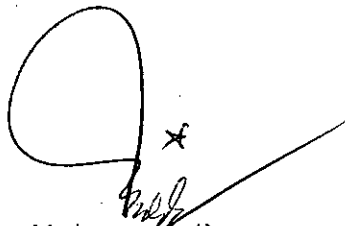
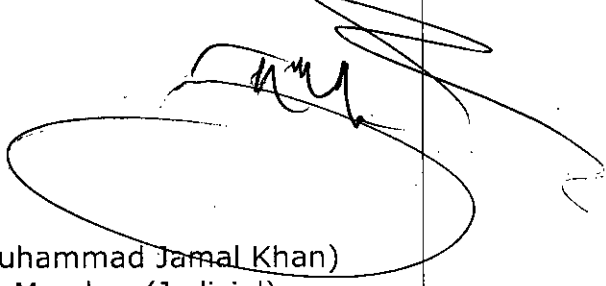


Service Appeal No. 886/2018

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	19.11.2020	<p><u>Present.</u></p> <p>Mr. Muhammad Aslam Tanoli, ... For appellant Advocate</p> <p>Mr. Usman Ghani, ... For respondents District Attorney</p> <p>Vide our detailed judgment of today placed in connected Service Appeal No. 887/2018 Captioned Muhammad Naeem Versus Regional Police Officer Abbottabad and two other respondents, the appeal is devoid of any substance which is dismissed. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED</u> 19.11.2020</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>(Mian Muhammad) Member (Executive) Camp Court, Abbottabad</p> </div> <div style="text-align: center;">  <p>(Muhammad Jamal Khan) Member (Judicial) Camp Court, Abbottabad</p> </div> </div>

Due to covid ,19 case to come up for the same on / /  
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on  
17 1 9 20 at camp court abbottabad.

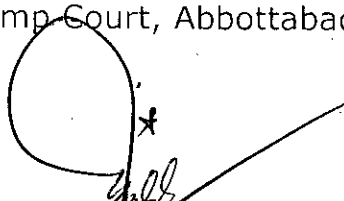
  
Reader

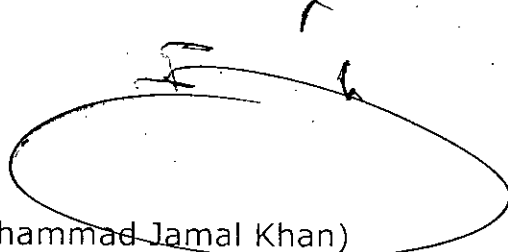
17.09.2020

Appellant has not forth come despite making of repeated calls at different interval and the last call in this regard was made on 01:08 P.M.

The last two adjournments were made on the basis of note Reader due to spread of disease of COVID-19 and summer vacation, therefore, in the circumstances, we deem it appropriate to issue notice to appellant as well as his respective counsel.

Adjourned to 19.11.2020 for further proceedings before D.B at Camp Court, Abbottabad.

  
(Mian Muhammad)  
Member (Executive)  
Camp Court Abbottabad

  
(Muhammad Jamal Khan)  
Member (Judicial)  
Camp Court Abbottabad

16.12.2019

Appellant in person Mr. Ziaullah, Deputy District Attorney  
alongwith Mr. Zahid, Assistant for the respondents present.  
Appellant requested for adjournment on the ground that his  
counsel is busy before the Hon'ble Peshawar High Court,  
Abbottabad Bench and cannot attend the Tribunal today.  
Adjourned to 23.01.2020 for arguments before D.B at Camp  
Court Abbottabad.



(Hussain Shah)

Member  
Camp Court Abbottabad



(M. Amin Khan Kundi)


Member  
Camp Court Abbottabad

23.01.2020

Appellant in person present. Mr. Ziaullah, DDA  
alongwith Mr. Zahid, Assistant and Mr. Amjid Ali, Assistant  
for the respondents present. Due to general strike of the bar on  
the call of Khyber Pakhtunkhwa Bar Council, the case is  
adjourned. To come up for further proceedings on 19.02.2020  
before D.B at camp court Abbottabad.




Member



Member  
Camp Court A/Abad

21.05.2019


Appellant in person present. Mr. Zahid Baber, Reader  
alongwith Mr. Muhammad Bilal, Deputy District Attorney for the  
respondents present and submitted written reply. Adjourned to  
19.08.2019 for rejoinder and arguments before D.B at Camp  
Court Abbottabad.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

19.08.2019

Counsel for the appellant present. Mr. Bilal  
learned DDA for respondents. Learned counsel for the  
appellant seeks adjournment. Adjourn. To come up for  
arguments on 22.10.2019 before D.B at Camp Court  
Abbottabad.

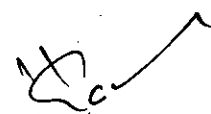
  
Member

  
Member  
Camp Court A/Abad

22.10.2019

Appellant with counsel present. Mr. Usman Ghani,  
District Attorney for respondents present. Learned counsel for the  
appellant seeks adjournment. Adjourn. To come up for arguments  
on 16.12.2019 before D.B at Camp Court, Abbottabad.

  
Member

  
Member  
Camp Court Abbottabad

17.12.2018

Counsel for the appellant present.

It<sup>is</sup> contended that although similar role was attributed to the appellant as well as the incharge S.I Iftikhar Ud Din. However, the later was reinstated into service upon acceptance of departmental appeal while the appellant was awarded minor punishment of forfeiture of three years approved service. In his view the treatment meted out to the appellant was discriminatory for which no plausible reason was extended by the RPO, Hazara Region Abbottabad while deciding the appeal.

Points raised require admission of Appeal for regular hearing. Admit subject to all just exceptions. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for submission of written reply/comments on 18.03.2019 before S.B at camp court Abbottabad.

Appellant Deposited  
Security & Process Fee



Chairman  
Camp Court A/Abad

18.03.2019

Counsel for the appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Haq Nawaz, Head Constable for the respondents present. Written reply on behalf of respondents not submitted. Learned Deputy District Attorney requested for further adjournment. Adjourned. To come up for written reply/comments on 21.05.2019 before S.B at Camp Court Abbottabad.






