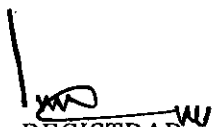
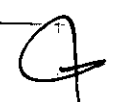
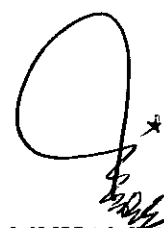


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 164/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	04/02/2022	<p>The appeal of Mr. Ahsan Ullah.resubmitted' today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p>	01.04.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>01-04-2022</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Clerk of learned counsel for the appellant present.</p> <p>Former requests for adjournment on the ground that learned counsel is not available today. Adjourned. To come up for preliminary hearing on 23.06.2022 before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER(E)</p>

23rd June, 2022

Learned counsel for the appellant present.

2. Learned counsel for the appellant produced copy of order dated 31.03.2022 bearing endorsement No. 1065-71/PA wherein grievance of the appellant has been redressed and he wants to withdraw the instant appeal. As a token of admission of his submission he signed the margin of the order sheet. Dismissed as withdrawn. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 23rd day of June, 2022.*



(Kalim Arshad Khan)
Chairman


As the appellant is satisfied hence his appeal became infructuous and wants to withdraw the appeal

The appeal of Mr. Ahsanullah Ex-Constable no. 3746 Capital City Police Peshawar received today i.e. on 31.01.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal may be attested.
- 4- Affidavit may be got attested by the Oath Commissioner.
- 5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 195 /S.T,

Dt. 31/01 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

Respected Sir

Resubmitted after removal of all objections



04/02/2022

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Alison Ullah vs Police Deptt

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Taimur Ali Khan</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	Whether Appeal is within time?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.	Whether the enactment under which the appeal is filed mentioned?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.	Whether the enactment under which the appeal is filed is correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	Whether affidavit is appended?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	Whether affidavit is duly attested by competent oath commissioner?	<input type="checkbox"/>	<input type="checkbox"/>
8.	Whether appeal/annexures are properly paged?	<input type="checkbox"/>	<input type="checkbox"/>
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10.	Whether annexures are legible?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11.	Whether annexures are attested?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12.	Whether copies of annexures are readable/clear?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13.	Whether copy of appeal is delivered to A.G/D.A.G?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15.	Whether numbers of referred cases given are correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16.	Whether appeal contains cuttings/overwriting?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17.	Whether list of books has been provided at the end of the appeal?	<input type="checkbox"/>	<input type="checkbox"/>
18.	Whether case relate to this Court?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19.	Whether requisite number of spare copies attached?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20.	Whether complete spare copy is filed in separate file cover?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21.	Whether addresses of parties given are complete?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22.	Whether index filed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
23.	Whether index is correct?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
24.	Whether Security and Process Fee deposited? on	<input type="checkbox"/>	<input type="checkbox"/>
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on	<input type="checkbox"/>	<input type="checkbox"/>
26.	Whether copies of comments/reply/rejoinder submitted? on	<input type="checkbox"/>	<input type="checkbox"/>
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on	<input type="checkbox"/>	<input type="checkbox"/>

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Taimur Ali Khan
 Signature: [Signature]
 Dated: 9/2/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 162 /2022

Ahsan Ullah

V/S

Police Deptt:

INDEX

S. No.	Documents	Annexure	P. No.
01.	Memo of appeal	-----	01-05
02.	Affidavit	-----	06
03.	Copies of FIRs	A	07-10
04.	Copies of order dated 06.10.2015, Naqal mad, order dated 14.10.2015, stamp papers and inquiry report	B,C,D,E&F	11-23
05.	Copy of order dated 20.04.2016	G	24-27
06.	Copies of statement of allegation dated 20.10.2015 and suspension order dated 21.10.2015	H&I	28-29
07.	Copies of charge sheet and reply to charge sheet	J&K	30-31
08.	Copy of 1 st inquiry report	L	32
	Copy of 2 nd inquiry report	M	33-34
	Copies of show cause notice and reply to show cause notice	N&O	35-36
	Copies of order dated 04.10.2021 and departmental appeal	P&Q	37-39
09.	Vakalat Nama	-----	40

APPELLANT

THROUGH:



(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

Room No. FR 8, 4th Flour,
Bilour plaza, Peshawar cantt:
Cell# 0333-9390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 162 /2022

By Government of Khyber Pakhtunkhwa
Government of Khyber Pakhtunkhwa

Exhibits No. 130

Dated 31-01-2022

Ahsan Ullah, Ex-Constable, No.3746,
Capital City Police, Peshawar.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Capital City Police Officer, Peshawar.
3. The Superintendent of Police Headquarters, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 04.10.2021, WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Re-submitted to -day

31/1/2022

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 04.10.2021 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO HIS SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Re-submitted to -day
and filed.

Registrar

4/2/2022

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant joined the respondent department in the year 1987 and since his appointment, the appellant has performed his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed against him regarding his performance.
2. That the appellant was falsely implicated in criminal case vide FIR No.460 dated 17.07.2015 u/s 324/34 PPC Police station Urmar District Peshawar. It is pertinent to mention here that cross FIR was lodged by the parties against each other, who are relative of each other and the appellant being the uncle of Hamid Nawaz was falsely implicated in FIR. **(Copies of FIRs is attached as Annexure-A)**
3. That the appellant got BBA in the above mentioned criminal case, however his BBA was not confirmed on 06.10.2015 and was arrested on the spot which is evident from the Naqal mad No.47 dated 06.10.2015. The appellant then applied for bail which was also rejected on 14.10.2015. It is pertinent to mention here that the appellant after obtaining BBA filed an application to look into the matter as he was innocent and was falsely implicated in the above mentioned criminal case on which inquiry was conducted by DSP Inv: Rural, Division Peshawar in he mentioned in the finding of inquiry report that SI/I.O Muhammad Nawaz inspected the spot wherein the statements of different people of the locality were recorded as they stated on oath at stamp paper that it is correct that the incident took place between the accused parties i.e Muhammad Nawaz and Hamid Nawaz but actually the charged applicants accused (Tehsinullah and Ihsanullah) were not present at that time. **(Copies of order dated 06.10.2015, Naqal mad, order dated 14.10.2015, stamp paper and inquiry report are attached as Annexure-B,C,D,E&F)**
4. That the appellant applied for bail to the Honourable Peshawar High Court, which also rejected on 30.11.2015. The appellant then applied to Apex Court for bail, which was allowed on 20.04.2016. **(Copy of order dated 20.04.2016 is attached as Annexure-G)**
5. That after granting bail to the appellant by Supreme Court of Pakistan, statement of allegation dated 20.10.2015 was issued to the appellant, which was properly replied by the appellant, however no further action has been taken by the respondent department on that charge sheet and statement of allegation. It is pertinent to mention here that the appellant was suspended on 21.10.2015 by the department after implicating him in criminal case. **(Copies of statement of allegation**

dated 20.10.2015 and suspension order dated 21.10.2015 are attached as Annexure-H&I)

6. That the appellant was kept suspended by the department and after lapse of about 6 years, charge sheet was again issued to the appellant on the same FIR. The appellant submitted detail reply to the charge sheet in which he denied the allegations and clearly mentioned that he was innocent and was not involved in the criminal case. **(Copies of charge sheet and reply to charge sheet are attached as Annexure-J&K)**
7. That inquiry was conducted against the appellant in which the inquiry officer mentioned that as the case against the appellant is under trial and the inquiry may be kept pending till the final decision of the court. **(Copy of 1st inquiry report is attached as Annexure-L)**
8. That another inquiry was conducted against the appellant in which no opportunity of defence was provided to the appellant as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, but despite that inquiry officer gave his finding that the appellant is involved in criminal case which is misconduct, therefore he is guilty. **(Copy of 2nd inquiry report is attached as annexure-M)**
9. That show cause notice was issued to the appellant which was replied by him and mentioned in his reply that statements/reply given to the inquiry officer may be considered as the reply of show cause notice. **(Copies of show cause notice and reply to show cause notice are attached as Annexure-N&O)**
10. That after lapse of about 6 years and without waiting to conclusion of pending trail against the appellant, he was dismissed from service vide order dated 04.10.2021. The appellant filed departmental appeal on 11.10.2021, which was not responded within the stipulated period of ninety days. **(Copies of order dated 04.10.2021 and departmental appeal are attached as Annexure-P&Q)**
11. That the appellant has no other remedy except to file the instant service appeal in this Honourable Tribunal on the following grounds amongst others.

