

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**  
**AT CAMP COURT ABBOTTABAD**

Service Appeal No. 13292/2020

Date of Institution ... 29.10.2020

Date of Decision ... 20.07.2022

Amjad Khan S/O Aurangzeb (Ex-Head Constable No. 552 of District Police Abbottabad) R/O Mohallah Dana Chuna Kari, Nawanshehr, Tehsil & District Abbottabad.

... (Appellant)

**VERSUS**

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others.

... (Respondents)

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MR. MOHAMMAD ASLAM TANOLI,  
Advocate

--- For appellant.

MR. NOOR ZAMAN KHATTAK,  
District Attorney

--- For respondents.

MR. KALIM ARSHAD KHAN  
MR. SALAH-UD-DIN

--- CHAIRMAN  
--- MEMBER (JUDICIAL)

**JUDGMENT:**

SALAH-UD-DIN, MEMBER:- Precisely stated the facts necessary for disposal of the instant service appeal are that the appellant while serving as Head Constable in Police Station Cantt Abbottabad, was charged in case FIR No. 179 dated 14.12.2019 under sections 9 (c)/14/15 CNSA registered at Police Station Anti-Narcotic Force Peshawar. On conclusion of the inquiry, the appellant was awarded major penalty of dismissal from service. The departmental



appeal of the appellant was also filed vide order dated 12.10.2020, hence the instant service appeal.

2. Respondents contested the appeal by way of submitting para-wise comments, wherein they refuted the assertions raised by the appellant in his appeal.

3. Learned counsel for the appellant has contended that as per the prescribed procedure, booking officials of Daewoo Company checks the items first and thereafter they themselves pack the same in parcel, however it is astonishing that the concerned parcel was not checked in presence of the person, who had booked the same and was checked through Inspector Amjad Ali SHO and other police officials of Anti-Narcotics Force after sufficient lapse of time of its booking; that instead of giving information to local Police Station, which is at a distance of 5/6 Kilometers from Daewoo Bus Terminal Peshawar, information was allegedly conveyed to Police Station ANF Hayatabad, which is at a considerable distance from Daewoo Bus Terminal; that nothing incriminating has been recovered from the possession of the appellant and he has been falsely entangled in the instant case with mala-fide intention; that the appellant was not provided an opportunity of cross examination of the witnesses examined during the inquiry; that disciplinary action was taken against the appellant on the ground of his involvement in case FIR No. 179 dated 14.12.2019 under sections 9 (c)/14/15 CNSA registered at Police Station Anti-Narcotic Force Peshawar, however the appellant has already been acquitted in the said case; that the appellant was having an unblemished record of about 25 years of service in the Police Department and was not awarded any penalty in his service career.

4. On the other hand, learned District Attorney for the respondents has contended that the appellant was having links with drug peddlers and the parcel containing Charas was booked in the name of the appellant; that the statements of independent witnesses recorded during the

inquiry prove the allegations leveled against the appellant; that the appellant was provided opportunity of self defense as well as personal hearing, however he remained unable to rebut the allegations leveled against him; that the inquiry proceedings were conducted in accordance with relevant rules by complying all legal and codal formalities; that the appellant has been found involved in smuggling of narcotics and has brought bad name to the police department, therefore, he has rightly been dismissed from service.

5. We have heard arguments of learned counsel for the parties and have perused the record.

6. A perusal of the record would show that as per the FIR, one Ijaz Ahmad, Supervisor Daewoo Fastex Courier and Logistic Office Daewoo Bus Adda Hajji Camp Peshawar had informed the high-ups of Anti-Narcotics Force Peshawar, regarding the suspicious carton and the alleged recovery of Charas was made from the carton in his presence. The aforementioned Ijaz Ahmad has, however not been examined by the inquiry officer in support of the allegations leveled against the appellant. It is further evident from perusal of the FIR that carton containing Charas was initially booked in office of Daewoo Fastex Franchise Shoba Bazaar Chowk Jail Road Peshawar, however the Incharge of said Franchise has also not been examined by the inquiry officer. The inquiry officer has only recorded statements of Abdul Qadir S/O Abdul Ghafoor, Incharge Daewoo Bus Terminal Mandian Abbottabad and Muhammad Saeed S/O Shamraiz Assistant Manager Daewoo Bust Terminal Mandian Abbottabad but the appellant was not provided any opportunity of cross examination of the said witnesses. The testimony of afore-mentioned witnesses thus could not be taken into consideration as evidence against the appellant.

7. According to statement of allegations so available on the record, District Police Officer Abbottabad had appointed Mr. Avais Shafiq ASP Mirpur as Inquiry Officer in the matter, however the inquiry report so available on the record would

show that the inquiry was conducted by Muhammad Sabir, Deputy Superintendent of Police, Mirpur Abbottabad and Rashid Ahmad, Deputy Superintendent of Police, Legal Abbottabad. The power to appoint inquiry officer is legally vested in the Authority. Learned District Attorney was unable to produce any order of competent Authority, whereby inquiry committee comprising of Muhammad Sabir, Deputy Superintendent of Police, Mirpur Abbottabad and Rashid Ahmad, Deputy Superintendent of Police, Legal Abbottabad was constituted for inquiry in the matter. The afore-mentioned fact has created material dent in the inquiry proceedings. Moreover, the appellant was proceeded against in General Police Proceedings by appointing inquiry officer. It is, however astonishing that in para-2 of the final show-cause notice issued to the appellant, competent Authority has categorically mentioned that he had decided to proceed against the appellant in general proceedings without aid of inquiry officer, which seems strange.



8. Disciplinary action was taken against the appellant on the allegations of his involvement in case FIR No. 179 dated 14.12.2019 under sections 9 (c)/14/15 CNSA registered at Police Station Anti-Narcotic Force Peshawar, however the appellant has already been discharged in the aforementioned case, vide order dated 21.05.2022 passed by competent court of law. The case registered against the appellant was so weak that even he was not put on trial in the same and was discharged. As the appellant has been discharged by competent court of law, therefore, the very charge, on the basis of which the appellant was proceeded against departmentally, has vanished away. Nothing is available on the record, which could show that the order of discharge of the appellant has been challenged by the department before the higher forum.

9. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is reinstated in service with all back

benefits. Parties are left to bear their own costs. File be  
consigned to the record room.

ANNOUNCED  
20.07.2022



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT ABBOTTABAD



(KALIM ARSHAD KHAN)  
CHAIRMAN  
CAMP COURT ABBOTTABAD

ORDER  
20.07.2022

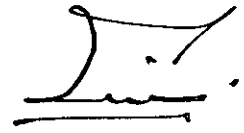
Appellant alongwith his counsel present. Mr. Shamraiz Khan, ASI alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
20.07.2022



(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad



(Salah-Ud-Din)  
Member (Judicial)  
Camp Court Abbottabad

2022

Junior to counsel for the appellant present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 20.07.2022 for arguments before D.B at Camp Court, Abbottabad.



(Fareeha Paul)  
Member (E)  
Camp Court, A/Abad



(Rozina Rehman)  
Member (J)  
Camp Court, A/Abad

17.06.2021

Due to COVID- 19, tour to Abbottabad has been cancelled, therefore, case to come up for the same as before on 11.10.2021.



Reader

11.10.2021

Nemo for the appellant. Mr. Muhammad Adeel Butt, Addl. AG alongwith Shamraiz Khan, ASI (Legal) for the respondents present.

Written reply of the respondents is still awaited. Respondents are directed to furnish reply/comments on the next date positively, failing which their right for submission of written reply/comments shall be deemed as struck off. Case to come up on 20.12.2021 before the S.B at camp court, Abbottabad.

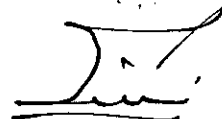


Chairman  
Camp Court, A/Abad

20.12.2021

Learned counsel for the appellant present. Mr. Shamraiz Khan, ASI alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Para-wise reply on behalf of respondents No. 1 to 3 submitted, which is placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 15.03.2022 before the D.B at Camp Court Abbottabad.



(Salah-Ud-Din)  
Member (J)

Camp Court Abbottabad

*Due to retirement of the Hon'ble chairman the case is adjourned to 14/6/2022 for the same as before.*





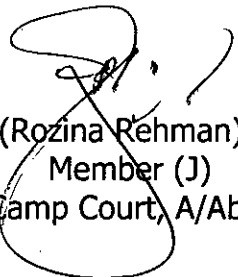


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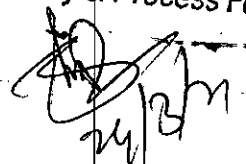
### FORM OF ORDER SHEET

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

Case No. - 132 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/10/2020	<p>The appeal presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>15-03-2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	15.03.2021	<p>Appellant present through counsel. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on <u>16/06/2021</u> before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J) Camp Court, A/Abad</p>

Appellant Deposited Security & Process Fee

  
24/3/21

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No. 13292

Amjad Khan S/O Aurangzeb (Ex-Head Constable No. 552 of District Police Abbottabad) R/O Mohallah Dana Chuna Kari, Nawanshehr, Tehsil & District Abbottabad.

**Appellant**

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

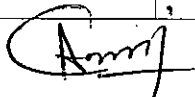
**Respondents**


**SERVICE APPEAL**

**INDEX**

S/No.	Description of Document	Ann- exure	Page No.
1.	Memo of appeal		01-08
2.	FIR dated <b>14-12-2019</b>	"A"	09
3.	Reply to the Charge Sheet.	"B"	10
4.	Copy of Bail Order dated <b>13-01-2020</b>	"C"	11
5.	Final Show Cause Notice dated <b>14-07-2020</b>	"D"	12-13
6.	Dismissal order dated <b>03-08-2020</b>	"E"	14
7.	Departmental appeal <b>17-08-2020</b>	"F"	15-18
8.	Appeal rejection order dated <b>13-10-2020</b>	"G"	19
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Through

  
**Appellant**

  
(Mohammad Aslam Tanoli)  
Advocate High Court  
at Haripur

Dated: 28-10-2020

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No. 13292/20

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 13633

Dated 29/10/2020

Amjad Khan S/O Aurangzeb (Ex-Head Constable No. 552 of District Police Abbottabad) R/O Mohallah Dana Chuna Kari, Nawanshehr, Tehsil & District Abbottabad.

**Appellant**

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

**Respondents**

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 03-08-2020 OF THE DISTRICT POLICE OFFICER ABBOTTABAD WHEREBY APPELLANT HAS BEEN "DISMISSED FROM SERVICE" AND ORDER DATED 13-10-2020 WHEREBY APPELLANT'S DEPARTMENTAL APPEAL HAS BEEN FILED BY THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH ORDERS DATED 03-08-2020 AND 13-10-2020 OF RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE REINSTATED IN SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.**

Respectfully Sheweth:

1. That on 14-12-2019, while appellant posted at Police Station Cantt Abbottabad and performing his official duties he was falsely involved in a case FIR No.179 dated 14-12-2019 U/S 9(C)14,15 CNSA 1997 at Police Station Anti Narcotics Force Peshawar. **(Copy of FIR dated 14-12-2019 is attached as Annexure-"A")**.