(Muhammad Amin Khan Kundi)  
Member  
Camp Court Abbottabad

Form- A  
FORM OF ORDER SHEET

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

Case No. 886/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/07/2018	<p>The appeal of Muhammad Nasir presented today by Mr. Ghulam Ali Shah 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 12/7/18</p>
2-	27.7.2018	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>19.09.2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>
19.09.2018		<p>Appellant absent. Learned counsel for the appellant absent. Adjourned. To come up for preliminary hearing on 17.12.2018 before S.B at Camp Court A/Abad</p> <p style="text-align: right;"> Member Camp Court A/Abad</p>

**BEFORE THE HONOURABLE SERVICE  
TRIBUNAL, KPK PESHAWAR.**

Service Appeal No. 886 of 2018

Muhammad Nasir .....Appellant

**VERSUS**

Regional Police Officer, ~~Abbotabad~~  
etc..... Respondents

**SERVICE APPEAL**


**INDEX**

S#	Particulars of documents	Annexure	Pages
1	Memo of Service appeal alongwith affidavit.	.....	1- 8
2	Application for suspension.	.....	9-10
3	Application for condonation of delay.	.....	11-12
4	Correct addresses of the parties.	.....	13
5	Copy of FIR.	"A"	14
6	Copy of inquiry report.	"B"	15-16
7	Copy of order of DPO Mansehra <del>Abbotabad</del> .	"C"	17
8	Copy of departmental representation.	"D"	18-19
9	Copy of order.	"E"	20
10	Copy of the order.	"F"	21
11	Wakalat Nama.	.....	22

Dated 09.07.2018

Muhammad Nasir  
...Appellant

Through

  
**GHULAM ALI SHAH,  
ABDUL WAHID TANOLI,  
Advocates High Court,  
Mansehra.**

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KPK

PESHAWAR

SERVICE APPEAL NO. 886 OF 2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1156

Dated 12-7-2018

Muhammad Nasir Constable No.769 Presently District Police

Mansehra

... Appellant

**VERSUS**

1. Regional Police Officer Abbotabad.
2. District Police Officer Mansehra

... Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICES  
TRIBUNAL ACT, 1974 AGAINST THE DECISION / ORDER  
BEARING NO.1037 PASSED BY RESPONDENT NO.1 ON  
DEPARTMENTAL REPRESENTATION TO THE EXTENT OF  
FORFEITURE OF THREE YEARS APPROVED SERVICE AND  
CONSIDERING THE 10 MONTHS (AFTER REMOVAL FROM  
SERVICE) PERIOD AS WITHOUT PAY LEAVE

Prayer :-

~~Filed to-day~~

~~Registrar~~

12/7/18

On acceptance of the instant appeal, the order of respondent No.1 dated 09.03.2018 impugned to the extent of forfeiture of three years approved service and considering the ten months period i.e. after removal from Service as without a leave may



please be declared as wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, discriminatory, without lawful authority, based on malafide, against the fundamental rights of the appellant hence liable to be struck down.

Respectfully Sheweth!

***The brief facts leading to the instant appeal are as under: -***

1. That, the appellants are appointed as Police Constable.
2. That, on 12.05.2017, one Meharban involved in case FIR No.290/16 under section 382 PPC P.S. City Mansehra after production on the way back to Haripur Jail made his good escape by giving the appellant and other police party intoxicant the juice and criminal case was registered against the appellant and company.

***(Copy of FIR is annexed as annexure "A").***

3. That, the inquiry was conducted against the appellants and another

recommended the major punishment of removal from service.

*(Copy of inquiry report is annexed as annexure "B").*

4. That, on the basis of the inquiry report, the appellant and another were awarded the major punishment of removal from service by DPO concerned Mansehra and Torghar.

*(Copy of order of DPO Mansehra ~~and Torghar~~ annexed as annexure "C").*

5. That, appellant approached the respondent No.1 through departmental representation and impugned the orders of District Police Officer, Mansehra.

*(Copy of departmental representation is annexed as annexure "D").*

6. That, after hearing the appellant, the respondent No.1 passed the order for reinstatement of the appellant and forfeiture of 03 years approved service and period after removal from service i.e. 10 months considered to be leave without pay.

*(Copy of order is annexed as annexure "E").*

7. That, respondent No.1 on departmental representation of one Iftikhar (EMS) Sub Inspector incharge of police party simply reinstated him.

*(Copy of the order is annexed as annexure "F").*

8. That, the appellant being aggrieved from the impugned order, seeks the gracious indulgence of this Honourable Tribunal challenging the impugned order, inter alia, on the following grounds: -

#### **GROUND**

- a. That, the impugned order to the extent of forfeiture of three years approved service and considering the ten months period i.e. after removal from service as without pay leave may please be declared as wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, discriminatory, without lawful authority, based on malafide, against the fundamental

rights of the appellant hence liable to be struck down.

- b. That, no show cause notice was issued to the appellant in accordance with law nor he was given proper time to submit his reply to the allegations.
- c. That, no proper charge sheet and statement of allegation was served upon the appellant nor he was given fair opportunity to clear his position and hence he was proceeded against in contravention of the rules and the law.
- d. That, infact there was no negligence or omission on the part of the appellant. The appellant was subordinate to another officer who was responsible as well as in commending position. The vehicle was not stopped by the appellant rather it was stopped by the order of the incharge and due to stoppage of vehicle, the accused made his escape good. There was no negligent act on the part of the appellant but despite that fact, punishing the appellant does not appeal to a prudent mind.

- e. That, the inquiry proceedings were not conducted in accordance with law and procedure and no evidence was available against the appellant. The inquiry was not conducted in a fair manner and the element of bias and malafide was always there during the so-called inquiry proceedings. The appellant was never confronted with any evidence against him thus all the proceedings were carried out in sheer disregard as well as violation of relevant law, rules and regulations.
- f. That, the statement of appellant was extracted under undue pressure and does not reflect the true account of the occurrence.
- g. That, the quantum of the punishment awarded to the appellant is also excessive and is the result of excess of jurisdiction and is not sustainable.
- h. That, the respondents had badly failed to understand the real facts rather misconstrued and misconceived the facts hence arrived at patently wrong conclusion which is not warranted under the law.

- i. That, the impugned order passed by the respondents encroaches upon the fundamental rights of the appellant as guaranteed in the constitution of Islamic Republic of Pakistan, 1973.

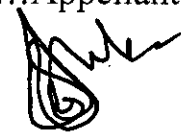
.....**PRAYER**.....