GROUND:

- A. That the impugned dismissal order dated 04.10.2021 and not taking action on the departmental appeal of the appellant within the statutory

period of ninety days are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.

- B. That the appellant was falsely implicated in FIR No. 460 dated 17.07.2015 u/s 324/34 PPC Police Station Urmar District Peshawar and in this respect statement of allegation was also served to the appellant on 20.10.2015 and also suspended him on 21.10.2015 on that criminal case, however no action has been taken by the respondent department on statement of allegation and charge sheet and kept him suspended and after lapse of about 6 years the appellant was dismissed from service on same FIR although the trail against the appellant in that FIR is still pending, which shows that the appellant has not been treated in accordance with law and rules.
- C. That after lapse of about 6 years of the filling of criminal case against the appellant, inquiry was conducted against him in which the inquiry gave his report that as the case is under trial against the appellant inquiry may be kept pending till the final decision of the court, but without agreeing with recommendation of inquiry officer the appellant was dismissed from service which is against the law and rules and as such the impugned dismissal order dated 04.10.2021 is liable to be set aside.
- D. That 2nd inquiry was conducted against the appellant in which no opportunity of defence was provided to the appellant as neither statement was recorded in the presence of the appellant nor gave him opportunity of cross examination and the inquiry officer hold him guilty on the basis of involvement in criminal case despite the fact that is case under trial and no one can be punished merely filling of FIR as per Supreme Court judgment.
- E. That the appellant was falsely implicated in criminal case and as per Civil Service Regulations-194, the appellant should be suspended till the conclusion of criminal case pending against him, but the appellant was dismissed from service without waiting to conclusion of criminal case pending against him, which is violation of CSR, 194.
- F. That the appellant was already suspended on 21.10.2015 and as per Police Rules 1934, he should be kept suspended till the conclusion of criminal case pending against him and action should be taken according against him according to police Rules 1934 after the decision of criminal case pending against him, but without waiting to the decision of the criminal case he was dismissed from service after

lapse of about 6 years merely on filling of FIR, which is violation of Police Rules 1934.

- G. That as per superior court judgment that mere allegation of commission of an offence and registration of FIR against a person would not ipso facto made him guilty rather he would be presumed to be innocent until convicted by a competent court, but the appellant was dismissed from service merely on the basis of FIR, which is violation of superior court judgment.
- H. That the appellant was not present on the spot at the time of occurrence and this respect the people of the locality also gave their statements on the stamp paper and inquiry was also conducted against the appellant on his supplication in which the inquiry officer also admitted that the appellant was not present on the spot at the time of occurrence at the time, which shows the innocence of the appellant but despite that the appellant was dismissed from service on the basis of falsely implicated criminal case.
- I. That the appellant has not been treated according to law and rules and has been punished for no fault on his part.
- J. That the appellant seeks permission of this Honourable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

اھسان ۱

APPELLANT

Ahsan Ullah

THROUGH:

(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

CERTIFICATE:

It is certified that no other similar service appeal between the parties has been filed earlier.

اھسان ۱

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2021

Ahsan Ullah

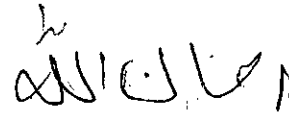
V/S

Police Deptt:

.....

AFFIDAVIT

I, Ahsan Ullah, Ex-Constable, No.3746, Capital City Police, Peshawar, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honourable Tribunal.



DEPONENT

Ahsan Ullah
(APPELLANT)



میں سیٹی ٹنگ رہی تھی مگر لکھنے کا مور لکھنے لیا جائے دسواں لکھنے کی
وارق شاہ کی LRH لیٹاؤں موزوں 17/7/05 فاروانی ٹھکانہ آمیدہ عزیز
مرا سلم صرف نہ صرف درج بالا بھول رہے ہیں ہم بالا چاک نیاجار نقل پر
لکھنے کی ٹنگ مولا انوار خان سے لیا جاتا ہے یہ ہے گزشتہ کی لکھی گئی

17-7-05

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اطلاع کے نیچے اطلاع دے گا کہ وہ خط لکھتا ہے کہ اور فریڈرک لکھتا ہے کہ اطلاع کا خط بطور تصدیق ہوگا کہ حرف الف یا ب مرنے کی روشنی سے باقی
ایک طرز یا شہر کی ترتیب واسطے باشندگان علاقہ غیر واسطے اور شاہی و افغان شاہی جہاں موزوں ہوں لکھنا چاہئے کہ

17-7-05

11/11/2019
 17/11/2019
 32/31/2019
 17/11/2019

SIR
 17/11/2019

05-002-98-988

17/11/2019
 17/11/2019

ATTACHED

اطلاع کے لیے اطلاع دہندہ کا خط ہوگا اس کی مہر یا نشان لگا یا جانے گا اور اس پر تحریر کنندہ ابتدائی اطلاع کا خط بطور تصدیق ہوگا۔ حروف الفبائی سرخ روشنائی سے بالعمامہ ایک طرز یا شہر علی الترتیب واسطی یا شہرگان علاقہ غیر واسطی ایشیا یا افریقہ کے تمام ممالک اور ان کے تمام شہروں میں بھیجا جائے گا۔

B 11

IN THE COURT OF KHALID KHAN,
ADDITIONAL SESSIONS JUDGE-IX, PESHAWAR

Tehsin Ullah and another...vs.....The state.
BBA No. 371 of 2015

ORDER
06.10.2015

Accused/petitioners Tehsin Ullah and Ihsan ullah are present on ad interim pre arrest bail along with counsel. Sahibzada Muhammad Shoaib SPP for the State assisted by counsel for complainant is also present. Record already received. Arguments heard and record perused.

Accused/petitioners have filed the instant petition seeking confirmation of pre arrest bail in case FIR No. 460 dated 17.07.2015 U/S 324/34 PPC registered at Police Station Urmar, District Peshawar.

Brief facts of the case as per FIR are that complainant Muhammad Nawaz Khan reported to local police in injured condition at casualty of LRH, Peshawar to the effect that he along with his son were going to mosque and when reached the place of occurrence Hamid Nawaz, Ahmad Ali Shah, Tehsin ullah and Ihsan ullah were present over there and they attempted on their lives by firing at them with fire arms as a result of which he got hit and sustained serious fire arm injuries while his son Aftab luckily escaped unhurt. After the occurrence accused decamped from the spot and motive behind the occurrence was altercation between children of the parties. Complainant charged the accused for the commission of offence and his report was reduced into murasila which resulted into registration of present FIR.

Learned counsel representing the accused/petitioners submitted that cross case has been lodged by co-accused Hamid Nawaz against complainant party wherein the said co-accused Hamid Nawaz has also received injuries and it is yet to be determined that who is aggressor and who has been aggressed upon. He pointed out that present accused/petitioners are innocent and falsely charged in the present case for ulterior motives and he also referred to the affidavits furnished by different persons and

ATTESTED

an inquiry report regarding innocence of the accused/petitioners. He argued that on the basis of available record case against accused/petitioners is one of further inquiry and they deserve BBA.


On the other hand learned SPP assisted by private counsel for complainant opposed the application in hand and argued that accused/petitioners stand directly charged in the FIR for the commission of an offence punishment of which falls under the prohibitory clause of section 497 Cr.PC. He submitted that multiple fire arm injuries have been received by complainant on vital part of his body i.e chest and no malafide could be pointed out on the part of either injured/complainant or local police and as such accused/petitioners are not entitled to BBA.

In the present case, accused/petitioners stand charged for attempting on the life of complainant and his son with effective firing. As per medical report available on file complainant has received multiple fire arm injuries on vital part of his body i.e chest. No malafide on the part of police or complainant could be pointed out by accused/petitioners for their false implication in the instant case. In the absence of malafide and false implication accused/petitioners do not deserve extra ordinary concession of pre arrest bail.

For the reasons discussed above, the application in hand stands rejected and ad interim bail already granted to the accused/petitioners is hereby recalled.

Record be sent back alongwith copy of this order while the instant petition be consigned to record room after necessary completion and compilation.