2. That as per FIR on 14-12-2019 a consignment contained

Filed to-day  
Registrar  
29/10/2020

in a gatta carton was booked through Daewoo Courier & Logistics Booking Office from Daewoo Bus Adda Haji Camp Peshawar by one Qasim for one Amjad of Abbottabad. Supervisor of the Daewoo Fastex Courier Booking Office informed Police Station ANF Peshawar that consignment was suspected one. Upon this information Investigating Officer of ANF reached the spot and opened the consignment wherein he found 1200 grams charas.

3. That as per record the consignment was booked at 1255 hours while the same was suspected by Daewoo Supervisor at 1600 hours (i.e. after about 3 to 4 hours of booking) and ANF Invg. Officer reached Booking Office at 1700 hours and FIR was registered at 1900 hours. Whenever a consignment is booked the same is opened and checked by Daewoo Booking Staff and they make its own parcel before issuing any booking receipt. It was a planed machination against the appellant due to personal grudge and vendetta as the appellant had arrested many narcotics suppliers of Peshawar during his duty. Appellant was at Abbottabad and Charas Parcel was booked from Peshawar. Appellant had no knowledge or concern with any such parcel.
4. That appellant has been falsely involved in this case. Appellant has never indulged himself in such like cases. He has arrested numerous narcotics paddlers belonging different areas but especially from Peshawar. These facts are part of my service record.

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5. That appellant was served with a charge sheet (copy of which could not be retained) when he was behind the bars. Appellant replied the same and denied the allegation being incorrect and baseless. **(Copy of the reply to charge sheet is attached as Annexure-"B")**.
6. That appellant sought bail in the said FIR which was granted by Judge Special Court (CNS) Peshawar on 13-01-2020. **(Copy of bail order is attached as Annex-"C")**.
7. That after release from Jail, the appellant was issued a Final Show Cause Notice dated 14-07-2020 which was responded with the same averment as to the Charge Sheet (copy of reply could not be retained) and denied the allegation being based on false, fabricated and malafide intention and with enmity. **(Copy of Final Show Cause Notice is attached as Annexure-"D")**.
8. That without taking into consideration the stance propounded by the appellant in the shape of reply to the Charge Sheet and Final Show Cause Notice, the District Police Officer Abbottabad dismissed the appellant from service vide order dated 03-08-2020 without any reason and proof. **(Copy of dismissal order dated 03-08-2020 is attached as Annexure-"E")**.
9. That no proper departmental inquiry was conducted against the appellant. Neither copy of inquiry report was issued no was appellant provided with opportunity of personal hearing. The appellant was condemned unheard and principle of natural justice was violated.

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10. That the appellant has rendered more than 24 years service in the police department. During entire service appellant was never served even with a single explanation. Appellant always performed his assigned duties with devotion, dedication and honesty to the entire satisfaction of his officers and was awarded with commendation certificates for his tremendous services. Appellant has meritorious service record at his credit.
11. That appellant aggrieved of the order dated 03-08-2020 of the District Police Officer Abbottabad preferred a departmental appeal before the Regional Police Officer, Hazara Region, Abbottabad which was filed vide order dated 12-10-2020 without giving any heed to the contents of the appeal. **(Copies of departmental appeal dated 17-08-2020 and order dated 12-10-2020 are attached as Annexure- "F & G")**. Hence instant service appeal, inter alia, on the following:-

**GROUND:**

- a) That impugned orders dated 03-08-2020 and dated 13-10-2020 of the respondents are illegal, unlawful against the facts, departmental rules and regulations and principle of natural justice hence are liable to be set aside.
- b) That no proper departmental inquiry was conducted. No witness was called for to appear before the inquiry officer in presence of appellant to record his evidence nor was appellant provided with a chance to cross-examine such witness. Appellant was never confronted with

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documentary evidence, if any, against him. Copy of inquiry report, if any, was never provided to appellant. Even opportunity of personal hearing was afforded to the appellant rather he was condemned unheard.

- c) That respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned order, which is unjust, unfair hence not sustainable in the eyes of law.
- d) That appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken by appellant in the memo of appeal and has filed the appeal. Thus act of respondent is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clause Act 1897 and Article 10-A of the Constitution of Islamic Republic of Pakistan 1973.
- e) That appellant has discharged his assigned duties with devotion, dedication and honesty always fighting against the forces of criminals. He pointed out and got arrested the narcotics paddlers, gamblers and other species of different type criminals. He left no stone un-turned in discharge of his official duties and responsibilities.
- f) That the allegations leveled against appellant in the charge sheet and final show cause nature are of ambiguous nature, without any reason, reference, justification and based on surmises & conjectures which

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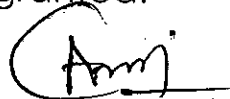
remained un-proved and un-substantiated to this day. Nothing could be brought on record against appellant like his links with alleged charas parcel etc for which he has been awarded with extreme major punishment of dismissal from service.

- g) That since his dismissal from service, the appellant is without job and has no source of income to live on, and therefore, he along with his family have been suffering badly with financial distresses.
- h) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

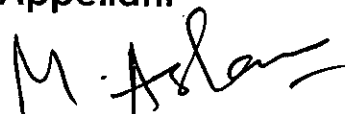
**PRAYER:**

It is, therefore, humbly prayed that on acceptance of instant Service Appeal order dated 03-08-2020 and 13-10-2020 of the respondents, may graciously be set aside and appellant be reinstated in his service from the date of dismissal with all consequential service back benefits. Any other relief which this Honorable Service Tribunal deems fit and proper in circumstances of the case may also be granted.

Through:



**Appellant**



(Mohammad Aslam Tanoli)  
Advocate High Court  
At Haripur

Dated 29-10-2020

**VERIFICATION**

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated 29-10-2020



**Appellant**



7

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Amjad Khan S/O Aurangzeb (Ex-Head Constable No. 552 of District Police Abbottabad) R/O Mohallah Dana Chuna Kari, Nawanshehr, Tehsil & District Abbottabad.

**Appellant**

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

**Respondents**

**SERVICE APPEAL**

**AFFIDAVIT:**

I, Amjad Khan S/O Aurangzeb appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Service Tribunal.



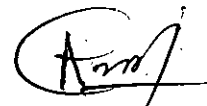
**Deponent/Appellant**

Dated: 29-10-2020

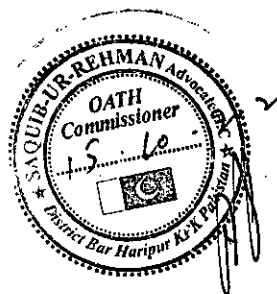
Identified By:



Mohammad Aslam Tanoli  
Advocate High Court  
At Haripur



**Appellant**



8

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Amjad Khan S/O Aurangzeb (Ex-Head Constable No. 552 of District Police Abbottabad) R/O Mohallah Dana Chuna Kari, Nawanshehr, Tehsil & District Abbottabad.

**Appellant**

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

**Respondents**

**SERVICE APPEAL**

**CERTIFICATE**

It is certified that no such Appeal on the subject has ever been filed in this Honorable Service Tribunal or any other court prior to instant one.

  
**APPELLANT**

Dated: 28-10-2020

Att. Sheet  
Army



11-11-2019  
11-11-2019

Handwritten notes in Urdu, including dates like 11-11-2019 and various administrative details.

تاریخ	11/11/2019
وقت	12:15
مقام	1830
موضوع	11/11/2019
تعداد	1700
نمبر	139
تاریخ	11/11/2019
وقت	12:15
مقام	1830
موضوع	11/11/2019
تعداد	1700
نمبر	139

154 نمبر کی اطلاع

اطلاقی نوٹ

10

Annex-B

جناب عالی!

مشمولہ چارج شیٹ و ڈسپلنری ایکشن عنوان بالا بحاریہ جناب DPO صاحب ایبٹ آباد کی نسبت ذیل معروض خدمت ہوں۔  
مقدمہ علت 179 مورخہ 14/12/2019 جرم 9c.14.15/CNSA تھانہ انٹی نار کالکس پشاور میرے خلاف غلط ہے بنیاد کسی ذاتی رنجش کی بناء پر یا میرے کسی مخالف کے کہنے پر درج کیا گیا ہے۔ مجھ پر لگائے گئے دفعات بالکل غلط ہیں۔

- ۱۔ دفعہ 9c/CNSA کا اطلاق اس لئے نہیں ہوتا کہ من سائل سے کوئی منشیات برآمد نہیں ہوئی۔
- ۲۔ دفعہ 14/CNSA خود قابل دست اندازی نہیں بلکہ دفعہ 15/CNSA کی تعریف ہے پولیس پریکٹس میں تعریفات والے دفعات عائد نہیں کئے جاتے۔ صاف ظاہر ہے کہ FIR کا وزن بڑھانے کی خاطر سیکشن 14 FIR میں لگائی گئی ہے۔
- ۳۔ دفعہ 15/CNSA مقدمہ عنوان بالا میں من سائل نہ تو پارسل بھیجنے والا ہوں اور نہ وصول کرنے والا ہوں۔ 116 تپ کی وضاحت کے مطابق میرا کوئی کردار نسبت اعانت جرم نہیں پایا جاتا ہے۔

اس بات میں کوئی شک نہیں ہے کہ سہمی قاسم میرا دوست ہے جس کے ساتھ میرا ٹیلیفونک رابطہ رہتا ہے۔ قاسم پشاور میں ادویات کی ہول سیل کا کام کرتا ہے اور مختلف شہروں میں ادویات فراہم کرتا ہے۔ میری دالنت کے مطابق قاسم کے خلاف قبل ازیں ایسی کوئی ایف آئی آر نہیں ہے۔ قاسم نے قبل ازیں بھی ادویات کا پارسل میرے نام بھیجا تھا جو دوسرے دن اُس نے خود آکر ڈائیوڈ ٹریٹمنٹ ایبٹ آباد سے خود وصول کیا تھا۔ اگر ایسی کوئی بات ہوتی لازماً سامنے آتی۔ قاسم نے ادویات کا پارسل ڈائیوڈ ٹریٹمنٹ پشاور میں جمع کرانے کے 3/4 گھنٹے کے بعد یہ کارروائی سوچی سمجھی پلاننگ کے تحت کی گئی ہے کیونکہ ڈائیوڈ سمیٹی کوئی بھی پارسل وصول کرتے وقت پارسل جمع کروانے والے شخص کے سامنے پارسل کی چیکنگ کرتے ہیں۔ اگر ایسی کوئی بات ہوتی تو ڈائیوڈ ٹریٹمنٹ پشاور سے مقامی پولیس اسٹیشن صرف 10 منٹ کی مسافت پر ہے۔ لیکن ANF تھانہ حیات آباد تقریباً 50-60 منٹ کی مسافت پر ہے۔ جس شخص نے ANF ہیکران کو اطلاع دی اُس نے مقامی پولیس اسٹیشن کو اطلاع کیوں نہیں دی۔ اس بات سے صاف ظاہر ہوتا ہے کہ میرے خلاف بد نیکی کے تحت سازش کی گئی۔ جس سے میری اور ڈیپارٹمنٹ کی عزت مجروح ہوئی ہے۔