**It is, therefore, most humbly** prayed that on acceptance of the instant appeal, the order of respondent No.1 dated 09.03.2018 impugned to the extent of forfeiture of three years approved service and considering the ten months period i.e. after removal from service as without pay leave may please be declared as wrong, illegal, against the law and facts, arbitrary, fanciful, perverse, discriminatory, without lawful authority, based on malafide, against the fundamental rights of the appellant hence liable to be struck down.

**Dated 09.07.2018**

Muhammad Nasir  
 ...Appellant *Nasir*

Through



**GHULAM ALI SHAH,**  
**ABDUL WAHID TANOLI,**  
 Advocates High Court,  
 Mansehra.

P-8

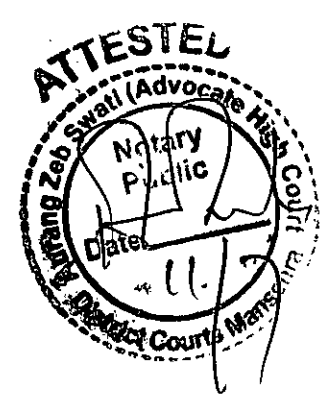
**AFFIDAVIT.**

I, Muhammad Nasir, Constable No.769 presently District Police, Mansehra, Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing Service Appeal are true and correct and nothing has been concealed from this Honourable Tribunal.

**Dated 09.07.2018**

*Nasir*

Muhammad Nasir  
(DEPONENT)



P. 9

**BEFORE THE HONOURABLE SERVICE  
TRIBUNAL, KPK PESHAWAR.**

**Service Appeal No. \_\_\_\_\_ of 2018**

Muhammad Nasir .....Appellant

**VERSUS**

Regional Police Officer, Peshawar  
etc..... Respondents

**SERVICE APPEAL**

**APPLICATION FOR SUSPENSION OF  
THE OPERATION OF IMPUGNED  
ORDERS PASSED BY THE  
RESPONDENT NO.1 TO THE EXTENT  
OF FORFEITURE OF THREE YEARS  
APPROVED SERVICE AND  
CONSIDERING TEN MONTHS PERIOD  
WITH SERVICE AS LEAVE WITHOUT  
PAY TILL THE DISPOSAL OF THE  
TITLED SERVICE APPEAL.**

Respectfully Sheweth!

1. That, this application may please be considered as part and parcel of the titled service appeal.
2. That, the appellant has a prima facie case and there is every hope of its success.
3. That, the balance of convenience also tilts in favour of the appellant.



P-10

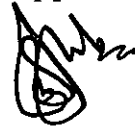
4. That, if the operation of the impugned order to the extent mentioned in the heading of the instant application has not been suspended then the appellant would suffer an irreparable loss and purpose of the titled appeal would become infructuous.

**It is, therefore, most humbly requested** that the operation of the impugned order to the extent as mentioned in the heading of the instant application may please be suspended till the disposal of the titled service appeal.

**Dated 09.07.2018**

Muhammad Nasir  
...Appellant

Through



**GHULAM ALI SHAH,**  
**ABDUL WAHID TANOLI,**  
Advocates High Court,  
Mansehra.

**AFFIDAVIT.**

I, Muhammad Nasir, Constable No.769 presently District Police, Mansehra, Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing application are true and correct and nothing has been concealed from this Honourable Tribunal.

**Dated 09.07.2018**

*Nasir*  
Muhammad Nasir  
(DEPONENT)



P-11

**BEFORE THE HONOURABLE SERVICE  
TRIBUNAL, KPK PESHAWAR.**

Service Appeal No. \_\_\_\_\_ of 2018

Muhammad Nasir .....Appellant

**VERSUS**

Regional Police Officer, ~~Abbottabad~~.  
etc..... Respondents.

**SERVICE APPEAL**

**APPLICATION UNDER SECTION 5 OF  
LIMITATION ACT, 1908 FOR CONDONATION  
OF DELAY IN FILING THE ABOVE-TITLED  
SERVICE APPEAL.**

Respectfully Sheweth!

1. That, this application may please be considered as part and parcel of the titled appeal.
2. That, the impugned order has been passed by the respondent No.1 on 09.03.2018 after that the appellant remained busy in his duties at different places during off and on hours and similarly, the appellant was assigned duties at critical, hard and hilly areas from where the appellant could not approach to his counsel for filing of the above-titled appeal.
3. That, in the recent days, the appellant after relieves from hard and critical duties after posting in main city, contacted his counsel for filing the instant appeal and redressal of his grievances.
4. That, there is some delay in filing the titled appeal which is neither deliberate nor intentional but on the

above said reason i.e. critical and hard station duties, the appellant could not filed the titled appeal within time.

- 5. That, it is the consensus of the apex court of the country that the cases must be decided on merits and technicalities be avoided. As the valuable right of the appellant are involved in the titled appeal, therefore, while avoiding the technicalities, the appellant may please be permitted to file the present appeal and the same be decided on merits, as it is also settled law that if otherwise, the case is made on merits, delay cannot be stand in the way of the justice.

It is, therefore, most humbly prayed that on acceptance of the instant application, the delay in filing of the appeal may please be condoned and appellant may please be permitted to file the titled appeal and the same be decided on merits.

**Dated 09.07.2018**

Muhammad Nasir

...Appellant

Through

**GHULAM ALI SHAH,  
ABDUL WAHID TANOLI,  
Advocates High Court,  
Mansehra.**

**AFFIDAVIT.**

I, Muhammad Nasir, Constable No.769 presently District Police, Mansehra, Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing application are true and correct and nothing has been concealed from this Honourable Tribunal.

**Dated 09.07.2018**

*Nasir*

Muhammad Nasir  
(DEPONENT)



ATTESTED  
Aurang Zeb Swati (Advocate)  
Notary Public  
Date  
District Courts, Mansehra

P-13

**BEFORE THE HONOURABLE SERVICE  
TRIBUNAL, KPK PESHAWAR.**

Service Appeal No. \_\_\_\_\_ of 2018

Muhammad Nasir .....Appellant

**VERSUS**

Regional Police Officer, Peshawar  
etc..... Respondents

**SERVICE APPEAL**

**CORRECT ADDRESSES OF THE  
PARTIES**

**APPELLANT**

Muhammad Nasir, Constable No.769  
presently District Police, Mansehra.