Announced
06.10.2015


Khalid Khan,
Addl: Sessions Judge-IX,
Peshawar

ATTESTED

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1183 Rsd
7-10-15

نقلہ 47 روزنامہ 06/10/15

NO. 1520 ORIGINAL
8/10/15

47 - الالاع

شاید فریڈ ایچ وقت 17:30 بجے صبح 06/10/15

7/11
14/10/15

درجہ صغیر اس وقت شہر عثمان آباد کے نزدیکی

میں الالاع دی کہ نیشنل انسٹان 3746 کو

تعمیرات میں تعمیرات کے وقت کو یہ صبح

480 صبح 17/7 صبح 34-324 تعمیرات

میں و عدلیہ کی اس کے عدالت سے BBA

بھی تھا آج کوڑا کا BBA کی کوڑا

اور عدالت سے گھر کا کوڑا تھا اور

راکھ بننے والے تھا اور اس سے

درجہ روزنامہ میں کہ نقلہ عرض مناسب

افسردہ ہونے کی صورت میں ارسال

صاحب
فصل مطابق

Sir forwarded
D. H. Khan

ATTESTED

ps B Bex
10-15

Sho Ps B Bex
07-10-15

Forwarded PL

PA

Please
Superintendent of Police
Sadda Grah, P. B. Bex

Placed him under
Suspension also
initiate department

7-10-15

D (14)

IN THE COURT OF KHALID KHAN,
ADDITIONAL SESSIONS JUDGE-IX, PESHAWAR

Ahmad Ali etc vs.....The state.
BA No. 457 of 2015

ORDER
14.10.2015

Counsel for the accused/petitioners Ahmad Ali Shah, Tehsin Ullah and Ihsan Ullah is present. SPP for the State assisted by counsel for complainant is also present. Record already received. Arguments heard and record perused.

Accused/petitioners named above have filed the instant petition seeking post arrest bail in case FIR No. 460 dated 17.07.2015U/S 324/34 PPC registered at Police Station Umar, District Peshawar.

Brief facts of the case as per FIR are that complainant Muhammad Nawaz Khan reported to local police in injured condition at casualty of LRH, Peshawar to the effect that he along with his son were going to mosque and when reached the place of occurrence Hamid Nawaz, Ahmad Ali Shah, Tehsin ullah and Ihsan ullah were present over there and they attempted on their lives by firing at them with fire arms as a result of which he got hit and sustained serious fire arm injuries while his son Afiab luckily escaped unhurt. After the occurrence accused decamped from the spot and motive behind the occurrence was altercation between children of the parties. Complainant charged the accused for the commission of offence and his report was reduced into murasila which resulted into registration of present FIR.

Learned counsel representing the accused/petitioners submitted that cross case vide FIR No. 461 has been lodged by co-accused Hamid Nawaz against complainant party on the same date regarding the same occurrence wherein the said co-accused Hamid Nawaz has also received injuries and it is yet to be determined that who is aggressor and who has been aggressed upon. He further pointed out that accused of that case have already been admitted to bail. He argued that neither any recovery

~~ATTESTED~~

14.10.15
14.10.15

of incriminating articles have been effected from the accused/petitioners nor have they confessed their guilt. He submitted that in the given circumstances case against the accused/petitioners is one of further inquiry and they deserve bail.

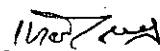
On the other hand learned SPP assisted by private counsel for complainant opposed the application in hand and argued that accused/petitioners stand directly charged in the FIR for the commission of an offence punishment of which falls under the prohibitory clause of section 497 Cr.PC. He submitted that multiple fire arm injuries have been received by complainant on vital part of his body i.e chest and as such accused/petitioners are not entitled to bail.

In the present case, all the accused/petitioners stand charged for attempting on the life of complainant and his son Attab by firing at them with fire arms. As per medical report complainant has received multiple fire arm injuries on vital parts of his body. Recovery of empties of 30 bore has been effected from the place of occurrence. Co-accused Hamid Nawaz is still at large and investigation in the case is yet to be completed. Injured complainant and his son Attab fully support version of prosecution and on the basis of available record strong prima facie case exists against the accused/petitioners which connect them with the commission of non-bailable offence, punishment of which falls under the prohibitory clause of section 497 Cr.PC.

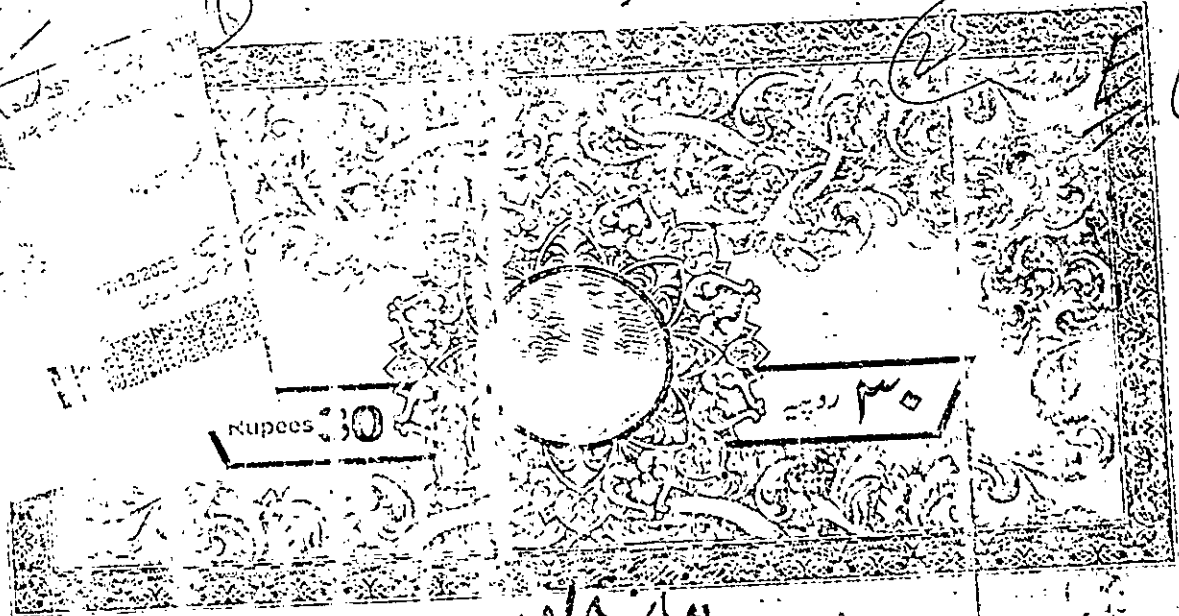
For the reasons discussed above, the application in hand stands rejected.

Record be sent back alongwith copy of this order while file of this court be consigned to record room after necessary completion and compilation.

Announced
14.10.2015


Khalid Khan,
Addl: Sessions Judge-IX,
Peshawar

~~ATTESTED~~



بہارِ کلف

مکہ سید احمد شاہ اور محمدی نسا بہرحمہ سا کہ گزشتہ یومینہ قبل
ازہم پر پانچ لاکھ روپے کا بیویا۔ اور ہر ایک ایک بیانا کلفنگی
دینا ہوں۔ کہ بیروز عید الفطرہ بیروز جمعہ جمعہ نماز کے عین
وقت میں گلاب اُسناد کی بیوی کو شادی کا
کہ بیویا تہ صحت نوز۔ عادی اور بیویا بیویا کلفنگی۔
کا فہ لوگوں نے بلکہ بیویا کلفنگی اور احمد علی شاہ اور
عادل خان نے فہ کلفنگی کو شادی کیا۔ اس بیویا کلفنگی
بیویا کلفنگی احمد علی شاہ اور بیویا کلفنگی اور احمد علی شاہ اور
بیویا کلفنگی۔ کلفنگی اور بیویا کلفنگی اور احمد علی شاہ اور
قانونی کاموں کی کلفنگی اور بیویا کلفنگی اور احمد علی شاہ اور

محمد شاہ

38
سید احمد شاہ 1905
7-9398995-9398995
10333-9362642

ATTESTED
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1679NT

13/01/2022



بیان حالہ -

مقلد عادل خان اور شہید دل خان مرحوم قوم بہرہ رکھی 22 سال
 ساکنان محمد یوسف ہیکل اور محمد یونس خان صاحب نے ان کے لئے اور ان کے
 گھر کے ایک بیٹا کے لئے لکھ کر دیا ہے۔ کہ بہروز جو کہ بہرہ رکھی
 کے دن بوقت نماز جمعہ صبح اپنے حجرہ سے نماز جمعہ
 کیلئے نکلے۔ اس دور میں صاحبان نور اور احمد علی شاہ
 صاحب اسناد رکھ کر صاحبان کے لئے فرمایا ہے۔ صاحب بہرہ
 حجرہ کے ساتھ پونچھ کر صاحبان کے لئے نور عرفیہ
 اسناد - کتاب - فقہ خان صاحبان کے لئے نور نے صاحبان نور
 کے ساتھ امداد بہ فنیاد رکھی ہے۔ صاحب اور احمد علی شاہ
 نے ان کے مابین فیصلہ کیا ہے۔ اس کے علاوہ صاحبان
 احمد علی شاہ نے ان کے لئے نور دیا ہے جو کہ موجود ہے
 لکھ کر دیا ہے کہ ان کے لئے نور دیا ہے جو کہ موجود ہے
 دوسرے تسلیم کیا ہے۔