سائل نے ہمیشہ اپنے فرائض بخوبی ذمہ داری اور احسن طریقے سے سرانجام دیئے ہیں حال ہی میں ایک کارروائی میں شدید زخمی ہو گیا تھا۔ سائل کی بہترین کارکردگی کی بنیاد پر کئی بار اعلیٰ صاحبان کی طرف سے مختلف شونکٹ اور انعامات سے بھی نوازا ہے۔

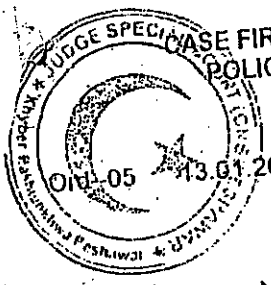
دیگر حالات ذبانی طور پر بدوران پیشی افسران بالا کے گوش و گزار کروٹکا۔

استدعا ہے کہ میرے نام جاری شدہ چارج شیٹ بلا کارروائی داخل دفتر کرنے کا حکم صادر فرمایا جاوے۔

Attested  
Amir

امجد خان 552/HC تھانہ کینٹ  
حال پولیس لائن ایبٹ آباد

Annex-C



CASE FIR NO. 179 DATED 14.12.2019 U/S 9 (C) 14/15 CNSA, 1997  
POLICE STATION ANTI NARCOITCS FORCE, PESHAWAR.

11

Counsel for accused / petitioner present. SP for the state is also present. Arguments heard and record perused.

Accused / petitioner Amjad s/o Aurangzeb r/o Distt Abbottabad seeks his release on bail in case FIR No. 179 dated 14.12.2019 U/S 9-C, 14/15 CNSA of PS ANF Peshawar.

13-01-2020

As per contents of FIR, on 14.12.2019, Supervisor of Daewoo Fastex Courier & Logistics booking office situated as Daewoo Bus Adda Haji Camp Peshawar, conveyed information that a consignment contained in a gatta carton booked by one Qasim for one Amjad of Abbottabad, is suspected. Upon this information, I.O alongwith raiding party rushed to the said office, where the supervisor handed over him a consignment in a gatta carton alongwith booking receipt No. 191951977. The I.O opened the said consignment wherefrom 01 packet weighing 1200 gms charas were recovered. The I.O/complainant prepared recovery memo and registered FIR. Since the consignment was booked for Amjad, who had to receive the same on the following day at Abbottabad, therefore, the I.O alongwith raiding party reached the concerned office on 15.12.2019, where the accused / petitioner came for receiving the consignment, who was accordingly arrested. Being behind the bars, accused-petitioner has approached this Court for the grant of bail to him.

No doubt that the accused / petitioner is prima facie connected with the commission of offence, as the consignment containing contraband was booked for him and he accordingly came for receiving the same, however, since the contraband recovered is weighing 1200 Gm, and keeping in view, plethora of precedent judgments rendered by the Hon'ble Higher Courts, the case against accused-petitioner is a borderline case between 9B and 9C CNSA, therefore, accused / petitioner is entitled to the concession of bail.

Examined  
Copying Branch Judge Special Court  
(CNS) Khyber Pakhtunkhwa.

Certified to be True Copy  
20-01-2020

*[Handwritten signatures and scribbles]*

Attested  
Amjad

0-5  
(continued)

Consequent upon the aforementioned discussion, the bail petition in hand is accepted and the accused/petitioner is admitted to bail provided he furnishes bail bonds in the sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of Illaqa/Judicial Magistrate Peshawar who shall also issue release warrant(s). The learned Judicial Magistrate is directed to return the original bail bonds alongwith a copy of release warrant to this court at the earliest, for record. Requisitioned record be returned to the quarters concerned.

Record returned and file be consigned to record room after completion.

Announced.  
13.01.2020.

(Mrs. Nusrat Yasmeen-Intekhab)  
JSC (CNS) Peshawar.

Certified to be True Copy

13-01-2020

20-01-2020

Chief Magistrate, Special Court  
(CNS), Peshawar

Accepted

Amj

الطوفان

(12)

**OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD**

No: 114 /PA, Dated Abbottabad, the 14/07/2020.

**GROUND OF ACTION**

**Annex D**

That you HC Amjad Khan No. 552, committed following misconduct:-

- I. You while posted at PS Cantt involved yourself in case FIR No. 179 dated 14-12-2019 u/s 9(C)14,15 CNSA 1997 Police Station Anti Narcotics Force Peshawar. Your this criminal act earned bad name for Police department in the eyes of general public, which is tantamount to gross misconduct:-
- II. During proper departmental enquiry the allegations have been proved against you.

By reasons of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014), hence these grounds of action.

2  
District Police Officer  
Abbottabad

Attested  
(Amjad)

(13)

D

**OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD**

No: 114/PA, Dated Abbottabad, the 14/07/2020.

**FINAL SHOW CAUSE NOTICE**

**(Unit Rule (3) KPK Police Rules, 1975 amended 2014)**

1. That you HC Amjad Khan No. 552 rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) for following misconduct;
  - I. You while posted at PS Cantt involved yourself in case FIR No. 179 dated 14-12-2019 u/s 9(C)14,15 CNSA 1997 Police Station Anti Narcotics Force Peshawar. Your this criminal act earned bad name for Police department in the eyes of general public, which is tantamount to gross misconduct:-
    - II. During proper departmental enquiry the allegations have been proved against you.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
6. You are, therefore, called upon to Final Show Cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975(amended 2014) for the misconduct referred to above.
7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

Received by \_\_\_\_\_

Dated 14/07/2020

*Attested*  
*Amjad*

District Police Officer  
Abbottabad



14

Annex 'E'

ORDER

This office order will dispose of the departmental enquiry against Head Constable Amjid No.552 of Police Lines. He while posted at Police Station Cantt involved himself in case FIR No.179 dated 14-12-2019 U/S 9 (c) 14.15 NCSA PS Anti Narcotics Force Peshawar. His this criminal act earned bad name for Police Department in the eyes of public, which is tantamount to gross misconduct.

He was issued Charge Sheet along with statement of allegations. Mr. Sabir Khan DSP Mirpur was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry the Enquiry Officer submitted its findings, wherein allegations leveled against delinquent official were stand proved and he recommended him for major Punishment. He was served with Final Show Cause Notice. Consequently, he was summoned to appear in Orderly Room on 30-07-2020 but he had nothing plausible to state in his defense.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I. Yasir Khan Afridi, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of Dismissed from service with immediate effect.

Order announced.

District Police Officer  
Abbottabad

No. 3848-50 /dated 3 /08/2020.

O/C

Copy to:

- 1. Pay Officer
- 2. EA
- 3. CE

OB No. 168

30-07-2020

Attested  
Amj

Better Copy

ORDER

This office order will dispose of the departmental enquiry against Head Constable Amjad No.552 of Police Lines. He while posted at Police Station Cantt involved himself in case FIR No.179 dated 14-12-2019 U/S 9 © 14.15 NCSA PS Anti Narcotics Force Peshawar. His this criminal act earned bad name for Police Department in the eyes of public, which is tantamount to gross misconduct.

He was issued Charge Sheet along with statement of allegations. Mr. Sabir Khan DSP Mirpur was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry the Enquiry Officer submitted its findings wherein allegations leveled against delinquent official were stand proved and he recommended him for major punishment. He was served with Final Show Cause Notice. Consequently, he was summoned to appear in Orderly Room on 30-07-2020 but he had nothing plausible to state in his defense.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, Yasir Khan Afridi, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of Dismissal from service with immediate effect.

Order announced.

Sd/-

District Police Officer  
Abbottabad

No. 3848-50 dated 3/08/2020

Copy to:-

1. Pay Officer
2. EA.
3. OB

15

Annex 'F'

**BEFORE HONOURABLE REGIONAL POLICE OFFICER,**  
**HAZARA REGION, ABBOTTABAD.**

**DEPARTMENTAL APPEAL AGAINST ORDER NO. 3848-50 DATED**  
**03-08-2020 PASSED BY THE DISTRICT POLICE OFFICER**  
**ABBOTTABAD WHEREBY THE APPELLANT HAS BEEN AWARDED WITH**  
**THE PENALTY OF "DISMISSAL FROM SERVICE".**

**PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL**  
**THE IMPUGNED ORDER DATED 03-08-2020 MAY KINDLY BE SET**  
**ASIDE AND APPELLANT BE RE-INSTATED IN SERVICE FROM THE**  
**DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK**  
**BENEFITS.**

Respected Sir,

With most reverence and humble submission the following few lines are submitted for kind consideration and favorable order please:-

1. That on 14-12-2019, while appellant posted at Police Station Cantt Abbottabad and performing his official duties he was falsely involved in a case FIR No.179 dated 14-12-2019 U/S 9(C)14;15 CNSA 1997 at Police Station Anti Narcotics Force Peshawar. **(Copy of FIR dated 14-12-2019 is attached as "A")**.
2. That according to FIR on 14-12-2019 a consignment contained in a gatta carton was booked through Daewoo Courier & Logistics Booking Office from Daewoo Bus Adda Haji Camp Peshawar by one Qasim for one Amjad of Abbottabad. Supervisor of the Daewoo Fastex Courier Booking Office informed Police Station ANF Peshawar that consignment was suspected one. Upon this information Investigating Officer of ANF reached the spot and opened the consignment wherein he found 1200 grams charas.

Attested  
Amjad

10

3. That as per record the consignment was booked at 1255 hours while the same was suspected by Daewoo Supervisor at 1600 hours (i.e. after about 3 to 4 hours of booking) and ANF Invg. Officer reached Booking Office at 1700 hours and FIR was registered at 1900 hours. Whenever a consignment is booked the same is opened and checked by Daewoo Booking Staff and they make its own parcel before issuing any booking receipt. It was a planed machination against the appellant due to personal grudge and vendetta as the appellant had arrested many narcotics suppliers of Peshawar during his duty otherwise he had nothing to do with charas. Appellant was at Abbottabad and Charas Parcel was booked from Peshawar. Through out his entire life there is no such case of criminal nature against the appellant. He always lived a gentle and simple life. During his entire service of 24 years the appellant has never been served even with a single explanation. Appellant always performed his duties with devotion, dedication and honesty. He was awarded with numerous commendation certificates and cash rewards by police High-Ups for his tremendous service in the police department. Appellant has exemplary service record at his credit.

