

19.07.2022

Appellant in person present. Mr. Noor Zaman Khattak,  
District Attorney present.

Representative of the respondents is absent, therefore,  
notices be issued to the respondents through registered post for  
submission of written reply/comments on 20.09.2022 before the  
S.B at Camp Court Abbottabad.

The appellant shall submit registered A.D within 02 days.



(Salah-Ud-Din)  
Member (J)

Camp Court Abbottabad

20<sup>th</sup> Sept 2022

Appellant in person present. Mr. Kabirullah  
Khattak, Addl;AG alongwith Mr. Muhammad Asif,  
Inspector for respondents present.

Written reply not submitted. Representative of the  
respondents assured that he will submit reply on the  
next date. Last chance is given. To come up for  
written reply/comments on 15.11.2022 before S.B at  
camp court Abbottabad.



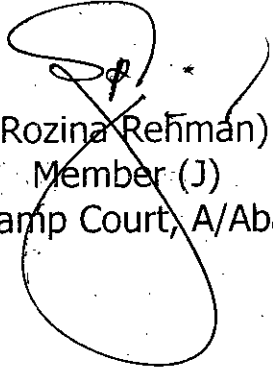
(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

15.11.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for written reply/comments on 14.03.2022 before S.B at Camp Court, Abbottabad.


Appellant to deposit  
Security & Process Fee

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

16.05.2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Written reply/comments on behalf of respondents not submitted. Learned AAG for the respondents sought time to submit the same on the fix date. Last opportunity is granted. To come for the same before S.B on 19.07.2022.

  
Fareeha Paul  
Member (E)  
Camp Court, Abbottabad

22.10.2020

Appellant in person present.

Lawyers are on general strike; therefore case is adjourned to 18.01.2021 for preliminary hearing before S.B at Camp Court, Abbottabad.



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

18.1.2021

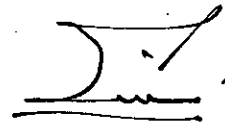
*Due to COVID 19, case is adjourned to 20.9.2021 for the same.*



20.09.2021

Nemo for the appellant.

Previous date was changed on Reader Note; therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing before the S.B on 15.11.2021 at Camp Court Abbottabad.



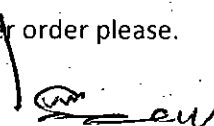
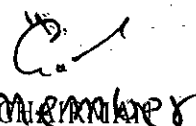

(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT ABBOTTABAD

Form- A

FORM OF ORDER SHEET

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

Case No.- 575 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/01/2020	<p>The appeal of Mr. Shafi-ur-Rehman received today by post through Mr. Hamayun 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> <p>This case is entrusted to touring S. Bench. at A.Abad for preliminary hearing to be put up there on <u>20-03-2020</u></p> <p style="text-align: right;"> MEMBER</p> <p>Due to covid ,19 case to come up for the same on / / at camp court abbottabad.</p> <p style="text-align: right;">Reader</p> <p>Due to summer vacation case to come up for the same on <u>22 / 10 / 20</u> at camp court abbottabad.</p> <p style="text-align: right;"> Reader</p>

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 525/2020

Shafi ur Rehman son of Sarfaraz (Ex-Head Constable), resident of Malkot  
Cum Gijbori, Tehsil & District Battagram.

...APPELLANT

**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa, Peshawar and others.

...RESPONDENT

**SERVICE APPEAL**

**INDEX**

<i>S.#</i>	<i>Description</i>	<i>Page No.</i>	<i>Annexure</i>
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3.	Copy of charge sheet	11 - 12	"B"
4.	Copy of reply	13	"C"
5.	Copy of inquiry report	14 - 22	"D"
6.	Copies of show cause notice	23 -	"E"
7.	Copy of order	24	"F"
8.	Copy of judgment	25 - 45	"G"
9.	Copy of appeal	46 - 48	"H"
10.	Copy of order	49	"I"
11.	Wakalatnama		

...APPELLANT

Through

Dated: 26/11 /2020

  
(HAMAYUN KHAN)

Advocate High Court, Abbottabad

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 525 /2020

Shafi ur Rehman son of Sarfaraz (Ex-Head Constable), resident of Malkot  
Cum Gijbori, Tehsil & District Battagram.

...APPELLANT

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 686

Dated 22/01/2020

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer/ DIG Hazara Region at Abbottabad.
3. District Police Officer Battagram.

...RESPONDENTS

APPEAL AGAINST THE IMPUGNED ORDER  
DATED 09/01/2020 PASSED BY RESPONDENT NO.  
1 AND ORDER DATED 13/03/2015 PASSED BY  
RESPONDENT NO. 3 ARE AGAINST THE LAW,  
FACTS CIRCUMSTANCES AND NATURAL  
JUSTICE AND LIABLE TO BE SET-ASIDE.

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PRAYER:- ON ACCEPTANCE OF INSTANT  
APPEAL ORDER DATED 09/01/2020 PASSED BY

**Filed to-day**  
**Registrar**  
**22/01/2020**

RESPONDENT NO. 1 AND ORDER DATED  
13/03/2015 PASSED RESPONDENT NO. 3 BE  
DECLARED NULL AND VOID-AB-INITIO AND  
APPELLANT BE RE-INSTATED IN SERVICE WITH  
ALL BACK BENEFITS.