(Signature)



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LETTER

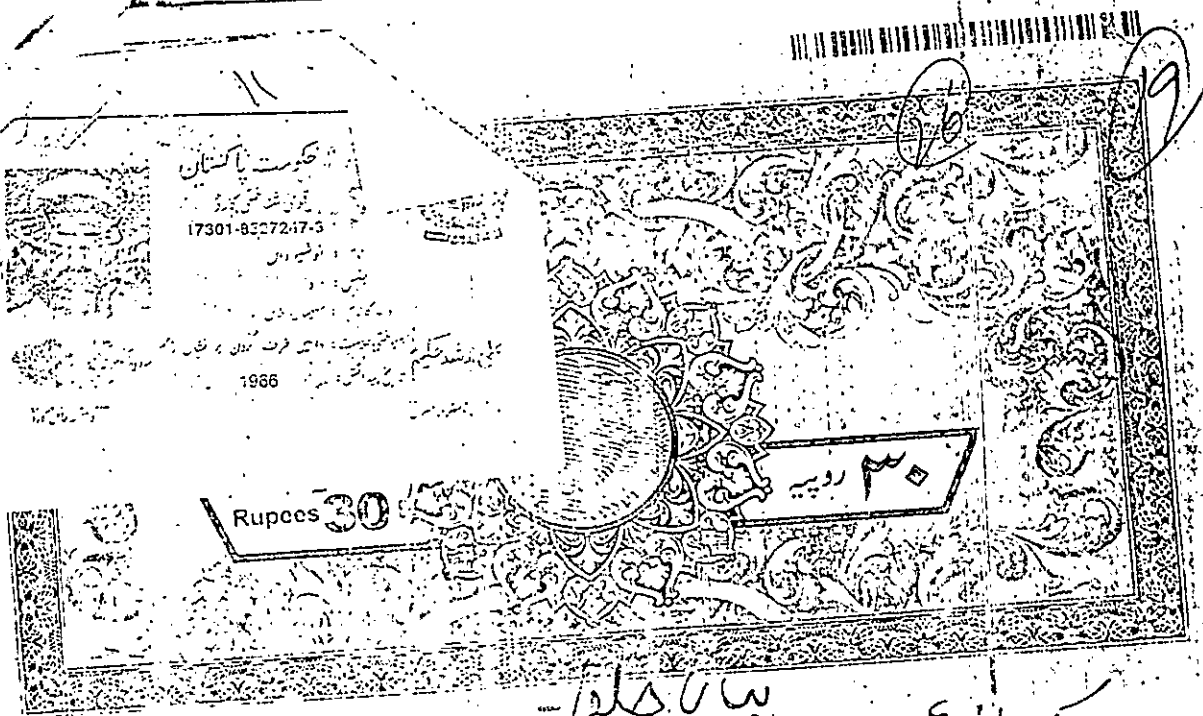
38/1/2022

عادل خان اور شہید دل خان مرحوم

مقررہ مذکورہ لئے

3155280-1

0336-5888061



بیانا خلتا -
 ہنگہ نوٹسروان ورت سینی نانا مہجم ہنا کہ گندہ لوست مہل ہولہ
 امریکا بیان قلم سیاہ کا ہوں۔ افرور کہ ایک بیان خلتا کی دست
 ہوں۔ کہ بروز عیہ الفطہ بروز جہمہ کہ غارتہ عنت و ت صفت
 گلاب است دکن صہمہ کہ قریب کور اکتفا۔ کہ قصہ ن نگہ نواز
 - حامد نواز کہ ما بیت لہرائی ختہ۔ کہ عبا لوگوں نے جہولہ
 گورہا شہد علی شاہ اور عابدی لانا لہ لہ لہ لہ لہ لہ لہ لہ لہ
 است لہرائی صہمہ عنت اللہ۔ اکتفا ن اللہ لہ لہ لہ لہ لہ لہ لہ لہ
 نین حق۔ کہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ
 کار ورت کہ گلاب دوست لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ

المرقوم 8/06
 2015



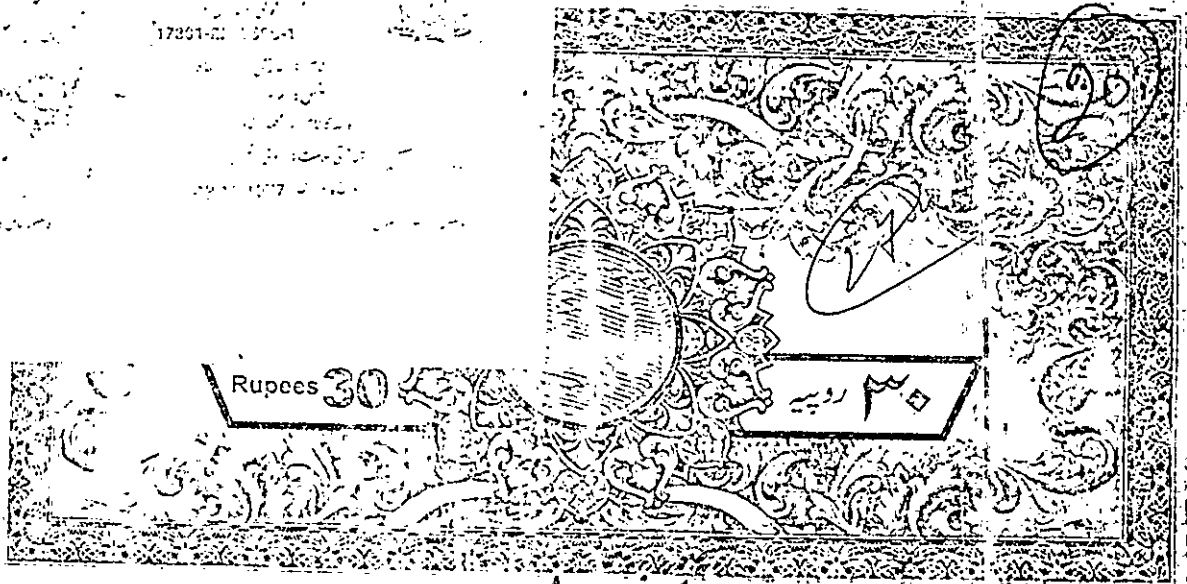
نوٹسروان ورت سینی نانا مہجم
 فوقہ اور ہولہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ لہ
 17301-8527247-3

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17301-22 1302930



بیان شمس -

منک غازی بیان شمس اولہ محمد شاہ مجرم شاہ کا گلہ یہ صرف خیر و خیر اور بیان
 تھیں اور انہیں شمس اور کا ہوں۔ انہوں نے ایک ایک بیان کیا کہ کف کی دیتا ہوں۔
 کہ ہر روز و قوغر بوقت وقوع میں بخواب آسنا دکن صید کے قریب
 جھونکے گاڑ کی ادائیگی کھلی ہوئے رکھا۔ کہ محمد نوز اور شاہ نوز
 جو کہ بیٹیا اور بھتیجا ہو۔ اس میں محمد نوز کے نام کا
 ماہوں لڑائی کہ زینت ہے۔ یہاں لوگوں نے اس کے ماہوں
 فلور کیا کہ انکی۔ اس لڑائی میں الحسن بن اللہ بن اللہ
 صید میں رہا نوز کا مجرم صید میں ہے۔ اور بیان
 احمد علی شاہ اور عادل خان نے ماہوں فریقین کے
 فلور کیا کہ انکی ہو۔ کہ انہوں نے ہذا کو وہ بیان شمس
 قانون کاروں کے کھلی درست تسلیم کیا جائے۔

المرقوم

اکبر غازی صاحب شاہ

3/8/2015

غازی بیان شمس اولہ محمد شاہ مجرم
 حوالہ مذکورہ اور بیان
 17301-22-70695-1

M.No. 0311-1302930

ATTESTED

CAPITAL CITY POLICE PESHAWAR
DEPUTY SUPERINTENDENT OF POLICE INVESTIGATION

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To : The Superintendent of Police,
Investigation, Rural Div: Peshawar.