4. That appellant is totally innocent and has been falsely involved in this case. Appellant past history and record need to be examined. Appellant has never indulged himself in such like cases. He has arrested numerous narcotics paddlers belonging different areas but especially from Peshawar. These facts are part of my service record.

Attested  
A. M. J.

5. That appellant was served with a charge sheet when he was behind the bars. Appellant replied the same and denied the allegation being incorrect and baseless. **(Copy of the reply to charge sheet is attached as "B")**.
6. That appellant sought bail in the said FIR which was granted by Judge Special Court (CNS) Peshawar on 13-01-2020. **(Copy of bail order is attached as "C")**.
7. That after release from Jail, the appellant was issued a Final Show Cause Notice dated 14-07-2020 which was responded with the same averment as in Charge Sheet and denied the allegation being based on false, fabricated and malafide intention and with enmity as recorded in the FIR. **(Copy of Final Show Cause Notice is attached as "D")**.
8. That without taking into consideration the stance propounded by the appellant in the shape of reply to the Charge Sheet and Final Show Cause Notice, the District Police Officer Abbottabad dismissed the appellant from service vide order dated 03-08-2020 without any reason and proof. **(Copy of dismissal order is attached as "E")**.

Attested  
Amj

9. That no proper departmental inquiry was conducted against the appellant. Appellant was never provided with the opportunity of personal hearing before awarding major punishment of dismissal from service. The appellant was condemned unheard and principle of natural justice was seriously violated.

10. That appellant is the only bread earner of his family consisting upon minor children and old/ailing parents. The appellant is already under financial distresses as he has no other source of income. Appellant has been rendered without employment due to dismissal from service.
11. That if the appellant is provided with a chance of personal hearing he will really prove his innocence and satisfy your Highness about his constraints which he had to face due to his some unavoidable domestic problems. *due to un-employment.*

It is, therefore, earnestly requested that keeping in view the aforementioned facts & circumstances of the matter impugned order dated 03-08-2020 of the District Police Officer Abbottabad may kindly be set aside and the appellant be reinstated him in his service from the date of dismissal with all consequential service back benefits. Appellant shall always pray for your good health and long life. Thanking you sir in anticipation.

Yours Obedient Servant



Amjad Khan S/O Aurangzeb  
EX-Head Constable No. 552  
District Police Abbottabad



ADDRESS: Mohallah: Dana Chuna Kari,  
NawanShehr,  
Tehsil & Distt: Abbottabad.  
**Cell No.0346-9573395**

Dated: 17-08-2020



19

Annex-9

OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 25999 / PA DATED 12/10/2020

**ORDER**

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex- Head Constable Amjid Khan No.552 of District Abbottabad against the punishment order i.e. *Dismissal from Service* awarded by DPO Abbottabad vide OB No.168 dated 30.07.2020.

Brief facts leading to the punishment are that the appellant while posted at Police Station Cantt involved himself in a criminal case vide FIR No. 179 dated 14-12-2019 u/s 9(C) 14/15 CNSA PS Anti Narcotics Force, Peshawar.

The appellant was issued charge sheet alongwith summary of allegations and SDPO Mirpur was deputed to conduct departmental enquiry. The EO held the appellant responsible of misconduct. The appellant was issued final show cause notice and heard in OR, however he failed to advance any cogent reason in his defence. Consequently, DPO Abbottabad awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the official in OR and heard him in person. However, he failed to advance any convincing reason in his defence. The appellant contended that he was deliberately implicated in the case and the case is pending trail before the court. However, it is settled legal position of law that criminal proceedings and departmental proceedings, even on identical set of allegations could be proceeded simultaneously. In the instant case, the appellant has been awarded major punishment of dismissal from service after due process of departmental proceedings and act of misconduct perpetrated by the appellant was proved during the enquiry. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed* with immediate effect.

Qazi Jamil ur Rehman (PSP)  
REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

No. 25600 / PA, dated Abbottabad the 12-10 /2020.  
CC.

1. The District Police Officer, Abbottabad for information and necessary action with reference to his office Memo No.3680/Legal dated 01-09-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

Attested

S. Muhammad Iqbal  
Office Superintendent  
For Regional Police Officer  
Hazara Region Abbottabad

DBA.No: 201  
BC No: \_\_\_\_\_  
Name of Advocate: محمد اسلم تنوری

S.No: 81298



# وکالت نامہ



بعد اٹ: جناب مسٹر مبین مبین بٹ  
عنوان: محمد رضا خان  
منجانب: محمد رضا خان  
نوعت مقدمہ: سریختی رسید  
باعث تحریر آنکہ: \_\_\_\_\_

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیق مقدمہ بمقام جیڈی اڈیشنل سیکشن جج کراچی کی طرف سے پیشی یا تصدیق مقدمہ بمقام جیڈی اڈیشنل سیکشن جج کراچی کے لیے  
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت  
پکارے جانے پر مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری  
غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب  
موصوف صدر مقام پشوری کے علاوہ کسی جگہ یا پشوری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ  
ہوں گے اور مقدمہ پشوری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا پشوری کے اوقات کے آگے پیچھے پیش ہونے  
پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار نہ ہوں گے اس کے واسطے کسی معاوضہ کے ادا کرنے یا مٹانے کے واپس کرنے کے بھی صاحب  
موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف کو مثل کردہ ذرات منظور و مقبول ہوگا اور صاحب موصوف کو  
عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ڈگری و نظریاتی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی  
اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور ہر قسم کارروپی وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور  
اس کے ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرون جات از پشوری صدر  
اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از گرفتاری و اجراء ڈگری بھی صاحب  
موصوف کو بشرط ادا دینگی علیحدہ محتانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ  
مزکور یا اس کے کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو  
بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ  
التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب  
موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے  
برخلاف نہیں ہوگا۔

Accepted by M. A. Tanori

لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے۔  
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔  
مورخہ: 28 دن 10 ماہ 2022 سال

محمد رضا خان اسلم تنوری



**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE  
TRIBUNAL PESHAWAR CAMP COURT, ABBOTTABAD.**

**SERVICE APPEAL N. 13292/2020**

Amjad Khan S/O Aurangzeb (Ex-Head Constable No. 552 of District Police Abbottabad) R/O Mohallah Dana Chuna Kari Nawanshehr, Tehsil & District Abbottabad.

.....Appellant.

**VERSUS**

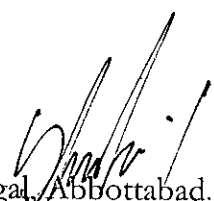
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

.....Respondents.

**Para wise comments on behalf of Respondents.**

**INDEX**

S.No.	Detail of Documents	Annexure	Page No.
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2	Affidavit	-	4
3	FIR, charge sheet, statement of allegation, inquiry report, statement of witnesses and dismissal order	"A, A-1 to A-8"	5 to 13
4	Letter No. 41/PA dated 03.01.2020 and letter No. 623 / WE/ASH, dated 14-01-2020	"B & B-1"	14 & 15
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6	Detail of bad entries	"D"	17
7	Salary slip	"E"	18
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DSP Legal, Abbottabad.

P-1

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE**  
**TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

**SERVICE APPEAL No. 13292/2020**

Amjad Khan S/O Aurangzeb (Ex-Head Constable No. 552 of District Police Abbottabad) R/O Mohallah Dana Chuna Kari Nawanshehr, Tehsil & District Abbottabad.

.....Appellant.

**VERSUS**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

.....Respondents.

**Para-wise comments by respondents.**

Respectfully Sheweth

**PRELIMINARY OBJECTIONS:-**

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct to file the instant appeal.
3. That the appellant has not come to the Hon'ble Tribunal with clean hands.
4. That the appellant has suppressed material facts from the Hon'ble Tribunal.
5. That the instant Service Appeal is not maintainable for non-joinder/miss-joinder of necessary and proper parties.
6. That the instant Service Appeal is barred by law and limitation.

**ON FACTS:-**

1. Incorrect, the appellant while posted at Police Station Cantt, involved himself in criminal case vide FIR No. 179 dated 14.12.2019 u/s 9-C/ 14/15 CNSA, 1997 PS Anti-Narcotics Force, Peshawar. The action of the appellant is a gross misconduct, badly lowered the image of Police in the public eyes. Therefore, he was proceeded against departmentally and during course of inquiry, all the allegations leveled against the appellant have been proved and thereafter competent authority, awarded major punishment of dismissal from service, as per Police Rules-1975, to the appellant. During course of departmental inquiry the statement upto independent witnesses were also recorded (Statement of Abdul Qadar S/O Abdul Ghafoor cost Awan R/O Rawalpindi and Muhammad Saeed S/O Shamraiz R/O Banda Batang, Manager Daewoo Bus Abbottabad). (Copy of FIR, charge sheet alongwith statement of allegation, departmental inquiry and statement of witnesses and order of dismissal are attached as Annexure "A, A-1 to A-8")
2. The contents of FIR are very much clear hence, needs no further comments.

3. Incorrect, the FIR was logged by the Antinarcotics Force Authorities at 19:00 hours, the rest of the para is incorrect.
4. Incorrect, the appellant was found in the heinous case and all the allegations leveled against the appellant were duly proved during departmental inquiry.
5. Incorrect, the appellant was served with charge sheet through Superintendent Central, Jail, Peshawar vide DPO office letter No. 41/PA Dated. 03/01/2020 consequently the Superintendent of Central Prison, Peshawar vide his office letter No. 623 /WE/ASH, dated 14-01-2020, informed the respondent No. 03, about the fact that the charge sheet and Statement of Allegation have been served upon the appellant. (Copy of both the letters are attached as annexure "B & B-1").
6. Pertains to record of special judge.
7. The final showcause notice was also issued to the appellant on 14-07-2020 and the same was received by appellant himself. (Copy of the final show cause notice is attached as the annexure "C").
8. After proper departmental inquiry, the allegations leveled against the appellant were duly proved and thereafter, the respondent No. 03 rightly dismissed the appellant from service.
9. Incorrect, proper departmental inquiry was conducted by inquiry committee headed by DSP Mirpur and keeping in view the principles of natural justice, proper opportunity of personal hearing was provided to the appellant.
10. Incorrect, performance of the appellant was not satisfactory as per his service record there are 02 bad entries during his entire service. (Detail enclosed as Annexure "D").
11. The respondent No. 02 rightly filed the departmental appeal of the appellant as the appellant did not adduce further grounds about his innocence.