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Respectfully Sheweth;-

This appeal mainly proceeds on bellow stated factual and  
legal grounds.

1. That appellant was appointed as Constable on  
24/01/1995.
2. That due to good progress and performance in the  
year 2007 passed the lower course and similarly in  
2014 passed intermediate.
3. That due to personal grudges on the direction of  
SHO Police Station Battagram firstly SHO P.S  
Cantt. Abbottabad lodged FIR NO. 553 under  
Section 9C-CNSA dated 27/05/2013 P.S Cantt.  
Abbottabad and thereafter on 31/10/2014 SHO P.S  
Shinkiari lodged another FIR No. 392 dated

31/10/2014 under Section 9C-CNSA P.S Shinkhari Mansehra. Copy of FIR is annexed as Annexure "A".

4. That on 12/11/2014 Superintendent of police CTD Hazara Region Abbottabad issued charge sheet alongwith statement of allegation. Copy of charge sheet is annexed as Annexure "B".
5. That on 18/11/2014 appellant submitted reply of the same. Copy of reply is annexed as Annexure "C".
6. That after lodging of FIRs respondents conducted inquiry against the appellant in respect of offences mentioned in FIR, in consequence of the inquiry report and statement of witness appellant was declared innocent by the inquiry officer. Copy of inquiry report is annexed as Annexure "D".
7. That after lodging FIR I.Os of both the police station filed challan for trial before the learned Additional Sessions Judge-II, Abbottabad and Additional Sessions Judge-II, Mansehra.



8. That on 27/02/2015 respondent No. 3 issued final show cause notice against the appellant and on 05/03/2015 appellant submitted reply of the same. Copies of show cause notice is annexed as Annexure "E".
9. That on 12/03/2015 respondent No. 3 issued impugned order, whereby appellant was dismissed from service. Copy of order is annexed as Annexure "F".
10. That on 17/01/2018 after recording of evidence of the prosecution, but during trial prosecution fail to proof allegation and on 17/01/2018 learned Additional Sessions Judge-II, Abbottabad announce judgment and appellant was acquitted and similarly on 22/12/2018 learned Additional Sessions Judge-II, Mansehra passed judgment and appellant was acquitted from the charges leveled against him by the local police. Copy of judgment is annexed as Annexure "G".
11. That on 20/03/2015 appellant filed departmental appeal against the impugned order dated 13/03/2015 before the respondent No. 2 and

similarly on 21/06/2019 filed another appeal before the respondent No. 1. Copy of appeal is annexed as Annexure "H".

12. That on 09/01/2019 respondent No. 1 passed impugned order on the appeal of the appellant whereby respondent No. 1 modified order dated 13/03/2015 and punishment was converted from dismissed to compulsory retirement. Copy of order is annexed as Annexure "I".

13. That feeling aggrieved from the above said impugned orders appellant filed this appeal on the following grounds:-

**GROUND:-**

- a. That both the impugned orders are against the law fact, have liable to be set-aside.
- b. That all proceeding were conducted with malafide intention, against the principle of natural justice.

- c. That respondents are miserably failed to proved allegation against the appellant.
- d. That respondent No. 1 passed impugned order dated 13/03/2015 before the final judgments of courts of competent jurisdiction.
- e. That after acquittal from charges leveled against the accused in the FIR, thereafter respondents have no power to issued impugned order, whereas it come to classically example of misuse of authority and power.
- f. That at the time of passing impugned orders respondents ignored all basic principle of natural justice and equity.
- g. That respondent ignored the finding of inquiry committee and evidence of the record, and issued impugned order, hence both orders are liable to be set-aside.

h. That respondent No. 3 adopted his own procedure and passed impugned order against the E&D Rules.

i. That the other points would be urge at the time of Arguments with the kind permission of this Honourable Court Tribunal.

It is, therefore, humbly prayed that on acceptance of instant appeal order dated 09/01/2020 passed by respondent No. 1 and order dated 13/03/2015 passed by respondent No. 3 be declared null and void-ab-initio and appellant be re-instated in service with all back benefits. Any other relief which this Honourable Tribunal deems fit and proper in the circumstances of the case may also be granted to the appellant.



...APPELLANT

Through

Dated: 26/1 /2020



(HAMAYUN KHAN)

Advocate High Court, Abbottabad

**VERIFICATION:-**

*Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.*



...APPELLANT



تاریخ  
تاریخ

لیم ملزم زید الرحمن ۱۴۰۱ سال قد ۶-۵ مفلو بدن گوارانگ نافانده

تاریخ مارش ۱۳۲۲-۰۷۳۷۴۱۸-۶ تاریخ ۰۳۰۱-۸۱۳۸۲۲۰ علمه بلنم

تفع الرقان عمر ۳۸/۳۹ سال قد ۶-۵ مفلو بدن گوارانگ نافانده

تاریخ مارش ۱۳۲۲-۵۰۸۷۱۵۸-۶ تاریخ ۰۳۰۱-۸۱۳۰۳۴۶

۱۱۰ کی گمان شنلاری ۳۰-۱۰-۰۱۴ کاروانی گمان آوند مراد حفا مارش ۱۳۲۲-۰۷۳۷۴۱۸-۶

شانی سکا جانی برده گوارانگ نافانده

SHK ۵۵  
30-10-014



CHARGE SHEET

ANNEXURE B - II

I, Malik Ahjaz Khan Superintendent of Police CTD Hazara Region Abbottabad being competent authority is hereby charge you Head Constable Shafi Ur Rehman No.237 as explained in the attached statement of allegation.