**RESPONDENTS**

1. Regional Police Officer, ~~Abbotabad~~
2. District Police Officer, Mansehra.

**Dated 09.07.2018**

Muhammad Nasir  
...Appellant

Through



**GHULAM ALI SHAH,  
ABDUL WAHID TANOLI,  
Advocates High Court,  
Mansehra.**

گورنمنٹ ریجنل ایئر مارشل نمبر 2286/13 مہینہ جنسٹریٹس ایک ہزار چھتر سو و 20.06.2011 (تاریخ شہرستان کی قائمہ) (پیس)

ابتدائی اطلاعی رپورٹ

036

ابتدائی اطلاع دستاویز نمبر 153 مجموعہ ضابطہ نوحداری

محل: جی بی ٹی  
 تاریخ: 12 فروری 2011ء

1	تاریخ وقت رپورٹ	12-2-11 16-5
2	نام و سکونت اطلاع دہندہ	جگدھن داس
3	مختصر کیفیت جرم (مستند رقم) خان اگر کچھ لیا گیا ہو۔	3321-353-324
4	جائے وقوع نام اطلاع دہندہ	گورنمنٹ ہسپتال
5	نام و سکونت ملزم	CNC مالٹا چیمبر تجارتی ٹراڈنگ
6	کاؤنٹی جو پیش کیے گئے اطلاع دہندہ کے لئے میں توقف ہوا ہوا تھوڑا سا	نور ایئر مارشل
7	تھانے سے روانگی کی تاریخ وقت	12 فروری 2011ء

ابتدائی اطلاع درج کروا کر 12 فروری 2011ء کو 16-5 بجے جگدھن داس نے اطلاع دی کہ وہ گورنمنٹ ہسپتال کے پاس واقعہ کا مشاہدہ کیا۔ اطلاع دہندہ نے بتایا کہ وہ 12 فروری 2011ء کو 16-5 بجے گورنمنٹ ہسپتال کے پاس واقعہ کا مشاہدہ کیا۔ اطلاع دہندہ نے بتایا کہ وہ 12 فروری 2011ء کو 16-5 بجے گورنمنٹ ہسپتال کے پاس واقعہ کا مشاہدہ کیا۔ اطلاع دہندہ نے بتایا کہ وہ 12 فروری 2011ء کو 16-5 بجے گورنمنٹ ہسپتال کے پاس واقعہ کا مشاہدہ کیا۔

MHC-P-15-5-17

Handwritten signatures and stamps at the bottom right of the page.

POLICE DEPARTMENT

P-15

DISTRICT MANSEHRA  
Tel: 0997-440450

From The Addl: Superintendent of Police,  
Mansehra.

To The District Police Officer,  
Mansehra.

No. 64 /Addl: SP Mansehra dated the 6/06/2017.

Subject: DEPARTMENTAL ENQUIRY.

ANNEXURE  
'B'

**Memorandum:**

Kindly refer to your office Endst: No. 2262-63/PA dated 05-050-2017.

An enquiry under hand was entrusted to the undersigned by the competent authority for digging out the real facts about the charges leveled against accused official Constable Naeem No.127 Police Lines, that on 12-05-2017 he along with Police party brought an accused namely Meharban s/o Siddique r/o Bagra Haripure involved in case FIR No.290 dated 28-02-2016 u/s 382 PPC PS City Mansehra from Central Jail Haripure and produced him in the court at Mansehra. After production the accused in the court, he was being transported back to Central Jail Haripure in official vehicle.

On the way he took some intoxicated item from the accused for eating. As a result he become unconscious and the accused made his escape good from the police custody. The accused took 01 official riffle SMG and hand cuff with him. His this act brought embarrassment for the whole department, which amounts to gross misconduct on his part and made him liable for proceedings under Police Disciplinary Rules-1975.

In this regard enquiry against accused official Constable Naeem No.127 was initiated in the office of the undersigned. Nasir Khan SHO PS Saddar Mansehra also joined the enquiry proceedings-as representative of department.

For this purpose alleged official was summoned to appear before the undersigned.

During the enquiry proceedings the accused official appeared before the undersigned and submitted his written statement in which he stated that on 12-05-2017 he along with Constable Nasir No.769 under the supervision of SI Iftikhar of KPF in official pick-up and was returning back to Central Jail Haripure for depositing the accused of murder case namely Meharban Shah. On the way when they reached at AMC Abbottabad accused knocked the back mirror of vehicle and made stopped the vehicle. On this inchagre KPF Iftikhar came to accused who handed over a medical prescription chit to him and also given him Rs.500. Inchagre KPF directed constable Nasir to bring the medicines and also bought a pack of juice and handed over to the accused. On the way the accused Meharban has taken a cup of juice and also given the same to him and constable Nasir, which they have drank. The accused has cleverly mixed up some intoxicant item in liquid juice due to which he along with other constable became unconscious. He further stated that accused at the time of escaping took official SMG and hand cuff with him. He stated that he was not informed regarding the nature of crime committed by the accused Meharban Shah. He prayed that he may be forgiven and charge sheet may be withdrawn.

*[Handwritten signature]*  
Ghulam Aza Shari  
ADVOCATE

Cross examination.

During the enquiry proceedings the accused official was also cross examined.

He in his cross examination admitted that the official SMG which the accused Meharban Shah has taken with him was in his custody and his 02 mobile phones has also taken by the accused at the time of escaping. The accused official in his cross examination also admitted that that accused Meharban Shah has continuously remained in contact with someone else by using his mobile phone.

Finding.

In view of above it has been found by the undersigned that accused official constable Naeem has shown utter negligence in the performing of his official duty. Accused official along with accused official constable Nasir was charged for an offence u/s 223/224/382/337/324/353 PPC PS Saraie Saleh. He was remained behind the bar and released on bail from the competent court. It has also come into the notice that accused Meharban Shah has continuously remained in contact with someone else by using mobile phone of accused official and constable Nasir. I being E.O found the accused official constable Naeem guilty in the discharge of official duty due to which image of the local Police has been badly damaged, hence he is recommended for "major punishment".

Submitted for kind perusal and further order, please.