**ON GROUNDS:-**

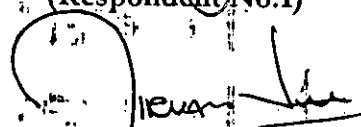
- a. Incorrect, both the orders are legal and in accordance with law/rules hence, liable to be remained intact.
- b. Incorrect, proper departmental inquiry was conducted by the respondents wherein independent witnesses were also examined as well as proper opportunity of personal hearing was offered to the appellant.
- c. Incorrect, the respondent treated the appellant in accordance with the law/rules and no violations of any provision of law and Constitution of Islamic Republic of Pakistan, 1973 has been committed by the respondents.


- d. Incorrect, the appellate authority exercised the powers as per law and keeping in view all the codal formalities, decided the departmental appeal of the appellant.
- e. This para needs explanation to the effect that being a member of Police force, he is bound to treat the criminals with iron hands as per law for which, he is taking handsome package in shape of monthly salary on every 1<sup>st</sup> day of solar month. (Copy of salary slip is attached as Annexure "E").
- f. Incorrect, the allegations leveled against the appellant are genuine, and during proper inquiry all the allegation have been proved.
- g. Pertains to the personal information of the appellants hence, needs no reply.
- h. Incorrect, the appeal is time barred and to entertain the same is merely killing the precious and valuable time of the Honourable Service Tribunal.

**PRAYER.**

In view of above, it is most humbly prayed, that the instant service appeal does not hold any legal force which may graciously be dismissed with costs please.

  
 Provincial Police Officer,  
 Khyber Pakhtunkhwa,  
 Peshawar.  
 (Respondent No.1)

  
 Regional Police Officer,  
 Hazara Region, Abbottabad  
 (Respondent No.2)

  
 District Police Officer,  
 Abbottabad.  
 (Respondent No.3)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP COURT, ABBOTTABAD.**

**SERVICE APPEAL N. 13292/2020**

Amjad Khan S/O Aurangzeb (Ex-Head Constable No. 552 of District Police Abbottabad) R/O Mohallah Dana Chuna Kari Nawanshehr, Tehsil & District Abbottabad.

.....Appellant.

**VERSUS**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

.....Respondents.

**AFFIDAVIT.**

We, do hereby affirm on oath that the contents of written reply are true to the best of our knowledge & belief and nothing has been concealed from the honorable Service Tribunal.

Submitted please.

*[Signature]*  
 Provincial Police Officer,  
 Khyber Pakhtunkhwa,  
 Peshawar  
 (Respondent No.1)

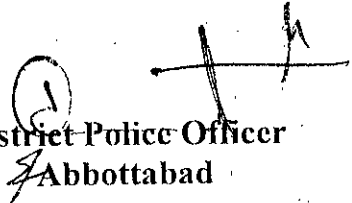
*[Signature]*  
 Regional Police Officer,  
 Hazara Region, Abbottabad  
 (Respondent No.2)

*[Signature]*  
 District Police Officer,  
 Abbottabad.  
 (Respondent No. 3)



CHARGE SHEET

- 1). I, Javed Iqbal (PSP) District Police Officer Abbottabad as competent authority hereby charge you HC Amjid Khan No.552 PS Cantt as explained in the attached statement of allegations.
- 2). You appear to be guilty of misconduct under Police Disciplinary Rules 1975(amended 2014), and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet in the Enquiry Officer.
- 4). Your written defense, if any shall 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.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed.

  
District Police Officer  
Abbottabad

**DISCIPLINARY ACTION**

I, **Javed Iqbal (PSP) District Police Officer Abbottabad** as Competent Authority of the opinion that you **HC Amjid Khan No.552 PS Cantt** rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975(amended 2014).


**STATEMENT OF THE ALLEGATIONS**

1). You while posted at PS Cantt involved yourself in case FIR No. 179 dated 14-12-2019 u/s 9(C)14,15 CNSA 1997 Police Station Anti Narcotics Force Peshawar. Your this criminal act earned bad name for Police department in the eyes of general public, which is tantamount to gross misconduct.

2). For the purpose of scrutinizing your conduct with reference to the above allegations, **Mr. Avais Shafiq ASP Mirpur** is hereby appointed as Enquiry officer.

3). The Enquiry Officer shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to you, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against you.

4). You are hereby directed to attend the proceedings on the due date, time and place fixed by the Enquiry Committee.

  
**District Police Officer**  
**Abbottabad**

No: **276** /PA, Dated Abbottabad the **18/12** /2019.

Copy to:

1. Enquiry Officer for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975 and submit findings within stipulated period.
2. **HC Amjid Khan No.552 PS Cantt** (delinquent Official).



The Deputy Superintendent of Police,  
Mirpur Abbottabad.

The District Police, Officer  
Abbottabad.

No. 702 /Dated Abbottabad the 13 / 07 /2020.

Subject: - FACTS FINDINGS REPORT IN DEPARTMENTAL ENQUIRY AGAINST HC AMJAD KHAN NO. 552 PS CANTT.

Memo:

BACKGROUND:-

Enquiry under hand was entrusted to me being member of Enquiry officer along with Raza Mohammad DSP Legal, 2<sup>nd</sup> member who transferred during the proceedings and as replacement, Mr. Rashid Ahmad DSP legal appointed the assist to Enquiry officer, vide Worthy District Police Officer, Endst: No. 870/PA dated 11-03-2020.

ENQUIRY PROCEEDINGS:-

The Enquiry Committee initiated the enquiry about charges leveled against the alleged accused official HC Amjad No. 552 while posted at PS Cantt for the allegations as per charge sheet that he while posted at PS Cantt involved himself in case FIR No. 179 dated 14-12-2019 u/s 9C (14,15) CNSA 1997 PS ANF Peshawar and his this criminal act earned bad name for the department in the eyes of general public which goes to gross misconduct in response of charge sheet the alleged accused official submitted his written statement which is Annex at F/A in which the alleged accused official totally denied of the allegations leveled against him and stated that he neither involved directly nor indirectly in the same FIR which have lodged at PS ANF Peshawar. He further stated that someone planted to involve him in the such like allegations but in the same statement he also admitted that one Qasim is the best friend of him who is proprietor of Medicine at wholesale who sent parcel of medicine in the name of alleged accused official through Daewoo once before.

I further probed into the allegations and Summoned / Signal to Inspector Amjad SHO PS ANF IO of the case to record his statement on 10-07-2020 but he failed to appear before the undersigned.

A-4 ✓ P-9

STATEMENT ABDUL QADEER S/O ABDUL GHAFOOR INCHAGE KAGO  
DAEWOO TERMINAL ABBOTTABAD.

Stated in his written statement that on 15-12-2019 he was present on his duty at 0900 hour 07 personnel of Anti Narcotic came to Kargo office out of which 04 were in uniform and 03 were in plain clothes. They asked me about the parcel No. 191951977 to check the parcel where is it, I checked parcel which was booked from Peshawar but not received so far in the office.

After that they showed me a copy of FIR, and said that we came here for this enquiry, than they called namely Amjad from our Daewoo company landline No. later on Amjad came to Daewoo Terminal where ANF Personnel arrested him and took him in their Vehicle and went away.

STATEMENT ASSISTANT MANAGER DAEWOO TERMINAL MR. SAEED  
S/O SHAMRAIZ R/O BANDA BATANG ABBOTTABAD.

Stated in his written statement that on 15-12-2020 he was present in his routine duty at Daewoo Terminal, team of Anti Narcotic Peshawar came to his office. They told about the parcel no. and said that we came here for the enquiry of this parcel. He sent them incharge Kargo office concerned.

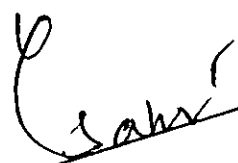
FINDINGS:-

The real facts behind these allegations are that on 14-12-2019 supervisor of Daewoo fast courier logistic booking office situated at Daewoo Adda informed the ANF authorities at Peshawar that he received a consignment in a gatta cotton booked by one M. Qasim for one Amjad of to be delivered at Abbottabad, which seems to be suspected. On the information the ANF authorities department raid party along with IO, the party rushed to the spot there at Peshawar, where the supervisor handed over that consigned along with booking receipt 191951977 the IO of the raid party opened the same cotton where from charas weighing 1200 gram was recovered, the IO fulfilling the formalities of investigating further probed into the investigation and on very next day reached Abbottabad office and apprehended the alleged accused official, who had to receive the same cotton on the following day at Abbottabad.

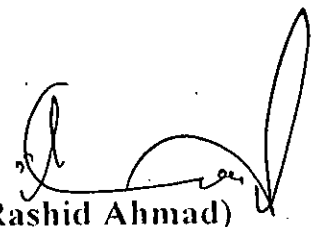
Being Enquiry officer, I have come to the conclusion that Parcel which was booked on the name of HC Amjad Khan reached Peshawar Daewoo Adda which have to be received by Amjad Khan from Daewoo Adda Abbottabad. The same parcel was taken into possession by ANF Personnel at Peshawar Daewoo Terminal and a case FIR No. 179 dated 14-12-2019 u/s 9E CNSA was registered against HC Amjad

and Qasim. And very next day they arrested HC Amjad from the Daewoo Terminal  
 Abbottabad. If HC Amjad not involved in the matter then why he come to collect the  
 parcel at Daewoo Terminal. HC Amjad remained confined in Peshawar Jail and now on  
 bail and case is under trail in court. His this criminal act brought bad name for police  
 department in the eyes of general public. Allegations leveled against delinquent official  
are stand proved, recommendation for major punishment.

Submitted for your kind perusal with all the relevant record.



(Muhammad Sabir)  
 Deputy Superintendent of Police,  
 Mirpur Abbottabad.



(Rashid Ahmad)  
 Dy: Superintendent of Police,  
 Legal Abbottabad.