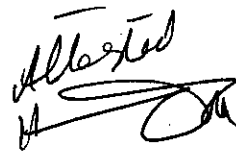
You are therefore, directed to submit your written defence within seven days on the receipt of this charge sheet to the enquiry officer.

Your written defence, if any should reach the enquiry officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case Ex-parte action will be taken against you.

Intimate whether you desire to be heard in person or otherwise.

A statement of allegation is enclosed.

  
Superintendent of Police,  
CTD, Hazara Region Abbottabad.





DISCIPLINARY ACTION

12

I, Malik Ahjaz superintendent of Police, CTD Hazara Region Abbottabad is competent authority of the opinion that you Head Constable Shafi ur Rehman No.237 of CTD District Battagram have rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975.

STATEMENT OF THE ALLEGATION

As per report received from Dsp CTD Battagram, on 30-10-2014, you Head Constable Shafi ur Rehman No.237 along with another person namely Zaib Ur Rehman were on way from Battagram to Mansehra Travelling in Alto Motor car bearing registration number 4797/RNG. You were stopped by SHO Shankiari near Khanpur and carried out your personal search. One Kg charse along with one 30 bore Pistol and 12 rounds were recovered from your possession while 2 Kg charse was also recovered from your companion a proper case Vide FIR No.392 dated 30-10-2014.U/S 9C-CNSA Police Station Shinkari was registered against you, which is a gross misconduct on your part .For the purpose of securitizing the conduct of said accused official with the reference of above allegation Mr Muhammad Nawaz DSI, CTD is deputed to conduct departmental enquiry against you.

The enquiry officer shall in accordance with the provision of P.R 1975 Rules provide reasonable opportunity of hearing the defaulter, furnish findings within 30 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

The accused and a well conversant representation of the departmental shall in the proceeding on the date, time and place fixed by the Enquiry officer.

~~Superintendent of Police,  
CTD, Hazara Region Abbottabad.~~

No. 455-56 /R dated Abbottabad the 12-11-2014.

Copy of above is forwarded to:-

1. Mr. \_\_\_\_\_ (Enquiry officer) for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975.
2. Head constable Shafi Ur Rehman No.237 through reader CTD Hazara region with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry officer on the date, time and place fixed for the purpose of departmental proceedings.

~~Superintendent of Police,  
CTD, Hazara Region Abbottabad.~~

*Attested*  
*[Signature]*

بحوالہ چارج شیٹ نمبری R/56-455 خرودہ 12/11/2014 مجاریہ جناب قابل احترام SP صاحب CTD ہیڈ کوارٹر ہزار در شاہ ایٹ آباد ہزارہیں ہوں کہ اندر میں بارہ سال ذیل عرض گزارش ہمیکہ۔