From : The Deputy Superintendent of Police,
Investigation, Rural Div: Peshawar.

No. 196 dated Peshawar the 14/08/2015.

Subject: APPLICATION OF TEHSINULLAH & HIS NEPHEWS
SONS OF RAB NAWAZ RESIDENTS OF URMAR PAYAN
MORHA, DISTRICT TESHION KHEL, PESHAWAR.

Memor:

Please refer to your office Dy: No.602/Reader, dated 23/07/2015.
returned in originals on the subject noted above.

CONTENTS OF APPLICATION.

As per contents of attached application moved by the applicant parties mentioned above that Muhammad Nawaz (D) DIG s/o Lal Khan and Hamid Nawaz s/o Dil Nawaz residents of Urmur Payan are close relatives with the relationship of Uncle & nephew as they have made several quarrel to each other on the dispute over land property.

On the day of PIR-UL-FITR at the time of Juma Maghrib at 2:30 along with his sons and nephew the Hamid Nawaz on the way while a fight was took place between themselves. Resultantly Muhammad Nawaz was hurt and got injured while due to beaten of Hamid Nawaz got seriously injured. Both the parties were lodged FIRs against to each other. The applicant stated that Hamid Nawaz is his nephew (Sis or Son) while Muhammad Nawaz has also been charged the applicant party for the commission of crime. The applicant declared stated that they are enlisted in Police department since long and avoiding from such like crimes while on the day and time of occurrence are present in his house as the incident took place from the house of the applicant parties with a distance of one kilometers. The present local witnesses on the spot are witnesses that the applicant parties are not affiliated with the said offence and has falsely been implicated by the complainant in the instant case.

The applicant parties requested that the investigation officer should please be directed to dig out the actual facts of crime scene with impartially manner by the present witnesses on the spot.

In the review of the subject application was marked by the Deputy SP (Rural, Division, Peshawar) to OI/PS: Urmur Peshawar for disposal of the subject case.

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CAPITAL CITY POLICE OFFICER

DEPUTY SUPERINTENDENT OF POLICE INVESTIGATION

To

The Senior Superintendent of Police
Investigation Peshawar

From

The Deputy Superintendent of Police
Investigation Rural Division Peshawar

No. 196 /12 dated Peshawar the 14/09/2015

Subject: APPLICATION OF TEHSINULLAH & IHSANULLAH SONS OF
RAB NAWAZ RESIDENTS OF URMAR PAYAN MOHALLAH
MOHSIN KHEL PESHAWAR.

Memo

Please refer to your office Dy: No. 602/Reader, dated 23/07/2015 returned in originals on the subject noted above.

CONTENTS OF APPLICATION

As per contents of attached application moved as per contents of attached application moved by the applicant parties mentioned above that Miuhammad Nawaz @ DIG S/o Lal Khan and Hamifd Nawaz S/o Dil Nawaz Residents of Urmr Payan are close relatives with the relationship of Uncle and nephew as they have made several quarrel to each other on the dispute over land property.

On the day of Eid Ul Fitar at the time of Jumma Muhammad Nawaz alongwith his sons was beaten the Hamid Nawaz on the way while also firing was took place between themselves. Resultantly Muhammad Nawaz was and got injured while due to beaten of Hamid Nawaz got seriously injured that the parties were lodged FIRs against to each other. The applicant started the charged that Hamid Nawaz is his Nephew (Sister Son) while Muhammad Nawaz has also been charged the applicant party for the commission of crime. The applicant accused stated that they are enlisted in Police Department since long and avoiding from such like crimes while on the day and time of occurrence and present in his house as the incident took place from the house of the applicant parties with a distance of one kilometers. The present locals on the spot are witnesses that the applicant parties are not affricated with the said offence and has falsely been implicated the complainant of the instant case.

The applicant parties requested that the investigation officer may please be to directed the actual facts of crime scene with impartially manner by the visiting of the spot.

In the connection the subject application was marked by the SP/Rural; Davison, Peshawar to OI/PS Urmr Peshawar for detail report in the subject case.

~~ATTESTED~~

CAPITAL CITY POLICE PESHAWAR.
DEPUTY SUPERINTENDENT OF POLICE (INVESTIGATION)

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INVESTIGATIONS.

According to the report of SI/LO Muhammad Nawaz Khan of investigation PS: Umar that complainant Muhammad Nawaz @ DIG's/o Lad Khan was charged the accused applicants (Fehsinullah & Ihsanullah) sons of Rab Nawaz residents of Umar Payar, for the commission of offence. In this regard the applicant accused have moved an application before your good self regarding their innocence in the subject case.

In this connection the LO of the instant case SI/Muhammad Nawaz Khan inspected the spot where the statements of Syed Ahmed Shah, Aminul Hasanat, Adil Shah, Nowshad Khan & Ghazi Jan Shah were recorded as they stated on oath at samp paper that it is correct that the incident took place between the named parties i.e. Muhammad Nawaz & Hamid Nawaz but actually the charged applicants accused (Fehsinullah & Ihsanullah) were not present at that time. Their statements in originals are appended herewith for ready reference please.

Furthermore, the LO has also stated in his attached report that he has also been inquired regarding the presence of accused applicant in the area at the time of occurrence but all the locals have stated activities of accused applicant are good & belonging of a respectable family. However, both the parties are close relatives to each other. The LO stated that the under charged accused applicant were not present on the spot at the time of occurrence but the complainant has only charged the accused applicant as the complainant Hamid Nawaz is the real nephew (Sister son) of the applicant accused (Fehsinullah & Ihsanullah).

The detail enquiry report with the urdu report of the LO Muhammad Nawaz Khan of investigation staff Police Station Umar, Peshawar is attached herewith for your kind perusal please.

Submitted please.

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Deputy Superintendent of Police,
Inv: Rural, Division, Peshawar.

[Signature]

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CAPITAL CITY POLICE OFFICER

DEPUTY SUPERINTENDENT OF POLICE INVESTIGATION

INVESTIGATION

According to the report of SI/I.O Muhammad Nawaz Khan of investigation PS: Urmar that complainant Muhammad Nawaz @ DIG s/o Lal Khan was charged the accused applicants (Tehsinullah & Ihsanullah) son of Rab Nawaz Residents of Urmar Payan for the commission of offence. In this regard the applicant accused have moved an application before your good self regarding their innocence in the subject case.

In this connection the I.O of the instant case SI/Muhammad Nawaz Khan inspected the spot wherein the statements of Syed Ahmad Shah Aminul Hasanat, Adil Khan Nowsher Khan & Ghazi Jan Shah were recorded as they stated on oath at stamp paper that it is correct that the incident took place between the accused parties i.e Muhammad Nawaz and Hamid Nawaz but actually the charged applicants accused (Tehsinullah & Ihsanullah) were not present at that time. Their statements in originals are appended herewith for ready reference please.

Furthermore, the I.O has also stated in his attached report that he has also been inquired regarding the presence of accused applicant in the area at the time of occurrence but all the locals have stated activities of accused applicant are good and belonging of a respectable family . however both the parties are relatives to each other . the I.O stated that the under charged accused applicant were not present on the spot at the time of occurrence but the complainant has only charged the accused applicant as the complainant Hamid Nawaz is the real nephew (Sister son) of the applicant accused (Tehsinullah & Ihsanullah).

The detail enquiry report with the urdu report of the I.O Muhammad Nawaz Khan of investigation staff Police Station Urmar Peshawar as attached herewith for your kind perusal please.

Submitted please.

Deputy Superintendent of Police

Inv: Rural, Division, Peshawar

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On the receipt of written complaint by the ASI/Raj Wali ...
revealed that the injured complainant named Nawaz s/o Dil Nawaz ...
Peshawar was reported in casualty [RTI/Peshawar to the effect that on the ...
day of Friday that he went to his own house in connection for congratulation ...
of occurrence hence occurred. M. Iqbal Nawaz @ DIG s/o Lal Khan, A. ...
Khan, Nigab, Raisa, sons of Mubin s/o Nawaz residents of Umar Payan ...
the complainant got injured on his head with other parts of body on the spot ...
complainant was saved the motive behind the offence in fixing ...
of complainant was checked at the received mentioned above for the commission ...
of offence. On the receipt of written complaint a proper case under the relevant law ...
was registered in Police Station Urmair Peshawar accordingly.