Sir,  
 Submitted for f/o  
 order. please.  
 A

PA  
 Issue FSCN

2  
 DPO Attd.

بیان: سہمی عبدالقادر ولد عبدالغفور سکنہ پنڈی کمپ ٹنگ مال گاڑی

ڈیڑ ٹریسٹل ایٹ آپار حوضہ 15 12 کو میں اپنی ڈیڑی  
حوضہ تھا بوقت تقریباً 9:00 بجے انہی ناکر ٹنگس والے 7 افراد ہمارے  
گاڑی کو آفس میں آئے ان میں سے ایک جوان یوتھ فارم میں تھے اور

3 سفید باریک تھے۔ انہوں نے مجھ سے لوہا لیا۔ انہوں نے کہا کہ یہ  
اچانک ہونے لگا ہے جس نے جواب میں بتایا کہ میں گاڑی کو اچانک ہل

انہوں نے مجھے ایک بارسل نمبر 191951977 لگا بتایا کہ اس کو  
جیک کریں کہ یہ کہاں ہے جس نے جب جیک کر وہ بارسل نمبر

سے بگ ہوا لیکن ابھی ہمارے آفس میں نہیں پہنچا۔ اس کے بعد  
انہوں نے مجھے FIR کی کاپی دیکھائی کہ اس کی انکوائری کے سلسلے

میں آئے ہیں۔ انہوں نے ہمارے یعنی آفس میں ٹنگس سے کال  
کی جس میں اتنی نامی شخص کے نام کے بارسل لگا تھا اس کو ہل

گھاڑی کو آفس میں ہلایا۔ ایک بندہ ہمارے  
کے ساتھ ہوا۔ یہ گھوڑا اور دو جوان یوتھ فارم سے آئے

انہوں نے کہا کہ یہ یوتھ فارم والے ہیں گاڑی میں گھوڑا

آگیا تو جو آفس میں آئے گاڑی میں گھوڑا رکھیں اور

بار جو دو بولے بولے انہوں نے کہا کہ اس کے اور  
انہوں نے اپنی گاڑی جو باہر گئی ہوئی اندر لائی اور احمد کو گاڑی

میں ڈال کر ساقوں کے نیچے بیٹھا ہے جو درشت ہے

عبدالقادر ولد عبدالغفور حوضہ پنڈی کمپ



0331 8408767 - 7-5259005-37105  
09-07-2020

بیان : مسیٹر سعید ولد شہزادہ قوم احوال سکینہ باندہ کے  
 حال اسٹٹ منسٹر ڈائریکٹریٹل خندیاں اینڈ  
 میں جو رقم 12/15 ایس آفس میں اپنی موجودگی کی  
 موجود تھا انہی مارکوں کے ساتھ کی گئی ہے اس آفس میں  
 انہوں نے ایک بارسل غیر بنایا تم ہم نے اس سے بارے میں  
 انکوائری کرتے ہیں کیونکہ جو معاملہ بارسل کے  
 کے اکتھیں کارروائی اس کے اجازت سے سعید القادر کے پاس جو  
 میرا ہی بیان ہے جو درست ہے۔

المسیٹر سعید ولد شہزادہ قوم احوال سکینہ باندہ کے  
 اسٹٹ منسٹر ڈائریکٹریٹل اسٹٹ منسٹر

03335066803 . 9-087499-13101



*[Handwritten signature]*  
 09-07-2020

A-8

552

P-13

ORDER

This office order will dispose of the departmental enquiry against Head Constable Amjid No.552 of Police Lines. He while posted at Police Station Cantt involved himself in case FIR No.179 dated 14-12-2019 U/S 9 (c) 14.15 NCSA PS Anti Narcotics Force Peshawar. His this criminal act earned bad name for Police Department in the eyes of public, which is tantamount to gross misconduct.

He was issued Charge Sheet along with statement of allegations. Mr. Sabir Khan, DSP Mirpur was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted its findings, wherein allegations leveled against delinquent official were stand proved and he recommended him for major Punishment. He was served with Final Show Cause Notice. Consequently, he was summoned to appear in Orderly Room on 30-07-2020 but he had nothing plausible to state in his defense.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, Yasir Khan Afridi, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of Dismissed from service with immediate effect.

Order announced.

20  
District Police Officer  
Abbottabad

No. 3848-50 /dated 03 /08/2020.

Copy to:

1. Pay Officer
2. EA
3. OB

OB No 168

30-7-20

Annexure "B"

P-14



**OFFICE OF THE DISTRICT POLICE  
OFFICER ABBOTTABAD**

Ph: No: 0992-9310026, Fx: No: 0992-9310025  
[atdpolice@gmail.com](mailto:atdpolice@gmail.com)

No. 41 /PA Dated. 03/01/2020

To: **The Superintendent,  
Central Jail Peshawar**

Subject:- **CHARGE SHEET AND SUMMARY OF ALLEGATIONS**

Memo:

It is stated that Head Constable Amjid Khan No. 552 presently confined in Central Jail, Peshawar in case FIR No. 179 dated 14-12-2019 U/S, 9 (C) 14, 15 CNSA/1997 Police Station Anti Narcotics Force Peshawar, has been issued Charge Sheet and summary of allegations. Two copies of the cited notice are sent herewith with the request to please deliver one copy of Charge Sheet and statement of allegations to him and duplicate copy duly signed by him may please be returned to this office for record and further necessary action please.

(JAVED IQBAL, PSP)  
District Police Officer  
Abbottabad

No 42 /PA

Copy of the above is submitted to worthy Regional Police Officer Hazara Region Abbottabad for information please.

Distriet Police Officer  
Abbottabad

B-1

P-15

OFFICE OF THE  
SUPERINTENDENT  
CENTRAL PRISON PESHAWAR  
NO. 623/WP/ASH DU/1/1/2020



REGISTERED

To,

The District Police Officer,  
Abbottabad.

Subject:- CHARGE SHEET AND SUMMARY OF ALLEGATIONS

Memo:

Reference your memo No. 41/PA dated 03-01-2020.

It is submitted that the subject cited letter (charge sheet & statement of allegations) has been served upon the undertrial prisoner Amjid Khan. A copy of the same is returned herewith for information and further necessary action after doing the needful please.

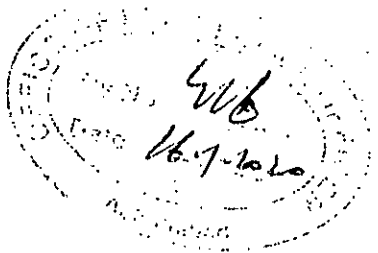
*Shahid*  
SUPERINTENDENT  
CENTRAL PRISON PESHAWAR  
14/1/2020

PA  
Removal of

*[Signature]*  
16/01/2020

ASP  
ASP  
SPA

with police  
Amjid  
16-01-20



Stew  
For proceeding  
*[Signature]*  
ASP  
17/Jan/20

115  
16-01-2020



**OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD**

No: 114 /PA, Dated Abbottabad, the 14/07/2020.

**FINAL SHOW CAUSE NOTICE****(Unit Rule (3) KPK Police Rules, 1975 amended 2014)**

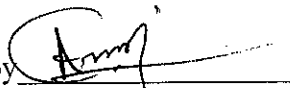
That you **HC Amjad Khan No. 552** rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) for following misconduct;

**I. You while posted at PS Cantt involved yourself in case FIR No. 179 dated 14-12-2019 u/s 9(C)14,15 CNSA 1997 Police Station Anti Narcotics Force Peshawar. Your this criminal act earned bad name for Police department in the eyes of general public, which is tantamount to gross misconduct:-**

**II. During proper departmental enquiry the allegations have been proved against you.**

2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of enquiry officer; }
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
6. You are, therefore, called upon to Final Show Cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975(amended 2014) for the misconduct referred to above.
7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

Received by



Dated 14 / 07 / 2020

  
 District Police Officer  
 Abbottabad

**PUNISHMENT RECORD OF HEAD CONSTABLE AMJID KHAN NO. 552****DATE OF ENROLMENT: 27-06-1996**

S. No.	Major	Minor	Bad	Good
I.	01	-	01	06

ESTABLISHMENT CLERK

Government of Khyber Pakhtunkhwa  
District Accounts Office Abbottabad  
Monthly Salary Statement (June-2020)



**Personal Information of Mr AMJAD KHAN d/w/s of AURANG ZEB KHAN**

Personnel Number: 00012007 CNIC: 1310195028629 NTN: 0  
Date of Birth: 24.02.1975 Entry into Govt. Service: 27.06.1996 Length of Service: 24 Years 00 Months 005 Days

**Employment Category: Active Temporary**

Designation: HEAD CONSTABLE 80000264-GOVERNMENT OF KHYBER PAKH  
DDO Code: AD4022-Distt. Police Officer Abbottabad.  
Payroll Section: 002 GPF Section: 001 Cash Center: 0  
GPF A/C No: POL/ 002594 Interest Applied: Yes GPF Balance: 212,799.00  
Vendor Number: -  
Pay and Allowances: Pay scale: BPS For - 2017: Pay Scale Type: Civil BPS: 09 Pay Stage: 16.

Wage type	Amount	Wage type	Amount
0001 Basic Pay	23,450.00	1000 House Rent Allowance	1,719.00
1210 Convey Allowance 2005	1,932.00	1300 Medical Allowance	1,500.00
1547 Ration Allowance	681.00	1567 Washing Allowance	150.00
1646 Constabulary R Allowance	300.00	1901 Risk Allowance (Police)	3,820.00
1902 Special Incentive Allowance	775.00	2148 15% Adhoc Relief All-2013	543.00
2168 Fixed Daily Allowance	2,730.00	2199 Adhoc Relief Allow @10%	343.00
2211 Adhoc Relief All 2016 10%	1,738.00	2224 Adhoc Relief All 2017 10%	2,345.00
2247 Adhoc Relief All 2018 10%	2,345.00	2264 Adhoc Relief All: 2019 10%	2,345.00

**Deductions - General**

Wage type	Amount	Wage type	Amount
3009 GPF Subscription	-1,140.00	3530 Police wel:Fud BS-1 to 18	-469.00
4004 R. Benefits & Death Comp:	-690.00	4200 Professional Tax	-1,000.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 0.00 Recovered till June-2020: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 46,716.00 Deductions: (Rs.): -3,299.00 Net Pay: (Rs.): 43,417.00

Payee Name: AMJAD KHAN  
Account Number: 0010036203740014  
Bank Details: ALLIED BANK LIMITED, 250707 THE MALL ABBOTTABAD THE MALL ABBOTTABAD, ABBOTABAD

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: City: ATD Domicile: NW - Khyber Pakhtunkhwa Housing Status: No.Official  
Temp. Address: City: Email:

(14169/09.07.2020/12:59:33) 2) All amounts are in Pak Ruppes 3) Errors & omissions excepted

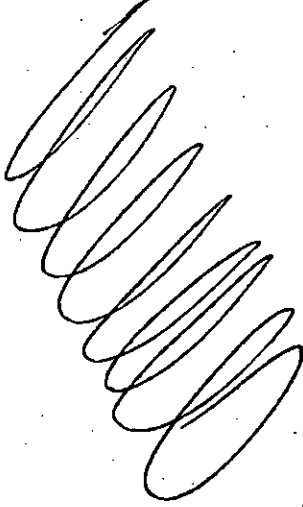
**IN THE COURT OF NAVEED UR RAHMAN,**  
**ADDITIONAL SESSIONS JUDGE/JSC,**  
**MODEL CRIMINAL TRIAL COURT**  
**PESHAWAR.**

State...Vs... Amjid etc  
Case No. 74/MC-SPC of 2022

**ORDER**  
**21/05/2022**

SPP for the ANF is present. Accused Amjid on bail present, who stands charged in case FIR No. 179 dated 14/12/2019 u/s 9-C of CNSA, 1997 r/w 14/15 (to be read as 9-D r/w 15 of Khyber Pakhtunkhwa CNSA, 2019 registered at Police Station ANF, Peshawar through which the complainant Inspector Amjdi Ali charged co-accused Qasam Cell Phone # 0313-5954500 CNIC # 17301-4238413-1 for booking a consignment # 191951977 on 14/12/2019 at 1600hours with DAEWOO Fasteks Courier and Logistic Office DAEWOO situated at Haji Camp, Peshawar through their office situated at Shoba Chowk Jail Road, Peshawar to be received accused Amjid with cell No. 0317-5500281 at Abbotabad and though apparently showing to be contained medicines; however, upon checking Charas weighting 1200gms was recovered from it. Thus, both the accused Qasam and Amjid were booked in instant case. Accused Amjid was arrested in the case and then released on bail while accused Qasam does not surrendered and ultimately challan was put in the Court,

**ATTESTED**

  
2022  
(Examiner)  
District Court Peshawar

as against the accused Amjid for trial and as against the accused Qasam for preservation of evidence u/s 512 Cr.PC. After receipt of instant file in the instant case upon transfer from the ANF Court, Peshawar. The accused Amjid put appearance before the Court. Case was heard u/s 265-K Cr.PC and record perused.