- ۱۔ یہ کہ سال 1995 میں محکمہ پولیس میں بحیثیت کانسٹیبل بھرتی ہو کر سروس کے دوران ترقی کے مختلف مراحل طے کرتے ہوئے اب حال ہی میں انٹرنیڈیٹ کورس PTC سے واپس آیا ہے۔ سروس کے دوران سالانہ ہر گھڑی محکمہ کے مورال و عزت اور وقار کو بلند رکھنے کی ہر ممکن کوشش کی ہے اور کبھی بھی ایسی حرکت نہیں کی ہے جسے محکمہ پر کوئی آنچ آیا ہو اور سالانہ ہر لمحہ کارسز کو مقدمہ سمجھ کر ترجیح دی ہے بلکہ کسی انفرکوشکایت کا موقع نہیں دیا ہے۔
- ۲۔ یہ کہ سال ایک غریب اور باعزت خاندان سے تعلق پذیر ہے سال کے خلاف کوئی جوڈیشل ثبوت موجود نہ ہے اور نہ کوئی غیر جانبدار شہادت موجود ہے بلکہ سال کو غلط طور پر منشیات جیسے ناسور کے مقدمہ میں ملوث کیا گیا ہے حالانکہ ایک محافظ ہونے کے ناطے سال اس طرف سوچ بھی نہیں سکتا ہے۔
- ۳۔ یہ کہ سال اور سال کا رشتہ دار مورخہ 30/10/2014 کو بذریعہ موٹر کار نمبری 4797 RNG گاڑی س کے ذریعے ایٹ آباد چارہ تھے راستہ میں حدود شکلیاری اچھڑیاں کے قریب پانچ اشخاص جنکے ساتھ سفید رنگ کی ALTO گاڑی تھی اور پانچ اشخاص سفید پرچات میں ملوث تھے عقب جانب سے آکر ہماری گاڑی کے بالکل سامنے اپنی گاڑی کھڑی کی اور کہا کہ ہم شکلیاری تھانہ کے پولیس والے ہیں اور ایک دم ہمیں قابو کر کے سال سے دو عدد موبائل از قسم NOKIA 1208 اور Q E-440 رشتہ دار ام زیب الزحمان سے ایک موبائل X-1 اور سال کے جیب سے مبلغ 28500/- رشتہ دار کے جیب سے 35000 روپیہ زبردستی نکال کر اپنے قبضے میں کی اسی طرح سال سے ایک عدد پستول 30bore نمبر 6931 اور 23 عدد کارتوس بمعدہ لائسنس اور سال کی گاڑی درج بالا بھی زبردستی لے کر اپنے تحویل میں کی اور پھر ہمیں تھانہ شکلیاری لے جا کر وہاں پر پہلے سے تھانہ موجود SHO شیراز احمد کو پیش کیا اور کہا کہ ہم نے دو بد معاش پکڑے ہیں اور کہا کہ ہر دو نے ان کے ساتھ مزاحمت بھی کی ہے۔ متعلقہ اشخاص کے کہنے پر SHO کافی غصہ ہوا گا لیاں دینا شروع کی اور پھر مارا پیٹا اور اس کے بعد SHO نے غصے میں کہا کہ اب آپ لوگوں کے ساتھ سختی سے نمٹا جائے گا اور ہمیں الگ الگ حوالات میں بند کر دیا۔
- ۴۔ یہ کہ SHO شکلیاری اور ان کے کچھ اہلکاران موقع پر موجود تھے اور نہ ہی ہم سے موقع پر اور نہ ہی تھانہ میں کوئی منشیات برآمد ہوئی ہے SHO شکلیاری نے سال کے کھاتے میں ایک ہزار گرام اور رشتہ دار کے کھاتے میں دو ہزار گرام چرس ڈال کر ہمیں بے جا اور بے بنیاد مقدمہ میں پھنسا یا جو کہ انصاف نہیں ہے اس حوالہ سے SHO شکلیاری اور گواہان فرد کو طلب کیا جا کر ان سے قرآن پاک پر حلف لینے کے بعد باز پرس کیا جائے کہ وائس SHO مذکورہ اور ان کے متعلقہ سٹاف موقع پر موجود تھے یا نہیں یا ہم سے اس نے موقع پر یا تھانہ میں کوئی منشیات برآمد کی ہے یا نہیں تاکہ یہ ثابت ہو جائے کہ وہ عینی برصداقت ہے یا نہیں۔
- ۵۔ یہ کہ سال بے گناہ اور نیکو ہے۔
- ۶۔ یہ کہ سال کے خلاف کوئی غیر جانبدار اور لا تعلق گواہ موجود نہ ہے بلکہ جملہ گواہان پولیس کے ہیں۔
- ۷۔ یہ کہ سال کے خلاف درج رجسٹر FIR میں کوئی صداقت نہ ہے مٹی برحقیقت نہ ہے بد نیتی اور سازش ہے۔
- ۸۔ یہ کہ سال اور سال کے رشتہ دار سے کوئی برآمدگی نہیں ہوئی ہے نام نہاد برآمدگی سے سال کا اور سال کے رشتہ دار کا دور کا واسطہ اور تعلق نہ ہے۔
- ۹۔ یہ کہ FIR میں جملہ کہانی خود ساختہ ہیں جملہ واقعات کو SHO صاحب شکلیاری نے حقیقت کارنگ دینے کی ناکام کوشش کی ہے حالانکہ جملہ کہانی غلط بنیاد میں گھرت اور فرضی جھوٹ پر مبنی ہے اور صداقت سے اس کا کوئی واسطہ نہ ہے۔
- ۱۰۔ یہ کہ SHO شکلیاری نے شخص اپنی کارکردگی دکھانے کے لئے سال اور سال کے رشتہ دار کو منشیات جیسے مقدمہ میں ملوث کیا جو کہ انصاف نہ ہے۔ SHO نے میرا اسلحہ لائسنس نمبر 302 مورخہ 10/11/2014 کو ایٹ آباد جاتے ہوئے تھانہ شکلیاری میں مجھے واپس دیا اور لائسنس یافتہ پستول پر 15AA کا غیر قانونی مقدمہ درج کیا ہے جو کہ ظلم ہے۔
- ۱۱۔ یہ کہ ابتدائی طور پر سفید پرچات میں ملوث افراد کے ساتھ کچھ ٹکرا ہوئی تھی بد میں وجہ شاید یہ پولیس والے نہیں ہے حالانکہ سفید پرچات میں سڑک پر کڑا ہونا نہ کہ بندی کرنا لوگوں کی تلاش لینا وغیرہ وغیرہ نہ صرف تھانہ خلاف ورزی ہے بلکہ قانونی جرم ہے۔

لہذا حالات بالا کے پیش نظر سال کے حال پر رحم فرما کر ماتحت پروری اور خدا ترسی کے بناء پر اصل حقائق کی روشنی میں انکواری کر کے چارج شیٹ فائل فرما کر داخل دفتر کیا جا کر مشکور فرمائیں۔ سال تاحیات دعا گور ہے گا۔

الغرض

سال شفیع الزحمان نمبر 237/HC متعینہ ctd ہیڈ کوارٹر ایٹ آباد ہزارہ

Signature

المترجم 18/11/2014

Signature

# ANNEXURE "D"

## FINDINGS OF THE ENQUIRY

14

Against Head Constable Shafi ur Rehman No. 237 DCIO ABBOTTABAD,

DCT/SB Peshawar

Respected Sir,

The undersigned were entrusted with an enquiry against the above captioned head constable with the following allegation:-

1. He was arrested by the police of PS Cantt Abbottabad on 26.05.2013 and recovered hashish from his possession when he was charged in a case vides FIR No. 553 dated 27.05.2013 u/s 9CCNSA.