POLICE STATION URMIR PESHAWAR

IN REPLY TO CASE NO. 111 DT: 17/07/2015, U/S-337/506/111

The contents of the FIR lodged by the injured complainant ...
Muhammad Nawaz Khan s/o Lal Khan s/o Umar Payan Mohallah Mishon ...
was reported to on duty S.I. Raj Wali s/o Dil Nawaz Peshawar to the effect ...
that on the time of occurrence he was with his son from house to mosque and ...
when reached near the place of occurrence in the meanwhile due to ex-queue ...
of the injured complainant s/o Dil Nawaz, A. Khan s/o Muhammad ...
Ahmad, Iqbal Khan & Mubin s/o Nawaz residents of Umar Payan ...
suddenly appeared duty the time of occurrence on complainant with the ...
intention of death as a result of which complainant got injured while his son saved ...
himself. The accused mentioned above dumped from the spot after the ...
commission of offence. The complainant stated his son Muhammad Ahsan ...
the eye-witness of the occurrence. The complainant charged the accused ...
above for the commission of offence. On the report of complainant a proper case ...
was registered in Police Station Urmair Peshawar accordingly.

POLICE STATION URMIR PESHAWAR

IN REPLY TO CASE NO. 460 DT: 17/07/2015, U/S-324/460/111

INVESTIGATING OFFICER

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CAPITAL CITY POLICE OFFICER
DEPUTY SUPERINTENDENT OF POLICE INVESTIGATION

CONTEST OF CASE FIR NO. 460 DT: 17/07/2015, U/S 324/34/PPC POLICE STATION URMAR PESHAWAR

The contents of the FIR lodged by the injured complainant Muhammad Nawaz Khan S/o Lal Khan R/o Urmur Payan Mohallah Mishion Khel was reported to on duty SI /Waqar Shah of casualty LRH/Peshawar to the effect that on the time of occurrence he alongwith with his son from house to mosque and when reached near the place of occurrence. In the mean while due to ex-quarrel of children's accused Hamid Nawaz S/o Dil Nawaz Ahmad Ali Shah S/o Muhammad Ali Shah , Tehsinullah & Ihsanullah sons of Rab Nawaz resident of Urmur Payan suddenly appeared duty are areas and started firing on complainant with the intention of death as the result of which complainant got injured while his son save luckily. The accused mentioned above decamped from the spot after the commission of offence. The complainant was stated his son Muhammad Aftab the eye witness of the seen. The complainant charged the accused cited above for the commission offence on the report of complainant a proper case under the relevant law as registered in Police Station Urmur Peshawar accordingly.

CONTENTS OF CASE FIR NO. 460 DATED 17/07/2015 , U/S 337/50/34 PPC POLICE STATION URMAR, PESHAWAR.

On the receipt of written murasila by the ASI/Raj Wali Shah revealed that the injured complainant Hamid Nawaz S/o Dil Nawaz R/o urmur Peshawar was reported in casualty KTH/Peshawar to the effect on the day of Eid Ul Fitar he gone on his aunt house in contention for congratulations of Eid Ul Fitar and when he going for pray of Jumma/mosque and when reached near the place of occurrence hence accused Hamid Nawaz @ DIG S/o Lal Khan, Aftab Khan, Niqab, Faisal Sons of Muhammad Nawaz R/o Urmur Payan caught him and beaten as well as will as he attacked with knife and bux paw and resultantly the complainant got injured on his head with other parts of body on the spot the accused party decamped from the spot after the commission of offence the complainant was stated the motive behind the offence in Ex-enmity. The complainant was charged the accused mentioned above for the commission of offence. On the receipt of written murasila a proper case under the relevant law was registered n Police Station Urmur Payan Peshawar accordingly.

~~ATTESTED~~

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE MUSHIR ALAM
MR. JUSTICE DOST MUHAMMAD KHAN

Criminal Petition No.126/2016

(On appeal from the judgment dated 30.11.2015 passed by the Peshawar High Court, Peshawar in Cr.MBA.1924-P/2015).

1. Ahmad Ali Shah son of Muhammad Ali Shah
2. Tehsin Ullah
3. Ihsan Ullah Sons of Rab Nawaz

....Petitioners

VERSUS

1. The State
2. Muhammad Nawaz Khan son of Lal Khan

....Respondents

For the petitioners: Mr. Muhammad Munir Peracha, ASC
Mr. Mehmood A. Shelkh, AOR

For the State: Mr. Muhammad Aslam Ghuman, ASC for AG-KPK
Muhammad Nawaz, S.I.

Date of hearing: 20.4.2016

JUDGMENT

Dost Muhammad Khan, J.— This petition is barred by 26 days and for condonation of delay an application has been filed containing sound reasons and being petition for bail relating to liberty of citizen, the delay in filling the petition is condoned.

ATTESTED

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
M. Ishaq

Crl.M.A. No.548/2016: has also been filed for placing additional documents on record which is J and disposed of.

Ahmad Ali Shah son of Muhammad Ali Shah, (Petitioner No.1), Tehsin Ullah, (petitioner No.2) and Ihsan Ullah (Petitioner No.3) sons of Rab Nawaz are seeking leave to appeal against the judgment dated 30.11.2015 of the Peshawar High Court, Peshawar dismissing their bail petition in case FIR No.460 dated 17.7.2015 registered by police station Umar, district Peshawar for crimes USs.324/34 PPC.

2. The complainant Muhammad Nawaz Khan while reporting the crime in Lady Reading Hospital (LRH), Peshawar, stated that on 17.7.2015 at about 13.30 hours, he alongwith his son was proceeding to the village-Mosque and when they reached near the Mosque, petitioner No.1, Ahmad Ali Shah son of Muhammad Ali Shah alongwith Hamid Nawaz son of Dil Nawaz, Tehsin Ullah and Ihsan Ullah sons of Rab Nawaz duly armed with fire arms fired at them as a result he sustained injuries while his son Muhammad Aftab escaped unhurt. Motive for the crime was shown to be a quarrel over children between the parties.

We have heard Mr. Muhammad Munir Peracha, learned ASC for the petitioners and Mr. Muhammad Aslam Ghuman, learned ASC for AG-KPK alongwith Muhammad Nawaz, S.I. alongwith record.

3. In this case the injured complainant has sustained all the injuries shown multiple entry and exit wounds on the back of

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Secretary, Peshawar High Court
Peshawar

chest while one single entry wound on upper chest and one entry wound with exit on posterior chest and the other on left thigh lower part.

4. While on the other hand two real brothers and two others (one is cousin of two real brothers) have been charged, all belong to one and the same family.

5. The site plan would show that firing was made at the complainant from a close distance while 30 bore pistol, description of which was not given in the FIR, has been used because five crime empties and one live cartridge of 30 bore pistol was secured from the crime spot.

6. 30 bore pistol, is a Semiautomatic weapon, several shots can be made from it with quick succession even by a single person. Except the one injury on the thigh all the rest of the injuries are located on one and the same place hardly in area of diameter of 5-6 inches creating reasonable doubts that he was fired from different angles and different points indicated in the site plan. It would be a fantastic coincidence not appealing to prudent mind that all the four accused targeted one and the same place.

7. The Investigating Officer present in the court stated that present petitioners have been declared innocent during re-investigation and the police is not recommending them to be tried. This fact, reinforces the view that at the most the injuries caused to the complainant could be a job of single person but noose was thrown much wider implicating four persons including two real brothers of the same family and when it has become a

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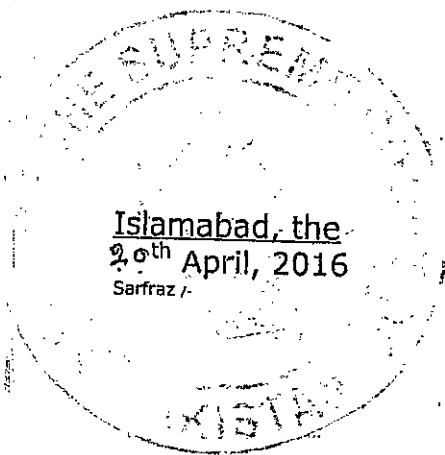
case of two versions as in the second investigation present petitioners have been declared Innocent, then benefit of such doubt is to be extended to the petitioners, more so, when the petitioners are behind the bars almost for the last one year and no progress has been made in the trial of the accused.

Accordingly, this petition is converted into appeal and the same is allowed. The above observations are tentative.

