kept intact till the expiry of period provided for an appeal / revision and thereafter be dealt as per law. Copy of this judgment be sent to DPO Lakki Marwat, RPO Bannu Region and IG KPK for information.

File of this court be consigned to the record room after its necessary completion and compilation.

Announced.  
21-12-2021

(Mirza Muhammad Kashif)  
Addl: Sessions Judge-II,  
Lakki Marwat.

**CERTIFICATE:**

Certified that this judgment comprising twelve (12) pages. Each page has been checked, corrected and signed by me wherever it was necessary.

Addl: Sessions Judge-II,  
Lakki Marwat.

**ATTESTED**

Examiner to  
District & Session Judge  
Lakki Marwat

4-1-22

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OS.....28  
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Present; APP for the State. All the six accused facing trial namely Irfanullah, Zubair Khan, Safiullah, Habib ur Rehman, Ghulam Qadir Khan and Muhammad Saeed present on bail.

Arguments have already been heard and file perused.

Vide my detailed separate judgment of even date consists of twelve (12) pages placed on file. It is held that procedural flaws were introduced, witnesses become won over, incriminating material was neither collected nor surfaced on record, explicit floating doubts were brought in evidence therefore, conviction cannot be granted. Compellingly, this court acquits all the six accused facing trail named above for the reasons mentioned above. They are on bail, their bail bonds stands cancelled while their sureties are absolved from the liabilities of the bail bonds.

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21-12-2021

(Mirza Muhammad Kashif)  
Addl: Sessions Judge-II,  
Lakki Marwat.

21/12/21

**ATTESTED**

  
Examiner to  
District & Session Judge  
Lakki Marwat

4-1-22