2. He remained absent from his lawful duties since 27.05.2013 to 08.06.2013, and was confined to Abbottabad prison by Magistrate Abbottabad in the said case.

3. His pay has already been stopped in this regard.

4. He was served with a Show Cause Notice No. 2899/EC dated 05.06.2013 by the Worthy SSP Admin DCT, SB.

5. He submitted his written reply to the show cause notice but failed to satisfy the high ups.

6. He was then charge sheeted with charge sheet No. 3087-90 dated 05.06.2013 by the worthy SSP Admin DCT/SB for allegations, leveled against him (mentioned above) and an enquiry was initiated against him.

During the course of enquiry the defaulter head constable was summoned and his statement was got recorded, stating thereby that he had gone to Rehmat Hospital Abbottabad for medical treatment on 26.05.2013 and had an altercation with a police personnel, dressed in civvies near the said hospital over body search. He was arrested by the police and was shifted to PP Sikandar Abad from where he was then shifted to PS Cantt, after a night confinement in PP Sikandar Abad, where the mentioned case was registered against him.

The witnesses were summoned through summon.no. 493/INV dated 19.06.2013 to record their statements but except DCIO Battagram, Inspector Humayun Khan, no one bother to record their statements.

Later on, the statements of ASHO PS Cant Mr. Niaz Mohammad Khan, SI Tariq Mehmood, Constable Tauqir No. 505 were got recorded by the undersigned, which are quite different from each other.

Moreover, who states that during the course of interrogation, the ASHO PS Cantt Niaz Mohammad Khan confirmed his confinement in the cell on 26.05.2013 and lodging of FIR on 27.05.2013.

Attested

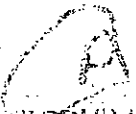
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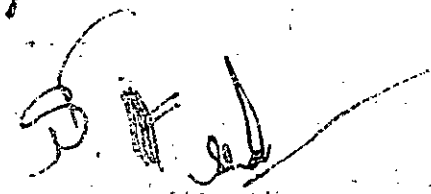
15

In the light of the above facts, it is stated that the defaulter head constable seems to be innocent as he was arrested on 26.05.2013 and was charged on 27.05.2013, and the statements of the witnesses are different which speaks highly adverse on the part of police.

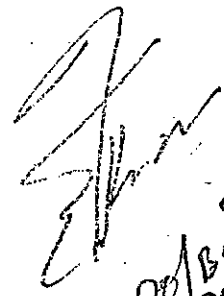
Therefore it is recommended that if approved, the enquiry in hand may be hanged till the decision of district Courts Abbotabad, releasing his pay,

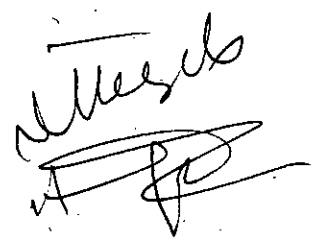
~~not~~ Submitted Please.

  
ABDUR REHMAN  
Inspector DCT, SB  
Peshawar. 2/8/13

  
SYED LIAQAT SHAH  
RCIO Peshawar, DCT, SB  
Peshawar. 2-8-13

WAHED

  
OPO Ballapur  
District Police Officer  
Ballapuram



ORDER

16

By this order of today on 5/11/2013 will dispose off the departmental proceedings initiated against Head Constable Shafi-ur-Rehman No 237 of this Unit on the score of allegations that:-

The DCIO, DCT, SB: Battagram, was reported that he absented himself intentionally and deliberately from his lawful duties without any kind of leave or permission from his superiors since 26-05-2013. Due to his absence his pay was stopped vide this office OB. No. 268 dated 28.05.2013.

During his absence, he was arrested by Sub Inspector Mohammad Tariq Khan of Police Station Cantt: Abbottabad recovering 1050 gram of "Hashish" from his possession and a Case vide FIR No. 553 dated 27-05-2013 under section 9CNSA PS: Cantt: Abbottabad was registered against him and he was sent to District prison Abbott Abad. Being a Police Officer his such act was against Police Rules, 1975 read with Police Ordinance 2002.

He was charge sheeted and an Enquiry Committee was constituted consisting upon the following Officer of this Unit to proceed him against departmentally.

1. Mr. Syed Liaqat Shah, DSP, RCIO Peshawar.
2. Mr. Abdul Rehman, Inspector, DCIO-III Peshawar.

During the course of enquiry the defaulter Head Constable was summoned and his statement was got recorded. The following Police Officers/Officials of Abbottabad district were also summoned and their statements were got recorded which are placed on file:-

1. SI Niaz Muhammad Khan, ASHO PS Cantt, Abbottabad (Annexed F/A),
2. SI Tariq Mehmood, PS Cantt, Abbottabad. (Annexed F/B),
3. FC Tauqir, PP Sikandarbad, PS Cantt, Abbottabad.
4. (Annexed F/C),

After perusal of recorded statement of above mentioned officers/officials a contradiction was found present amongst the statements of the Officers in the case against HC Shafi Ur Rehman No 237.