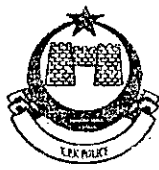
Add: Superintendent of Police,  
Mansehra

Encls:( )

*Dismissed from service*

*OFFICER*

*DP O Mansehra*



✓ P-17 ANNEXURE  
S C S

POLICE DEPARTMENT

MANSEHRA DISTRICT

ORDER

This office order will dispose off the departmental enquiry proceeding against Constable Muhammad Nasir No. 769 who was proceeded against departmentally with the allegation that on 12.05.2017 he alongwith police party brought an accused namely Mehrban s/o Siddique r/o Bagra Haripur involved in case FIR No. 290 dated 28.02.2016 u/s 382 PPC PS City Mansehra from Central Jail Haripur and produce him in the court at Mansehra. After production in the court the accused was being transported back to Central Jail Haripur in official vehicle.

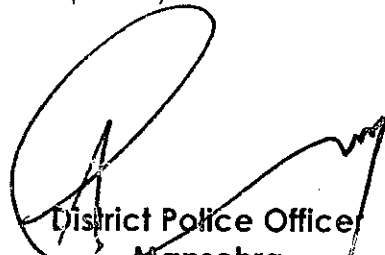
On the way the delinquent Constable Muhammad Nasir No. 769 alongwith police party stopped the official vehicle and bought juice/cold drinks through the accused. The accused mixed some intoxicated material in the juice/cold drinks. As a result he became unconscious and the accused made his escape good from the police custody in the area of Shah Maqsood district Haripur. The accused also took 01 official rifle and hand cuff with him. This act on the part of Constable Muhammad Nasir No. 769 brought embarrassment for the whole department. It shows that he is negligent, indisciplined, inefficient police official and stigma for the department.


The Enquiry Officer i.e. Mr. Arif Javed Addl: Superintended of Police Mansehra after conducting proper departmental enquiry has submitted his report and proved the charges leveled against the Constable Muhammad Nasir No. 769. On 08 June, 2017, the delinquent Constable Muhammad Nasir No. 769 was heard in person in orderly room but he could not convinced the undersigned in his defense. His retention in the Police force may create another embarrassment for the Police force at any time.

I, the District Police Officer, Mansehra, therefore award him major punishment of "Dismissal from Service" to the delinquent Constable Muhammad Nasir No. 769 under Khyber Pakhtunkhwa Police, Disciplinary Rules 1975 (amended in 2014).

Ordered announced.

OB-105  
09-6-17

  
District Police Officer  
Mansehra

  
Ghulam Anwar



P-18

ANNEXURE

(D)

To,

The Deputy Inspector General of Police,  
Hazara Range, Abbottabad

Subject: - APPEAL AGAINST THE ORDER NO.  
OB-105 DATED 09.06.2017.

Respected Sir,

Most respectfully it is submitted as under:

- 1) That, the order of dismissal from service of the appellant is wrong and against the law.
- 2) That, the punishment awarded to the appellant is excessive and is against the norm of justice.
- 3) That, the appellant was not given proper and fair opportunity to clear his position and hence was condemned unheard.
- 4) That, no show cause notice was issued to the appellant in accordance with law nor he was given proper time to submit his reply to the allegations.
- 5) That, no proper charge sheet and statement of allegation was served upon the appellant nor he was given fair opportunity to clear his position and hence he was proceeded against in contravention of the rules and the law.
- 6) That, infact there was no negligence or omission on the part of the appellant. The appellant was subordinate to another officer who was responsible as well as in commanding position. The vehicle was not stopped by the appellant rather it was stopped by the order of the incharge and due to stoppage of vehicle the accused made his escape good. There was no negligent act on the part of the appellant.
- 7) That, he inquiry proceedings were not conducted in accordance with law and

Attested

*[Signature]*

GRMULAM A. S. S. S. S. S.  
ADVOCATE

procedure and no evidence was available against the appellant. The inquiry was not conducted in a fair manner and the element of bias and malafide was always there during the so called inquiry proceedings. The appellant was not confronted with any evidence against him.

- 8) That, the statement of appellant was extracted under undue pressure and does not reflect the true account of the occurrence.
- 9) That, the quantum of the punishment is also excessive and is the result of excess of jurisdiction and is not sustainable.

Therefore, it is most humbly prayed that by accepting this appeal the appellant be exonerated from the charge and the subject order be reversed and the appellant be reinstated in service with all benefit.

*Nasir*

Muhammad Nasir  
No. Ex-769

ORDER

P-20 Anwarul Haq

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by Ex-Constable **Muhammad Nasir No: 769** Mansehra District against the order of major punishment i.e. **Dismissal from service** awarded to him by the DPO Mansehra vide his O.B No:105 dated 09.06.2017.

Stamp: Office of the District Police Officer Mansehra  
5616  
8-7-18

Facts leading to punishment awarded to him are that on 12.05.2017 he alongwith police party brought an accused namely Mehrban r/o Bagra Haripur involved in case FIR No: 290/2016 u/s 382 PPC PS City Mansehra from Central Jail Haripur and produce him in the court at Mansehra. After production in the court the accused transported back to Central Jail Haripur in official vehicle. On the way he alongwith police party stopped the official vehicle and bought juice/cold drinks through accused. The accused mixed some intoxicated material in the Juice/cold drinks. As a result he became unconscious and the accused made his escape good from the police custody in the area of Shah Maqsood Haripur. The accused took 01 official rifle and hand cuff.

After receiving his appeal, comments of DPO were obtained which were perused. The undersigned called appellant in O.R on 07.03.2018 where he explained that he has belong to a poor family and is only source of income for his family. Due to extenuate circumstances, I take lenient view set aside the order of dismissal from service issued by the DPO Mansehra. He is reinstated in service and award him minor punishment of **Forfeiture of three years approved service**. The period during which he remained out of service is treated as leave without pay. He is also reprimanded with a warning to be careful in future.

REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

No. 1038 /PA Dated Abbottabad the 9.3. /2018.

Copy of above is forwarded to the DPO Mansehra w/r to his office Memo: No: 11691/GB, dated 31.07.2017 for information and necessary action. Service Roll and Fauji Missal are returned for your office record.

REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

Attested  
District Police Officer  
Mansehra

11-06-2018

Attested  
Ghulam Ali Sman  
ADVOCATE.

SRC/OHC  
For m/c

P. (21)

ANNIECURIE  
'F'


ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by Ex-SI Itikhar Ud Din (ESM) of Manshra District against the order of major punishment i.e. **Removal from contract service** awarded by the DPO Manshra vide his OB No. 105, dated 09.06.2017.