Without touching the case of absent co-accused Qasam, the only incrementing article/piece of evidence against the accused Amjid is that the consignment had been booked in his name. There is no recovery from his immediate possession. He has not confessed his guilt and the case file does not contain sufficient material to connect him with the commission of the offence. For this reason, no charge can be framed against him. Thus, the Accused Amjid stands discharged. His sureties are relieved of their duty and the bail bond stands cancelled.

So far as absconding co-Accused Qasam is concerned, PWs alongwith case property be called for

11/6/22

Announced:  
21/05/2022

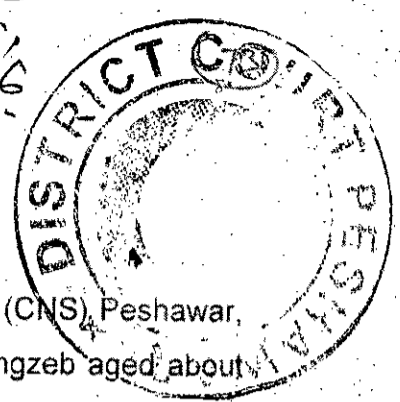
**ATTESTED**

*(Signature)*  
**(Examiner)  
District Court Peshawar**

*(Signature)*  
Naveed ur Rahman  
Add: Sessions Judge/JSC  
Model Criminal Trial  
Court, Peshawar

2  
no  
26/5  
Q

150, ANF, Peshawar  
11/12/2020  
W03  
CHARGE / ml-spc



I, Mrs. Nusrat Yasmeen Intekhab, Judge Special Court (CNS), Peshawar, do hereby charge you accused namely Amjad Khan s/o Aurangzeb aged about 44 years r/o Mohallah Daana Chona Kari P.O Nawa Shehr Tehsil & District Abbottabad as follows:-

That firstly, on 14.12.2019 at about 1700 hrs at DAEWOO Fastex Courier & Logistic Booking Office Peshawar, situated within local limits of PS ANF Peshawar, your absconding co-accused Qasim had booked a consignment No. 191951977 from Peshawar to Abbottabad for you through the said Courier, which was having 1200 Gms charas.

2ndly, on 15.12.2019 you accused Amjad were arrested at the DAEWOO Fastex Courier & Logistic Booking Office Abbottabad while inquiring and receiving the said consignment and which you accused Amjad and absconding co-accused Qasim were trafficking with the common intention of you both and you thereby committed an offence punishable u/s 9 (C), 14/15 CNSA 1997 and within the cognizance of this Court.

And I hereby direct that you be tried by this court for the said offence.

R.O.&A.C.  
17.12.2020

(Mrs. Nusrat Yasmeen Intekhab)  
JSC (CNS) Peshawar.

Note:- The charge has been read over and explained to the accused.

- Q. Have you heard and understood the charge?
- A. Yes.
- Q. Do you plead guilty to the charge or claim trial?
- A. No, I do not plead guilty to the charge and claim trial.

**ATTESTED**  
17/12/2022  
(Examiner)  
District Court Peshawar

Accused Amjad .....

Certified u/s 364 Cr.Pc. that the accused was charged in my presence and hearing.

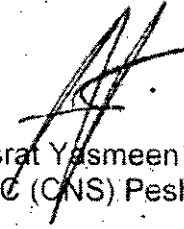
JSC (CNS) Peshawar.

**SW-1, Statement of DFC Irfan Khan FC PS ANF RD KP Peshawar on Oath.**

I was entrusted with warrant u/s 204 Cr.PC against accused **Qasim Jabbar** s/o Haji Jabbar Caste Mohmand r/o H # 322, Gulberg # 02, Peshawar. I made due efforts and also search the accused on the given address but he was not found available, so I returned the warrant un-served as the accused avoiding to his lawful arrest and had gone into hidings. Warrant is Ex.SW 1/1 while my report is Ex.SW 1/2. Today I have seen my report which are correct and correctly bear my signatures.

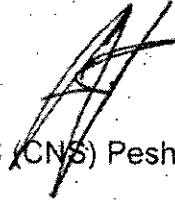
I was also entrusted with Proclamation Notice u/s 87 Cr.PC against the above said accused for execution is Ex.SW 1/3 which I returned duly executed alongwith my report is Ex.SW 1/4. Today I have seen my reports which are correct and correctly bear my signatures.

R.O & A.C.  
30.11.2020

  
(Mrs. Nusrat Yasmeen Intekhab)  
JSC (CNS) Peshawar.

**ORDER.**

In the light of statement of DFC recorded as SW-1, it is evident that accused has gone into hiding and is evading his lawful arrest and there is no prospect of his arrest in the near future, therefore, proceedings u/s 512 Cr.P.C are initiated against him and the prosecution is allowed to produce its evidence in his absence.

  
JSC (CNS) Peshawar.

**ATTESTED**  
28 MAY 2022  
(Examiner)  
District Court Peshawar

**BEFORE THE LEARNED JUDGE SPECIAL COURT (CNS), PESHAWAR**

In Re:

Criminal Case No. \_\_\_\_\_ /2021

The State..... **VERSUS**..... *Amjad Khan*

**APPLICATION U/S 265-K CR.P.C, READ WITH ALL ENABLING PROVISIONS OF LAW GOVERNING THE SUBJECT, FOR ACQUITTAL OF ACCUSED/APPLICANT AMJAD KHAN.**

**Respectfully Sheweth:**

1. That the titled criminal trial is pending adjudication before this Hon'ble Court and fixed today i.e. 01.02.2021, for onward proceedings.
2. That neither recovery of alleged contraband has been made from direct possession of accused/applicant nor on his pointation, rather he has been incarcerated in the instant case by the prosecution for ulterior motives and mala fide intentions.
3. That investigation conducted in the titled case, in pursuance of allegations leveled by the prosecution in FIR, is no sufficient to connect the accused/applicant with the commission of alleged offence.
4. That no iota of evidence is available on case file which could substantiate bare allegations of prosecution, rather it will be more appropriate to hold that it is an unseen occurrence, therefore, further proceedings therein would be a futile exercise, hence the instant application.
5. That any other ground, with the permission of this Hon'ble Court, will be taken at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant application, accused/ applicant may please be acquitted of the charges leveled against him, in the best interest of justice and equity.

Accused/Applicant  
Through

**AMIN UR REHMAN YUSUFZAI**  
ADVOCATE, PESHAWAR

**ATTESTED**

Dated: 01.02.2021

28 MAY 2022

**AFFIDAVIT**

**(Examiner)**  
**District Court Peshawar**

It is stated on oath that the contents of instant **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

*Amjad*

DEPONENT

**ATTESTED**  
Gul Durr Khan  
COMMISSIONER  
ADJUTANT HIGH COURT PESHAWAR  
01/2/21

3-04  
01.02.2021  
JSC



(66)

**BEFORE THE LEARNED JUDGE SPECIAL COURT (CNS), PESHAWAR**

In Re:

Criminal Case No. \_\_\_\_\_/2021

The State..... **VERSUS**..... *Amjad Khan*

**APPLICATION U/S 265-K CR.P.C, READ WITH ALL ENABLING PROVISIONS OF LAW GOVERNING THE SUBJECT, FOR ACQUITTAL OF ACCUSED/APPLICANT AMJAD KHAN.**

**Respectfully Sheweth:**

1. That the titled criminal trial is pending adjudication before this Hon'ble Court and fixed today i.e. 01.02.2021, for onward proceedings.
2. That neither recovery of alleged contraband has been made from direct possession of accused/applicant nor on his pointation, rather he has been incarcerated in the instant case by the prosecution for ulterior motives and malafide intentions.
3. That investigation conducted in the titled case, in pursuance of allegations leveled by the prosecution in FIR, is no sufficient to connect the accused/applicant with the commission of alleged offence.
4. That no iota of evidence is available on case file which could substantiate bare allegations of prosecution, rather it will be more appropriate to hold that it is an unseen occurrence, therefore, further proceedings therein would be a futile exercise, hence the instant application.
5. That any other ground, with the permission of this Hon'ble Court, will be taken at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant application, accused/ applicant may please be acquitted of the charges leveled against him, in the best interest of justice and equity.

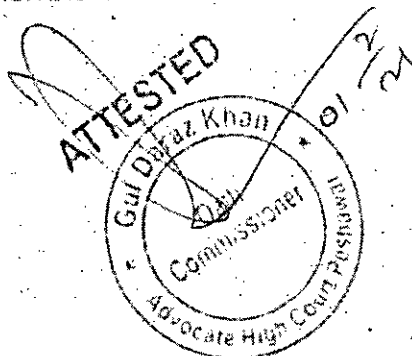
Accused/Applicant  
Through

**AMIN UR REHMAN YUSUFZAI**  
ADVOCATE, PESHAWAR

Dated: 01.02.2021

**AFFIDAVIT**

It is stated on oath that the contents of instant **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Amjad

DÉPONENT

**ATTESTED**

28 MAY 2022

(Examiner)  
District Court Peshawar

Before The learned ANF Special Court

0.25

Peshawar

A. (NS) State vs. Amjad  
JSC Pesh

Application for Exemption on behalf of Accused/Amjad for delay proceeding

Respectfully Sir:

1) That the above titled case is pending adjudication before this Hon'ble court which is fixed today for evidence.

2) That Accused/Amjad whom his close relative died today his nima-jumra will be offer today at 11:am in Abbatbael. Therefore the Accused/Amjad cannot appear before this Hon'ble court.