These are the detailed reasons for our short order, which is reproduced herein below:-

"For detail reasons to follow, this petition is converted into appeal and allowed. The petitioners are admitted on bail, subject to their furnishing bail bonds in the sum of Rs.100,000/- with two sureties each in the like amount to the satisfaction of learned trial Court."

Sd/- Mushir Alam,J
Sd/- Dost Muhammad Khan,J



~~ATTESTED~~

'Not approved for reporting'

6405/21

Case no: _____

Date of Presentation: 5.4.21 Civil/Criminal

No of Words: 1200

No of Folios: 12

Requisition Fee Rs: 1.00

Copy Fee In: 7.44

Court Fee Stamps: 12.44

Date of Completion of Copy: _____

Date of Delivery of Copy: 09/4/20 9/4/21

Compared by: _____

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OFFICE OF THE
DSI SUBI

No. 11-E/PD

Dated 10/04/21

DISCIPLINARY ACTION

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Ahsanullah No.3746 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

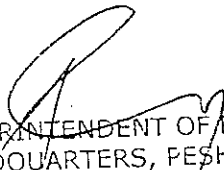
(18)

STATEMENT OF ALLEGATION

"That Constable Ahsanullah No.3746 while posted at PS Badaber, Peshawar has been involved in a criminal case vide FIR No.460 dated 17.07.2015 U/S 324/34-PPC PS Urmar. This amounts to gross misconduct on their part and is against the discipline of the force."

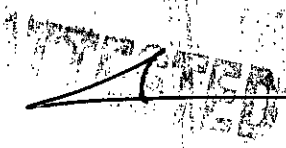
For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and SDPo Subzab is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.
3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 229 /E/PA, dated Peshawar the 20/10 /2015

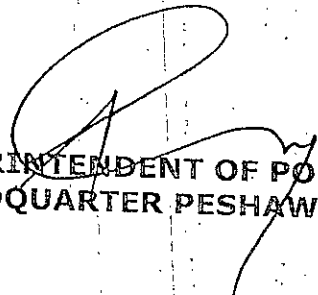
1. SDPo Subzab is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.
2. Official concerned



ORDER

Constable Ahsanullah No.3746 of Capital City Police Peshawar while posted at PS Badaber, Peshawar is hereby placed under suspension & closed to Police Lines with immediate effect due to involvement in a criminal case vide FIR No.460 dated 17.07.2015 U/S 324/34-PPC PS Urmar.

Charge sheet & summary of allegations is being issued to him separately.


SUPERINTENDENT OF POLICE
HEADQUARTER PESHAWAR.

O.B No 3847
Dated 20/10 /2015

No. 4665-73 /PA/SP/H.Qrs: dated Peshawar, the 21/10 /2015

Copy to:

1. The Capital City Police Officer, Peshawar
2. The SSP Operations
3. DSP H.Qrs: Peshawar.
4. CRC 5.OASI, 6. Pay Officer.
7. FMC/I/C Computer Cell
8. Official concerned.

ATTESTED

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CHARGE SHEET

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Ahsanullah No.3746 of Capital City Police Peshawar with the following irregularities.

"That you Constable Ahsanullah No.3746 while posted at PS Badaber, Peshawar were involved in a criminal case vide FIR No.460 dated 17.07.2015 U/S 324/34-PPC PS Urmar. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case exparte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

طابقاً
محکمہ پولیس
پشاور
19/07/2015
احسان ullah
No. 3746

ATTESTED

OFFICE OF THE
SUB DIVISIONAL POLICE OFFICER,
SUBURB CIRCLE, PESHAWAR



NO. 113-E /St: Dated Pesh: the 11/7 /2021

To, The Superintendent of Police,
Headquarters, Peshawar

NO. 229-E
M do-7-21

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32
113-E
5-7-2021

Subject:- DEPARTMENTAL ENQUIRY AGAINST FC AHSAN ULLAH
NO. 3746 PS BADHBER (YEAR 2015).

Memo:
Please refer to your office No. 229/E/PA, dated 20.10.2015, on the subject noted above.

As per report of OII PS Urmur, accused Constable Ahsan Ullah got BBA from the Hon'ble court in case vide FIR No. 460 dated 17.07.2015 u/s 324/34 PS Urmur. Later on, his BBA was cancelled by the court on 06.10.2015, due to which he was arrested and obtained his one day custody. On 20.04.2016, the accused Constable has confirmed his BBA from the Supreme Court of Pakistan. The case is under trial in the court of Mr. Tayyab Jan, ASJ and next date of hearing is fixed on 21-08-2021.

It is, therefore, requested that enquiry against the accused Constable Ahsan Ullah No. 3746 may be kept pending till the final decision of the court.

[Signature]
SUB DIVISIONAL POLICE OFFICER,
SUBURB CIRCLE, PESHAWAR

Refered
The proceedings may be completed in accordance with Police Rules, 1975 as submitted
Conclusive finding for DSP/legal
whether he is guilty or not? For M legal opinion pl

If the accused is found guilty in departmental then there is no need to keep pending till the decision of court. Competent authority is at liberty to award punishment or otherwise. please

S. Khan
6/21

[Signature]
~~5/7/2021~~

OFFICE OF THE
SUB DIVISIONAL POLICE OFFICER,
SUBURB CIRCLE, PESHAWAR



NO. E-11/PA St: Dated Pesh: the 24/8 /2021

To, The Superintendent of Police,
Headquarters, Peshawar

Subject:- DEPARTMENTAL ENQUIRY AGAINST FC AHSAN ULLAH NO.3746 OF
PS BADHBER (YEAR 2015).

Memo:

Please refer to your office No. 229/E/PA, dated 20.10.2015, on the subject noted above.

Allegations:

I, Superintendent of Police, Headquarters, Capital City police Peshawar, as a competent authority, with the opinion "That Constable Ahsanullah No. 3746 while posted at PS Badhber, Peshawar has been involved in a criminal case vide FIR No. 460 dated 17.07.2015 u/s 324/34PPC PS Urmar". This amounts to gross misconduct on their part and is against the discipline of the force".

For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the allegations an enquiry was ordered by the Superintendent of Police Headquarters, Peshawar while the undersigned was appointed as enquiry officer under Rule 5 (4) of Police Rules 1975.

PROCEEDINGS.

To determine the real facts, the following concerned were summoned and their statements were recorded.

1. FC Ashan Ullan No. 3746 (accused)
2. SI Aman Ullah (IO PS Urmar)

STATEMENT OF FC AHSAN ULLAH (ACCUSED)

He stated that in those days I was posted at PS Badhber and as usual, I was on Shabbashi and unaware of the incident but being an uncle took his nephew Hamid Nawaz to hospital for treatment. A few days later it became known that both of us brothers who are employed as local police were nominated by the opponent party in FIR No. 460 dated 17.07.2015 u/s 324/34 PPC PS Urmar. As soon as he came to know about the case, instead fleeing and hiding, he went to the Court and got BBA from Court. Both the parties are close relatives and the cases are under trail in Court. Being uncles has designated us in false FIR by falsely accusing us. We have nothing to do with the fact that the other party made false claims against us as uncles and for taking us to the hospital and taking care of us. We have nothing to do with the fact that false claims have been made against us. What we have been accused of is baseless and based on lies. I am innocent and blameless. I request you to do justice to me keeping in view the above facts.

~~ATTACHED~~
~~TESTED~~

(6) (34)

STATEMENT OF SI AMAN ULLAH (I.O PS URMAR)

He stated that FIR.No. 460 date 17.07.2015 u/s 324/34 PPC PS Urmr was registered against accused Ahsan Ullah s/o Rabnawaz r/o Urmr Payan and on 27.07.2015 confirmed his BBA from the Court of ASJ Shahid Ullah Khan. On 06.10.2015 his BBA was cancelled and two days custody was granted and sends to Peshawar Central Jail on 08.10.2015. Supreme Court Islamabad confirms bail on 20.04.2016 and now the case is under trail in the Court of ASJ Tayyeb Jan. next hearing date is fixed on 07.09.2021. DFC Sajjad No. 1296 was sent to the Court of ASJ Tayyeb Jan to handover the case file but the case file could not be handed over to the Police Officials as it was under trail in the Court. Upon receipt of the case file, the senior officer should be informed about the fact of the accused.


FINDINGS:

The undersigned has perused the enquiry conducted by Superintendent of Police Headquarters, Peshawar including the statements of accused Ahsan Ullah & SI Aman Ullah (IO PS Urmr) and came to the conclusion that FC Ahsan Ullah No.3746 was charged in case FIR No. 460 dated 17.07.2015 u/s 324/34 PPC PS Urmr.