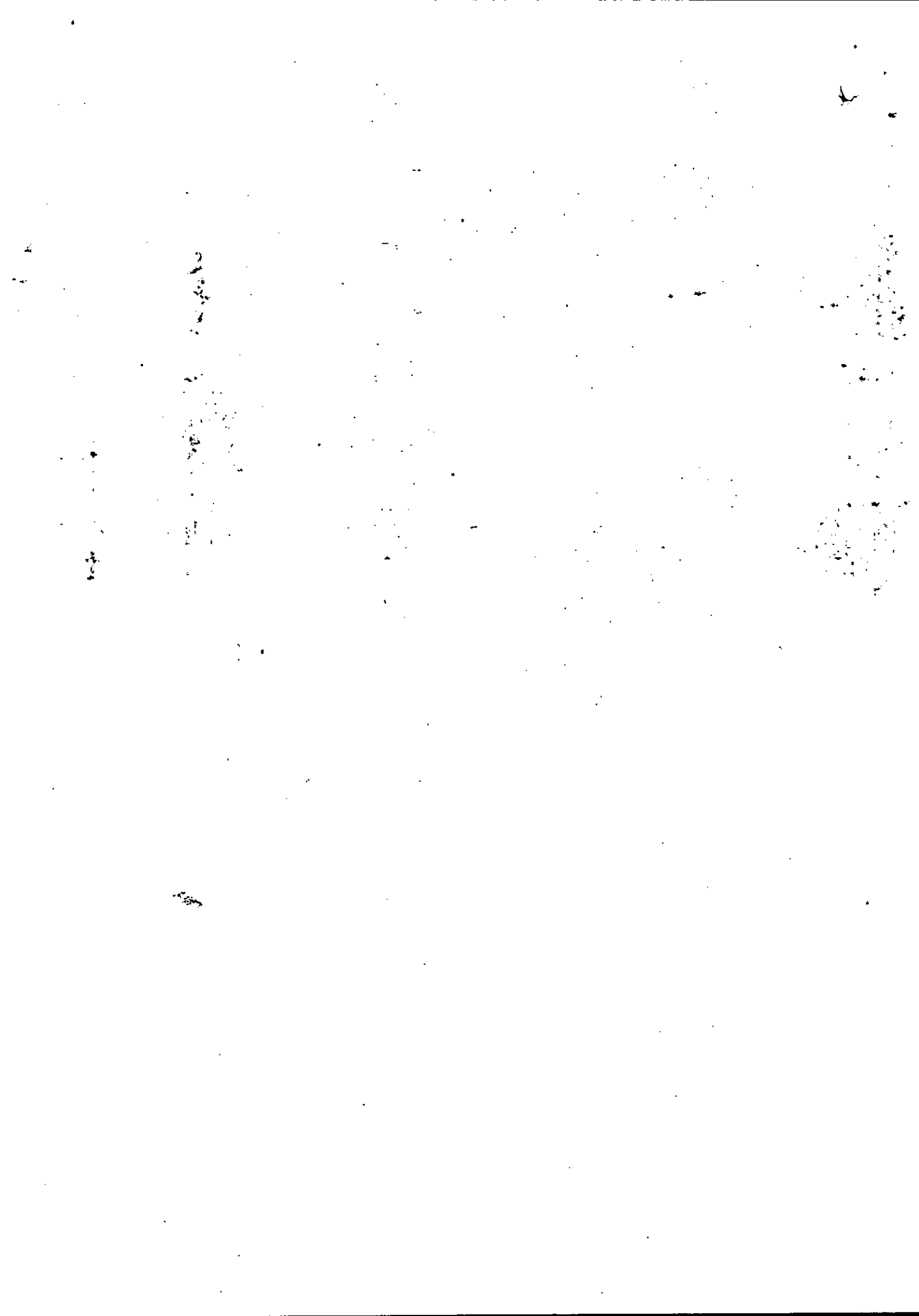
Finding of the Enquiry Committee was also perused. The Enquiry Committee stated that "During the course of interrogation, the ASHO PS Cantt Niaz Muhammad Khan confirmed his confinement in the cell on 26-05-2013 and lodging of FIR on 27.05.2013." } m/p

In the light of the above facts, it is stated that the defaulter Head constable seems to be innocent as he was arrested on 26.05.2013 and was charged on 27.05.2013, and the statements of the witnesses are different which creates doubtfulness in the matter on the part of defaulter Head Constable. } d/p

26/5/2013  
 27/5/13  
 2013

Attested  
 Director  
 27/5/13

H. Q.



The Enquiry Committee recommended that the enquiry may be stopped till the decision of the Criminal Case registered against defaulter Head Constable so that the facts.

In view of above, consequent upon the finding of the Enquiry Committee, the Enquiry is hereby ordered to be stopped till the decision of the Criminal Case registered against Head Constable Shafi-ur-Rehman. However, pay is hereby released.

Order announced.

Dated 8/11/2013.

(SHAH ALI KIYANI) PSP  
Sr: Superintendent of Police,  
Admin: DCT, SB: Khyber Pakhtunkhwa,  
Peshawar.