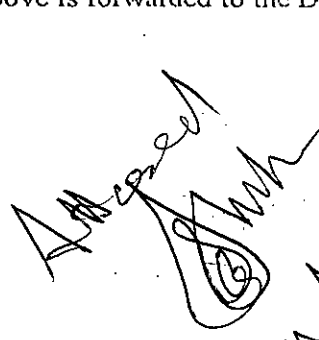
Facts leading to his punishment are that on 12.05.2017 an under trial accused namely Mehrban s/o Saddique r/o Bagra Haripur involved in case FIR No: 290 dated 28.02.2016 u/s 382 PPC PS City Manshra was brought from Central Jail Haripur for production before the Court at Manshra. He alongwith police party was deputed as Incharge of Police Party for the escort of aforementioned accused. After production of the accused in the court, he was being transported back to Central Jail Haripur in official vehicle. On the way the delinquent official SI/Ex Itikhar Ud Din alongwith police party stopped the official vehicle and bought juice/cold drinks through the accused. The accused mixed some intoxicating material in the said juice/cold drink. As a result the police officials become unconscious and accused made his escape good from the police custody in the area of Shah Maqsood District Haripur. The accused also took 01 official rifle and hand cuff with him.

Being Incharge of police party SI/Ex Itikhar Ud Din failed to perform his official duty effectively resulting in escape of a hardened criminal from police custody.

After receiving his appeal, comments of DPO Manshra were obtained. Appeal and parawise comments were examined /perused. The undersigned called him in OR and heard in person where he explained plausible reasons. He belongs to a poor family therefore, I take lenient view and punishment awarded to him i.e. **Removal from contract service** by DPO Manshra is set aside. He is reinstated in service on contract basis. The period during which he remained out of service is treated as leave without pay. He is also reprimanded with a warning to be careful in future.

  
REGIONAL POLICE OFFICER  
Hazara Region Abbottabad

No. 9559 /PA Dated Abbottabad the 14-7-2017.  
Copy of above is forwarded to the DPO Manshra for information and necessary action.

  
CHULAM A. S...  
ADVOCATE  
REGIONAL POLICE OFFICER  
Hazara Region Abbottabad



DBAM No. 387

BC No. 0 9 - 1 3 6 0

Name of Advocate

عبدالعلی منشاہ

S.No

11412

Fee Rs. 100/-

وکالت نامہ

General Secretary  
2018-19  
District Bar Association  
Manshera

SERVICE TRIBUNAL KPK PESHAWAR

بعدالت:

Regional Police Officer etc: نام: MUHAMMAD NASIR

عنوان:

Service Appeal: نوعیت مقدمہ: Appellant

منجانب:

باعث تحریر آنکہ

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے بیرونی و جواب دہی بمقام Manshera کے لئے

GURJAN AU SHAH & ABDUL WAHID ADVOCATES HIGH COURT

کو بدیں شرائط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہوا یا پکھری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپر دائر نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم استناعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف کر بشرط ادا ایگی علیحدہ محتاتنا ادا کرنے کا مجاز ہونگا اور بصورت بددراں مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو بجائے خود یا اپنے ہمراہ مقرر کریں اور مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل موصوف کو اور اگر پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پر داخستہ وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے اور دستخط/انگوٹھا ثبت کر دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

مورخہ 11 جولائی 2018

Muhammad Nasir S/o Muhammad Rafiq  
Cestable No 769, Dist Police Manshera  
426 Nasir

ACCEPTED + Attached

Handwritten signatures and initials.

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

**PESHAWAR.**

**SERVICE APPEL NO. 886/2018.**

Muhammad Nasir.....Appellant

**VERSUS**

3) Regional Police officer Hazara Region Abbottabad & others.

..... Respondents

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**Deponent**

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

**PESHAWAR.**

**SERVICE APPEL NO. 886/2018.**

Muhammad.Nasir.....Appellant

**VERSUS**

1) Regional Police officer Hazara Region Abbottabad & others.

..... Respondents

**Reply/ Comments On Behalf Of Respondents**

**RESPECTFULLY SHEWETH:-**

**PRELIMINARY OBJECTION:-**

- a) The appeal is not based on facts and appellant has got no cause of action or locus standi.
- b) That appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder of necessary and mis-joinder of unnecessary parties.
- d) The appellant is estopped by his own conduct to file the appeal.
- e) The appeal is barred by the law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

**FACTS:-**

1. Pertains to record.
2. The appellant along with police party was deputed to bring accused namely Mehrban S/O sadique r/o Bagra Haripur involved in case FIR No. 290 dated 28/02/2016 u/s 382 PPC PS City Mansehra from central jail Haripur to trail Court Mansehra. After production the accused was being transported back to central Jail Haripur in official vehicle. On the way the police party along with appellant took juices mixed with intoxication due to which police party became unconscious and the said accused succeeded to make his escape good and also took

with him one official rifle and handcuffs with him. Due to the negligence and inefficiency of the appellant the aforesaid accused succeeded to escape from the police custody which maligned the whole police department.

3. The appellant was properly charge sheeted and joined the enquiry proceeding and submitted his reply. The enquiry officer in his report found the appellant guilty. **(Copy of the enquiry report is enclosed is annexure A)**
4. Correct to the extent of awarding of punishment. The appellant was afforded with proper opportunity of personal hearing but he failed to convince the competent authority due to which punishment was awarded.
5. Correct.
6. Correct. The appellate authority i.e respondent No.1 took the lenient view and after taking into consideration the poor financial position of the family of appellant, reinstated him in service and awarded him minor punishment of forfeiture of three years approved service and the period during which he remained out of service is treated as leave without pay.
7. The said Iftikhar was on contract basis and belong to poor family due to which the appellate authority took the lenient view and reinstated him in service on contract basis. The appellant was properly given the copy of the order passed against him.
8. The service appeal is not maintainable on the following grounds:-

**GROUNDS:-**

- A. Incorrect. The impugned order is legal, correct and in accordance with law and rules.
- B. Incorrect. The appellant was treated in accordance with law and proper opportunity of personal hearing was given to the appellant.
- C. Incorrect. Proper departmental enquiry was initiated against him and he was given proper opportunity to defend his case.