The defaulter constable Ahsan Ullah No. 3746 was released on bail by the August Supreme Court of Pakistan on 20.04.2016.

In compliance of observation by the competent authority. It is worth mention that being a member of discipline force, his involvement in criminal case is misconduct. Therefore he is guilty. All relevant documents are attached herewith for your kind perusal please. Submitted please.

Enclse: _____


(ALAMZEB)
Sub-Divisional Police Officer,
Suburb Circle, Peshawar.

~~ATTESTED~~

FINAL SHOW CAUSE NOTICE

W.N. 35

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Ahsan Ullah No.3746 the final show cause notice.

The Enquiry Officer, SDPO Suburb, after completion of departmental proceedings, has declared you guilty of misconduct.

And whereas, the undersigned is satisfied that you Constable Ahsan Ullah No.3746 deserve the punishment in the light of the criminal case.

And as competent authority, has decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975.

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 22-9-9/PA, SP/HQrs: dated Peshawar the 27/8/2021.

Copy to official concerned

ایس ایچ او سبھان پور

P.S.

27/8/21

ATTESTED

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بنا علی ا
بناک

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دکوال فائنل شوہار زہری / E-229-229 فاریہ بناک ایسی جی ہور وارٹر بناک

تدو فی ندرے ہول آہ مسائل نے جو بیان / جوابے ہیں نے بناک انکو زہری ایسہ

کو دیا تھا۔ مہراون بیان ایسے فائنل شوہار نوئیس کا ہی ہے جو دقتیہ پر
پر مہری ہے اور مہر علم کے مطالبہ دوسے کے

Pheta

احسان اللہ بناک 3746

Ref

~~ATTESTED~~

ORDER

P (37)

This office order relates to the disposal of formal departmental enquiry against Constable Ahsanullah No.3746 of Capital City Police Peshawar on the allegations that he involved in criminal case vide FIR No.460 dated 17.07.2015 u/s 324/34-PPC PS Umar.

In this regard, he was placed under suspension & issued charge sheet & summary of allegation. SDPO Suburb was appointed as E.O. He conducted the enquiry & submitted his report/findings that the alleged official found guilty.

Upon which DSP Legal opinion was obtained. He opined that "if the accused official is found guilty in departmental enquiry then there is no need to keep it pending till the decision of the court. Competent authority is at liberty to award punishment or otherwise".

Upon the finding of E.O, he was issued final show cause notice to which he received & replied. He was also called & heard in person. His explanation found un-satisfactory.

From perusal of enquiry papers & other material available on record, the undersigned came to conclusion that the alleged officials found guilty being involved in criminal case. Therefore, Constable Ahsanullah No.3746 is hereby dismissed from service under Police Rules-1975 with immediate effect.


SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

OB. NO. 2579 Dated 4/10/2021

No. 3728-33 /PA/SP/dated Peshawar the 4/10/2021

Copy of above is forwarded for information & n/action to:

1. The Capital City Police Officer, Peshawar.
2. DSP/HQrs, Peshawar.
3. Pay Office, OASI,
4. CRC & FMC along-with complete departmental file.

~~ATTESTED~~

خدمت جناب کسٹیشنری پولیس افسیر صاحب پشاور

مہو: محکمہ اسپل بر خلاف حکم جلی بنا پر مسائل کو

حوالہ نمبر 25791 مورخ 10/4/2021 SP/HBs

سے درخواست کیا گیا ہے۔

جناب عالی! خود بیان گزارش ہے کہ سال 1987ء کو پولیس کو ایک میں بطور کسٹیشن مقرر کیا گیا۔ دوران سروس میں مسائل کے مختلف مقامات اور چوکیات میں ایسا نڈاری سے ہو کر گیا اور کبھی ایسا نفل انجام نہیں دیا ہے۔ جو کہ پولیس کی سرکاری یا غیر سرکاری کاما مقرر بنا ہو۔

جہاں تک میرے خلاف انکوائری میں الزامات کا تعلق ہے۔ تو اس بارے میں عرض رساں ہوں کہ مسائل کے خلاف تہہ نشینی اور تھکے کی بنا پر قتل قحاطلہ کا مقدمہ وزم رجسٹر ہو کر جس میں مسائل نے فرار ہونے کی بجائے اپنی بے گناہی کو ثابت کرنے کیلئے اللہ سے اپ کو قانون کے حوالہ کر کے عدالت سے بلجوف کھانست کر کے جو کہ آخر مارچ 2016ء کو کسٹیشن ہو کر حیل سے رہا ہوا ہے۔

یہ کہ لکھنؤ کی عدالت نے ڈیوٹی جوائن کی اور مورخ درخواستگی تک ڈیوٹی پر موجود رہا۔

ATTESTED

یہ کہ مسائل کے حلاف انوائٹری میں کوئی مخصوص ثبوت
نہیں انوائٹری میں لایا گیا۔ جو کہ مسائل کی حرم سے
کوئی ربط ثابت کر سکے۔

یہ کہ مسائل کے دوران انوائٹری کو یہی بیان دیا گیا جو کہ مسائل
کی لکائی گئی ہے اس سے کئی چیزیں جو کہ مسائل کے حطر و
کی طرف کوئی توجہ نہیں دلائی گئی۔

یہ کہ مسائل کی لکائی اور ہے۔ اس کے ساتھ ساتھ وہ وقت کو حط
میں لکھا گیا۔

یہ کہ مسائل کے حلاف انوائٹری میں وہ ممالک و ممالک کے حلاف
عمل میں لایا گیا۔

یہ کہ مسائل کے حلاف کوئی مخصوص ثبوت نہیں ہے۔

مسائل کے ساتھ ساتھ ان کے حلاف بھی ہے۔ اور ان کے حلاف کے ساتھ ساتھ
پرخواست لکائی ہے۔ اور یہ مسائل کا مقدمہ عدالت میں لایا گیا
اس لئے درخواست اس میں بحقوق العرف کے حوالہ

حقیقت اور مسائل کی طولی حکمت کے تابع عدالت کو عدالت کو
مسائل کو عدالت میں دوبارہ بحال فرما کر شکوہ فرمائیں
اور دعا گوریں۔

الحق ان الله

NO. 1387

3746

11/10/2021

FC

Act: No. 0314-3030376

ATTACHED

VAKALAT NAMA

NO. _____/2021

IN THE COURT OF KP Service Tribunal, Peshawar

Ahsan Ullah,

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt

(Respondent)
(Defendant)

I/We, Ahsan Ullah

Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2021

Ahsan Ullah

(CLIENT)

ACCEPTED

TAIMUR ALI KHAN
Advocate High Court
BC-10-4240

CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Ihsan Ullah No.3746 who was awarded the major punishment of "Dismissal from service" under PR-1975 by SP/HQrs: Peshawar vide OB No.2579, dated 04-10-2021.

2- Short facts leading to the instant appeal are that the appellant while posted at Police Station Badaber Peshawar was proceeded against departmentally on the charges of his involvement in criminal case vide FIR No.460, dated 17.07.2015 u/s 324/34-PPC, Police Station Urmur Peshawar.

3- He was issued proper Charge Sheet and Summary of Allegations by SP/HQrs: Peshawar. SDPO/Suburb Peshawar was appointed as inquiry officer to scrutinize the conduct of the accused official. The inquiry officer after conducting proper inquiry submitted his findings and found him guilty. The competent authority in light of the findings of the inquiry officer issued him Final Show Cause Notice to which he replied but the same was found unsatisfactory. Hence he was awarded the above major punishment.

4- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant categorically denied the allegations and stated that he has been charged in the FIR only due to Police service and pleaded that he is innocent in the instant case. Keeping in view his plea, and other documentary proof, his appeal for reinstatement in service is hereby accepted. The punishment order of SP/HQrs: Peshawar issued vide OB No.2579, dated 04-10-2021 is hereby set aside. **He is hereby reinstated in service with effect from the date of dismissal.**

B44
31-3-2022

(MUHAMMAD IJAZ KHAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 1065-71 /PA dated Peshawar the 31 / 03 / 2022 |

Copies for information and necessary action to the :-

1. SP/HQrs: Peshawar
2. AD/IT CCP Peshawar.
3. OASI, CRC & Pay Officer,
4. FMC along with Fouji Missal.
5. Official Concern.

(Handwritten signature)