No 5570 /PA/DCT

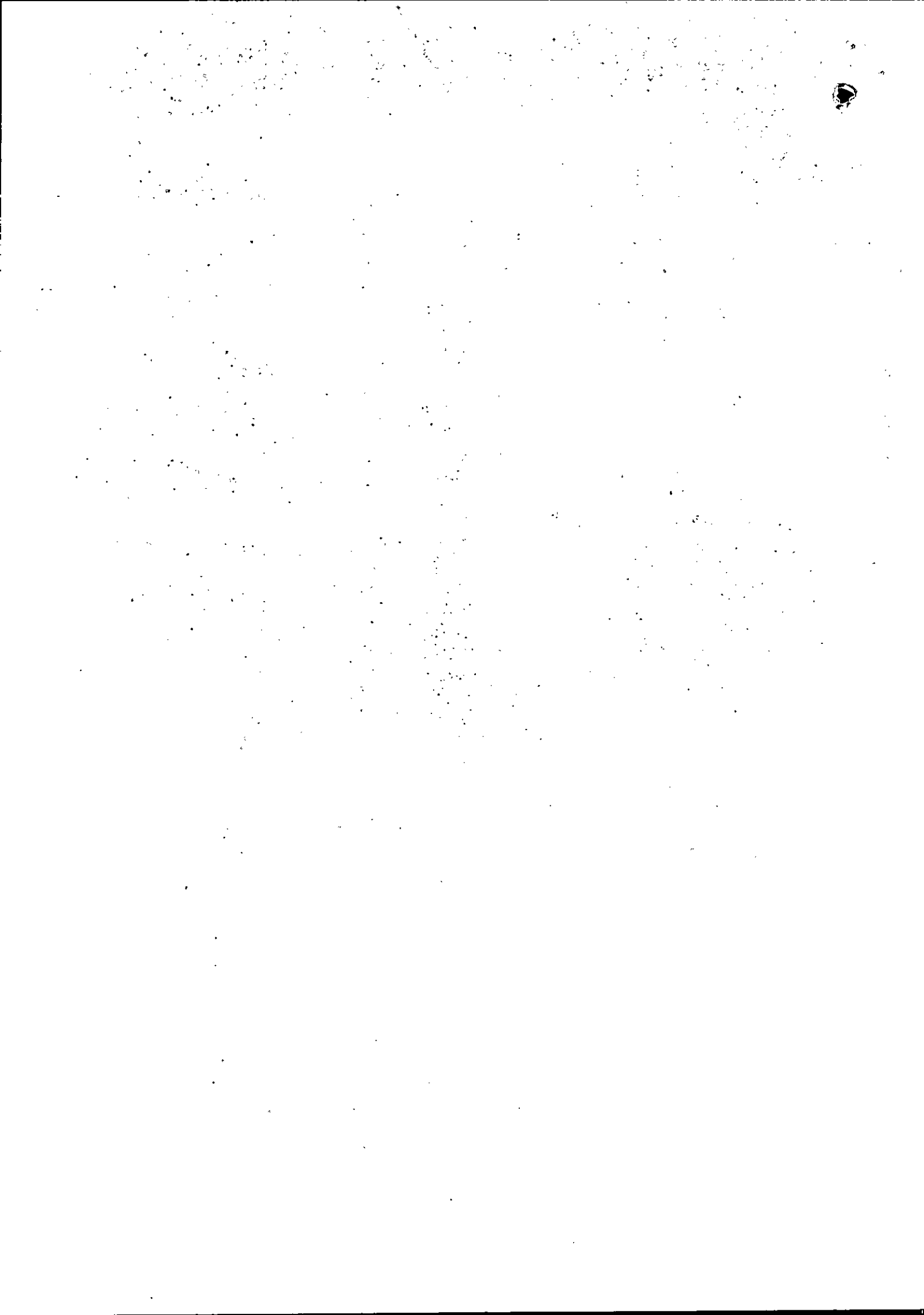
Dated Peshawar the 8 / 11 / 2013.

Copy of above is forwarded to all concerned in DCT-SB, Khyber Pakhtunkhwa, Peshawar.

Attested

*[Signature]*  
District Police Officer  
DPO/PA/13/13

Attested  
*[Signature]*

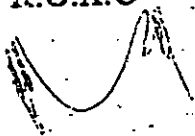




STATEMENT OF SI NIAZ MUHAMMAD ADDL SHO, PS LORA ABBOTTABAD

Stated on oath that during the days of registration of case FIR No. 553 dated 27-05-2013 w/o 9 CNSA PS Cantt, Abbottabad against Constable Shafi ur Rehman s/o Sarfaraz, I was posted as Additional SHO PS Cantt Abbottabad. I was present in PS on 26-05-2013. I returned from my routine patrolling on 26-05-2013 at about 23:45 hrs and found one Shafi ur Rehman, Police constable of DCT inside the Police station. I shake hand with Shafi ur Rehman and ~~left for my room~~. At this time neither Shafi ur Rehman was confined in lock up nor any case was registered nor Murasila was drafted. On the next day on 27-05-2013 I received a Murasila report drafted by SI Tariq Mehmood, incharge PP Sikandar Abad at about 16:30 hrs in which he had recorded the time of incident at 15:30 hrs, I cannot say that whether the accused Shafi ur Rehman was released from PS or taken by the SI Tariq Mehmood, for making a false case against the Constable. However it is conformed that I have personally seen Constable Shafi ur Rehman s/o Sarfaraz caste Swati r/o Malkot, Ps Koza Banda, District Battagram.