- D. Incorrect. The appellant was found involved in the escape of accused involved in the heinous criminal case. Incorrect.
- E. Incorrect. The whole enquiry proceeding were conducted in accordance with law and the appellant was properly cross examined by the enquiry officer.
- F. Incorrect.
- G. Incorrect. The appellate authority awarded minor punishment to the appellant which is not excessive.
- H. Incorrect.
- I. Incorrect.

**PRAYER:**

In view of the above mentioned facts, the appeal in hand may kindly be dismissed being devoid of any legal force and badly time barred case.

  
District Police Officer  
Mansehra  
(Respondent No. 2)

  
Regional Police Officer  
Hazara Region Abbottabad  
(Respondent No. 1)  
~~Regional Police Officer~~  
Hazara Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

SERVICE APPEL NO. 886/2018.

Muhammad Nasir.....Appellant

**VERSUS**


2) Regional Police officer Hazara Region Abbottabad & others.

..... Respondents

**AFFIDAVIT**

We respondents do solemnly affirm and declare that the contents of the comments are true and correct to our knowledge and belief and that nothing has been concealed from this Honorable tribunal.

  
District Police Officer  
Mansehra  
(Respondent No. 2)

  
Regional Police Officer  
Hazara Region Abbottabad  
(Respondent No. 1)  
Regional Police Officer  
Hazara Abbottabad

POLICE DEPARTMENTDISTRICT MANSEHRA

Tel: 0997-440450

From The Addl: Superintendent of Police,  
Mansehra.

To The District Police Officer,  
Mansehra.

No. 65 /Addl: SP Mansehra dated the 6/06/2017.

Subject: DEPARTMENTAL ENQUIRY.

**Memorandum:**

Kindly refer to your office Endst: No. 2262-63/PA dated 05-050-2017.

An enquiry under hand was entrusted to the undersigned by the competent authority for digging out the real facts about the charges leveled against accused official Constable Nasir No. 769 Police Lines, that on 12-05-2017 he along with Police party brought an accused namely Meharban s/o Siddique r/o Bagra Haripure involved in case FIR No.290 dated 28-02-2016 u/s 382 PPC PS City Mansehra from Central Jail Haripure and produced him in the court at Mansehra. After production the accused in the court, he was being transported back to Central Jail Haripure in official vehicle.

On the way he took some intoxicated item from the accused for eating. As a result he become unconscious and the accused made his escape good from the police custody. The accused took 01 official riffle SMG and hand cuff with him. His this act brought embarrassment for the whole department, which amounts to gross misconduct on his part and made him liable for proceedings under Police Disciplinary Rules-1975.

In this regard enquiry against accused official Constable Nasir No.769 was initiated in the office of the undersigned. Nasir Khan SHO PS Saddar Mansehra also joined the enquiry proceedings as representative of department.

For this purpose alleged official was summoned to appear before the undersigned.

During the enquiry proceedings the accused official appeared before the undersigned and submitted his written statement in which he stated that on 12-05-2017 he along with Constable Naeem No.127 under the supervision of SI Iftikhar of KPF in official pick-up and was returning back to Central Jail Haripure for depositing the accused of murder case namely Meharban Shah. On the way when they reached at AMC Abbottabad, accused knocked the back mirror of vehicle and made stopped the vehicle. On this inchagre KPF Iftikhar came to accused who handed over a medical prescription chit to him and also given him Rs.500. Inchagre KPF directed him to bring the medicines and also bought a pack of juice and handed over to the accused. On the way the accused Meharban has taken a cup of juice and also given the same to him and constable Naeem, which they have deinked. The accused has cleverly mixed up some intoxicant item in liquid juice due to which he along with other constable became unconscious. He further stated that accused at the time of escaping took official SMG and hand cuff with him. He stated that he was not

**Cross Examination.**

During the enquiry proceedings the accused official was also examined.

He in his cross examination admitted that accused was hand cuffed from single handcuff which he has taken with him, at the time of escaping. However he denied allegations of taking bribe from the accused.

**Finding.**

In view of above it has been found by the undersigned that accused official constable Nasir has shown utter negligence in the performing of his official duty. Accused official along with accused official constable Naeem was charged for offence u/s 223/224/382/337/324/353 PPC PS Saraie Saleh. He was remained behind the bar and released on bail from the competent court. It has also come into the notice that accused Meharban Shah has continuously remained in contact with someone else by using mobile phone of accused official and constable Naeem being E.O found the accused official constable Nasir guilty in the discharge of official duty due to which image of the local Police has been badly damaged, hence he is recommended for "major punishment".

Submitted for kind perusal and further order, please.

Add: Superintendent of Police  
Mansehra

Encls:( )

*Abdul Wahid*

*OTC/OR*

*SDP Mansehra*

32 PL  
21

CHARGE SHEET

I, Ch: Ahsan Saifullah, District Police Officer, Mansehra as Competent Authority, hereby charge you Constable Nasir No. 769 Police Lines as follows.

On 12-05-2017 you alongwith police party brought an accused namely Mehrban s/o Siddique r/o Bagra Haripur involved in case FIR No. 290 dated 28-02-2016 U/S 382 PPC PS City Mansehra from Central Jail Haripur and produce him in the Court at Mansehra. After production the accused in the Court, he was being transported back to Central Jail Haripur in official vehicle.

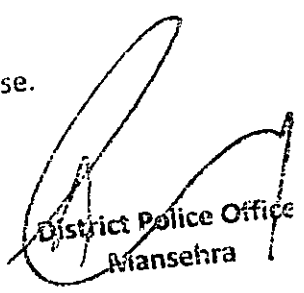
On the way you took some intoxicated item from the accused for eating. As a result you become unconscious and the accused made his escape good from the police custody. The accused also took 01 official rifle and hand cuff with him. Your this act brought embarrassment for the whole department. It shows that you are negligent, inefficient police official and stigma for the department.

Due to reasons stated above you appear to be guilty of misconduct. Khyber Pakhtunkhawa Police Disciplinary Rules 1975 (amended in 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet to the enquiry officer.

Your written defense, if any, should reach 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 ex parte action shall follow against you.

Intimate whether you desire to be heard in person or otherwise. Statement of allegation is also enclosed.