It is therefore most humbly prayed

**ATTESTED**

Dated 18-10-2021

20/10/2022 Exemption of Accused for delay proceedings Applicant/Accused

(Examiner) District Court Peshawar

Nunzar Khan (clerk) / Ammir-ur-Rehman

FORM "A"  
FORM OF ORDER SHEET  
IN THE COURT OF SPECIAL JUDGE (CNS) PESHAWAR  
KHYBER PAKHTUNKHWA

CASE NO \_\_\_\_\_ OF \_\_\_\_\_

STATE \_\_\_\_\_ vs \_\_\_\_\_

S.No Of Order of proceedings	Date of Order or Proceedings	Order or other Proceedings with signature of judge or magistrate and that of parties or counsel where necessary
1	2	3
<p>0-1</p> <p>03-11-2020</p> <p>Ord--02</p> <p>30.11.2020</p> <p>ATTESTED</p> <p>28 MAY 2022</p> <p>(Examiner) District Court Peshawar</p>	<p>03-11-2020</p> <p>03-11-2020</p>	<p>The present case file submitted by prosecution branch checked and found correct it be registered.</p> <p>Put up before the court for further orders today</p> <p>Reader</p> <p>Accused be summoned for 20-11-2020 DFC concerned shall be summoned on the date fixed.</p> <p>JSC (CNS) Peshawar</p> <p>SP for the State and accused Amjad Khan on bail present.</p> <p>Name of one accused Qasim Jabbar is entered with red ink in the challan form showing him absconding. SW DFC Irfan khan FC is present and examined. From the statement of SW, it is proved that the accused is intentionally keeping away from the court and has gone into hidings, therefore, in view of statement of SW and vide my separate order of today, accused Qasim Jabbar is proceeded u/s 512 Cr.PC and the prosecution is allowed to record its evidence in his absentia.</p> <p>Compliance of section 265-C Cr.PC is made from the present accused. To come up for farming of charge on 17.12.2020.</p> <p>JSC (CNS) Peshawar.</p>

S.No Of Order of proceedings	Date of Order or Proceedings	Order or other Proceedings with signature of judge or magistrate and that of parties or counsel where necessary
1	2	3

Ord--02

30.11.2020

SP for the State and accused Amjad Khan on bail present.

Name of one accused Qasim Jabbar is entered with red ink in the challan form showing him absconding. SW DFC Irfan khan FC is present and examined. From the statement of SW, it is proved that the accused is intentionally keeping away from the court and has gone into hidings, therefore, in view of statement of SW and vide my separate order of today, accused Qasim Jabbar is proceeded u/s 512 Cr.PC and the prosecution is allowed to record its evidence in his absentia.

Compliance of section 265-C Cr.PC is made from the present accused. To come up for farming of charge on 17.12.2020.

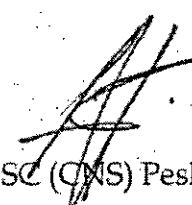
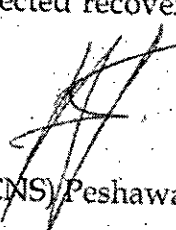
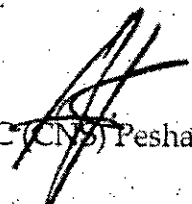
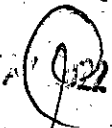
**ATTESTED**

20/11/2020

(Examiner)  
District Court Peshawar

JSC (CNS) Peshawar.

S.No. of Order	Date of Order or Proceedings	Order or other Proceedings with signature of Judge or Magistrate and that of parties or council where necessary
1	2	3
<p>Ord--03</p> <p><i>Handwritten: JSC, 10</i></p>	<p>17.12.2020</p>	<p>Learned SP for the State and accused Amjad Khan on bail present. Charge against the accused framed, to which the accused did not plead guilty and claim trial. Complete set of PWs alongwith case property shall be summoned for 01.02.2021.</p> <p style="text-align: right;"><i>Handwritten Signature</i> JSC (CNS) Peshawar</p>
<p>Ord----04</p> <p>01.02.2021</p> <p><i>Handwritten: JSC, 10</i></p>		<p>Learned SP for the State present. Accused Amjad Khan on bail alongwith counsel present. Pws are not in attendance. In the meanwhile the learned counsel for accused applied for acquittal of the accused u/s 265-K Cr.PC. Notice of the same is given to SP for the State. PWs alongwith case property be summoned for 18.3.2021.</p> <p style="text-align: right;"><i>Handwritten Signature</i> JSC (CNS) Peshawar.</p>
<p>Ord--21</p> <p><i>Handwritten: JSC, 10</i></p>	<p>18.03.2021</p>	<p>Learned SP for the State and accused Amjad Khan on bail alongwith counsel present. Arguments on application u/s 265-K Cr.PC are heard. During the course of arguments, a consensus developed between the learned SP and the learned defence counsel in consultation with the court that let I.O of the case be examined; as unless the PWs and at least the I.O of the case is not examined, no opinion can be rendered about the guilt or otherwise of the accused. In this view of the matter, I.O of the case shall be summoned for 10.05.2021 till that proceedings on application are postponed.</p> <p style="text-align: right;"><i>Handwritten Signature</i> JSC (CNS) Peshawar</p> <p style="text-align: center;"><b>ATTESTED</b> 28 MAY 2022 (Examiner) District Court Peshawar</p>

S.No of Ord	Date of Order or Proceedings	Order or other Proceedings with signature of Judge or Magistrate and that of parties or council where necessary
1	2	3
Ord--22	06.05.2021	<p>This court shall remain closed on 10.05.2021 on account of Public Holidays on Eid-ul-Fitr notified by Govt of Pakistan as well as in compliance with Hon'ble Peshawar High Court Peshawar's notification dated 22.04.2021 for the purpose of observing precautionary measures for protection from COVID-19 and to avert litigants gathering, the instant proceedings are adjourned to <u>15.07.2021</u> Parties be informed accordingly.</p> <p style="text-align: right;"> JSC (CNS) Peshawar</p>
Ord--23	15.07.2021	<p>Learned SP for the State and accused Amjad'on bail alongwith counsel present. PWs CT Dawood Khan, HC Amjad Afridi and Insp Nasrullah present but sent unexamined due to the absence of I.O (as per order sheet number 21 he will be examined firstly). PP given. NBWA shall be issued against the I.O as well as connected recovery witness alongwith case property for 31.08.2021.</p> <p style="text-align: right;"> JSC (CNS) Peshawar</p>
Ord--24	31.08.2021	<p>Learned SP for the State and accused Amjad on bail alongwith Jr. defence counsel present. PW CT Usman Naseer present but sent unexamined upon the request of defence counsel. PP given. NBWA shall be issued against the absent PWs alongwith case property for 18.10.2021.</p> <p style="text-align: right;"> JSC (CNS) Peshawar</p> <p style="text-align: center;"><b>ATTESTED</b> 23/10/2021  (Examiner) District Court Peshawar</p>

Ord--25 18.10.2021

Learned SP for the State present. Accused Amjad on bail is absent; however, clerk of counsel submitted application for exemption of accused for today. Application is accepted. Accused stands exempted for today only. PW HC Amjad Afridi present but sent unexamined due to the absence of defence counsel on account of bar strike. PP given. NBWA shall be issued against the absent PWs alongwith case property for 20.01.2022.

کاغذ سب

JSC (CNS) Peshawar

**ATTESTED**

2022  
(Examiner)  
District Court Peshawar

Ord----26

20.01.2022

Learned SP for the State present. Accused Amjad on bail is absent.

Learned Division Bench of Hon'ble Peshawar High Court Peshawar vide judgment & order dated 16.11.2021 in WPs. No. 1237-P, 3677-P, 1569-P, 2012-P, 3266-P and 3314-P of 2021 has directed that:

*"In view of the above, we direct the ANF to submit the complete challan in all these cases before the Special Court established u/s 22 of the KP CNSA, 2019 within fifteen (15) days from receipt of this judgment. Similarly, if any challan is submitted before the Special Court established under CNSA, 1997, the said Court shall transmit the cases to the Special Court established u/s 22 of the KP CNSA, 2019 forthwith."*

Case in hand has been registered vide FIR No. 179 dated 14.12.2019 u/s 9C, 15 CNSA 1997, PS ANF Peshawar, after the promulgation of Khyber Pakhtunkhwa CNSA, 2019; as such in view of directions of Hon'ble Peshawar High Court Peshawar contained in judgment & order dated 16.11.2021 (ibid) and with the approval of Hon'ble Chief Justice Peshawar High Court conveyed through letter No. 18864/Admn dated 21.12.2021, the instant case stands transferred to the Court of learned District & Sessions Judge, Peshawar for further proceeding as per law.

Muharir of this Court is directed to send the case file to learned District & Sessions Judge, Peshawar for 29.01.2022, where the accused shall be summoned by the concerned Court for the date so fixed.

**ATTESTED**

23 JAN 2022

(Examiner)  
District Court Peshawar

JSC (CNS) Peshawar

20-01-2022

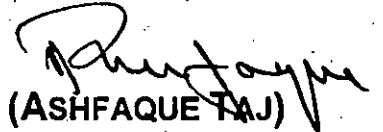


Order...27

29/01/2022

Case file received from the learned Judge Special Court (CNS) Peshawar. Accused Amjad on bail absent. Clerk of counsel and Sr. PP for State present.

The order dated 20/01/2022 is self-explanatory hence case in hand stands entrusted to the court of Mr. Naveed-ur-Rahman, learned ASJ-II/MCTC, Peshawar for disposal. Case file be transmitted to the transferee court forthwith where accused shall appear on 03/02/2022.



(ASHFAQUE TAJ)

Sessions Judge, Peshawar

Dated:29-01-2022

**ATTESTED**

28 MAY 2022

(Examiner)  
District Court Peshawar

Or.....  
03-02-2022

Case file received on transfer from the Court of learned Sessions Judge, Peshawar. It be registered.

APP for the State is present. Accused Amjid on bail present. All the remaining PWs alongwith case property be summoned for 28/03/2022

  
Naveed ur Rahman  
ASJ-II/MCTC, Peshawar

Or.....  
28-03-2022

SPP for the ANF present. Accused Amjid on bail present. PWs are absent. To come up for arguments u/s 265-K Cr.PC on 18/05/2022

  
Naveed ur Rahman  
ASJ-II/MCTC, Peshawar

Or.....  
18/05/2022

SPP for the ANF is present. Accused Amjid on bail alongwith counsel present. Arguments on behalf of the accused on application u/s 265-K Cr.PC heard while SPP for ANF sought time for arguments, granted. To come up for arguments on

21/5/22  
  
Naveed ur Rahman  
ASJ-II/MCTC, Peshawar

**ATTESTED**

28/5/2022

(Examiner)  
District Court Peshawar