  
District Police Office  
Mansehra

65

DISCIPLINARY ACTION

I, Ch: Ahsan Saifullah, District Police Officer Manshehra, as Competent Authority of the opinion that you Constable Nasir No. 769 Police Lines has rendered himself liable to be proceeded against as he committed the following act/omissions within the meaning of Khyber Pakhtunkhawa Police Disciplinary Rules 1975.

On 12-05-2017 you alongwith police party brought an accused namely Mehrban s/o Siddique r/o Bagra Haripur involved in case FIR No. 290 dated 28-02-2016 U/S 382 PPC PS City Manshehra from Central Jail Haripur and produce him in the Court at Manshehra. After production the accused in the Court, he was being transported back to Central Jail Haripur in official vehicle.

On the way you took some intoxicated item from the accused for eating. As a result you become unconscious and the accused made his escape good from the police custody. The accused also took 01 official rifle and hand cuff with him. Your this act brought embarrassment for the whole department. It shows that you are negligent, inefficient police official and stigma for the department. It amounts to gross misconduct.

For the purpose of scrutinizing the conduct of the said accused Officer with reference to the above allegations. Mr. Adil SP is deputed to conduct formal departmental enquiry against Constable Nasir No. 769 Police Lines

The Enquiry Officer shall in accordance with the provisions of the Khyber Pakhtunkhawa Police Disciplinary Rules 1975, provide reasonable opportunity of hearing the accused, record findings and make recommendations as to punishment or other appropriate action against the accused.

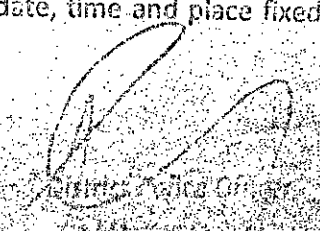
The accused and a well conversant representative of the department shall in the proceedings on the date, time and place fixed by the Enquiry Officer.

  
District Police Officer,  
Manshehra

No 2262-63/PA dated Manshehra the 15-05-2017

Copy of the above is forwarded to: -

1. The Enquiry Officer for initiating proceedings against the defaulter officer under the provisions of the Khyber Pakhtunkhawa Police Disciplinary Rules 1975
2. Constable Nasir No. 769 Police Lines with the direction to submit his written statement to the Enquiry Officer within 07 days of the receipt of this charge sheet/statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purposes of departmental proceedings.

  
District Police Officer,  
Manshehra

جناب عالی!

حوالہ چارج شیٹ چٹھی نمبری 61-2260 مورخہ 15.05.2017 جاریہ DPO صاحب ہانسہرہ موصول ہوئی جس کے بارہ میں جواباً معروض ہوں۔

مورخہ 12.05.2017 میں معہ کنسٹیبل نعیم 127 ہمراہ افتخار الدین SI/EX بذریعہ Pick up سرکاری ہاتھویل ڈرائیور صابر شاہ 1050 ہریپور جیل سے لا کر ہانسہرہ کچہری پیش کرنے کیلئے لا کر بعد پیشی واپس روانہ ہوا ملزم کو حسب ضابطہ مضبوط ہتھکڑی لگائی ہوئی تھی واپسی پر جب نزد AMC ایسٹ آباد پہنچے تو ملزم نے دستک دے کر گاڑی رکوائی۔ افتخار الدین انچارج فرنٹ سیٹ سے اتر کر پیچھے آیا تو ملزم مہربان نے ایک چٹ انچارج کو دی کہ میرے لئے دوائی لے کر آئیں اور مبلغ پانچ-500 روپے کا نوٹ دیا۔ انچارج سے دوائی کیلئے مجھے بھیجا تو ملزم نے کہا کہ جوس بھی لے آئیں۔ مبلغ دوسو 200 کی دوائی مبلغ 180 کا جوس میں لے کر واپس گاڑی میں آیا اور حوالہ کر کے ہریپور جیل کیلئے روانہ ہو گئے ہم نے اپنے لیے گرہ خود سے تربوز لیا تھا اور جاتے ہوئے کھانے کے ملزم مہربان نے بھی ہمارے ساتھ تربوز کھایا اور بعدہ جو جوس اس نے منگوایا تھا سے خود پیا مجھے اور ہمراہی کنسٹیبل نعیم 127 کو بھی دیا جو ہم نے روٹین کا جوس سمجھ کر پی لیا حویلیاں تک ہم دونوں ٹھیک ٹھاک تھے۔ ملزم مہربان نے نہایت ہی حوشیاری سے جوس میں کوئی نشہ آور شے شامل کر لی جس کی وجہ سے ہم دونوں بے ہوش اور جب ہوش آیا تو ہم تھانہ سرائے صالح میں تھے اور معلوم ہوا کہ ملزم مہربان بھاگ گیا اور جاتے وقت سرکاری SMG جو کہ ہمراہی کنسٹیبل نعیم 127 کے پاس تھی معہ ہتھکڑی جو کہ ملزم کو لگی ہوئی تھی لے کر چلا گیا۔

جناب والا! مجھے یا ہمراہی کنسٹیبل کو گارڈ کمانڈر نے قطعاً یہ نہ بتلایا کہ ملزم خطرناک ہے۔ اپنے طور پر جہاں تک ممکن ہو سکا ہم نے ملزم کی نگرانی کی اور انسکو حراست میں رکھا ملزم جو کہ کافی وقت سے جیل میں بند ہے نے اپنے پلان کے مطابق دوائی کے ساتھ جوس لیا عین ممکن ہے کہ جوس میں منصوبہ کے مطابق قبل ازیں ملاوٹ کی ہوئی تھی جو کہ روٹین کا جوس ہونے کے باعث بد قسمتی سے ہم نے بھی پی لیا جس کے باعث ہم بے ہوش ہو گئے اور ملزم نے گاڑی رکوا کر اسلحہ ہتھکڑی سمیت فرار ہو گیا۔ جان بوجھ کر کوئی کوتاہی یا غفلت نہیں ہوئی۔ اچانک اور عام سلسلہ نیچرل طریقہ پر ہونے کی وجہ سے اس طرف دیہان نہ گیا کہ جوس میں ملاوٹ ہو سکتی ہے۔

استدعا ہے کہ مجھے اس الزام سے مبرا فرماتے ہوئے معافی دی جائے۔ آئندہ کیلئے محتاط رہوں گا۔ بیان گزارش خدمت ہے۔

ارضی  
کنسٹیبل نعیم 127  
15.05.2017

Attested  
Kaddi Jil