R.O.A.C



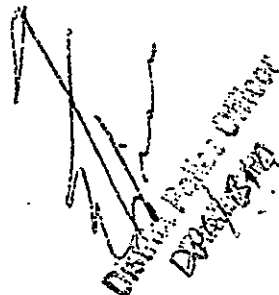
SI Niaz Muhammad

(Attested)



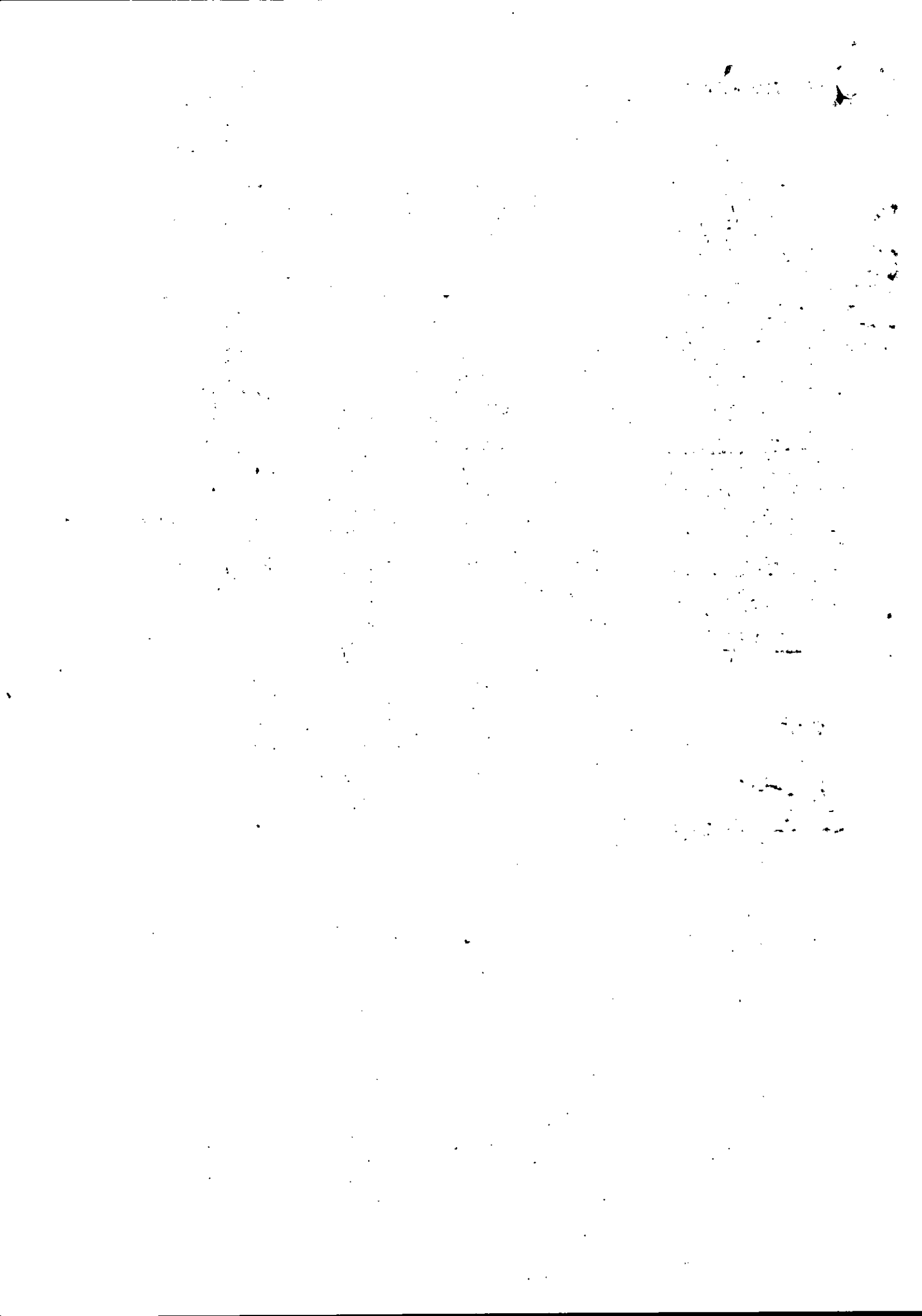
Enquiry Officer

Attested



District Police Officer  
District Police Office

Attested  
H



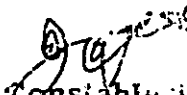
STATEMENT OF Constable Tanzeer No. 505 presently under training  
Traffic School Peshawar

19

Stated on oath that during the days of registration of case FIR No. 553 dated 27-05-2013 u/s 9 CNSA PS Cantt, Abbottabad against Constable Shafi ur Rehman s/o Sarfaraz, I was posted as constable in PP Sikandar Abad PS-Cantt Abbottabad. A few days before Inspector Abdul Rehman of DCT recorded my statement on 04-07-2013 in the presence of RCIO Peshawar Syed Liaqat Shah. It is correct that I have signed sentence serial No. 01 in which I declared disclosed that Mr. Shafi ur Rehman was arrested on 26-05-2013. It is also correct I have stated in my statement that it was Sunday and constable Imtiaz, IHC Khan Afsar, SI Tariq Mehmood were roaming in cives not in uniform. It is also correct that I have stated in my statement that I do not know about the fard (recovery memo). It was remained about 16:00 hrs on 26-05-2013 where we arrested Mr. Shafi ur Rehman. We were not on patrolling but were walking in cives. I have seen the Hashish recovered from the possession of Shafi ur Rehman but did not noticed regarding its weighting. He took a simple from the Hashish in my presence on 27-05-2013.


R.O.A.C

(Attested)

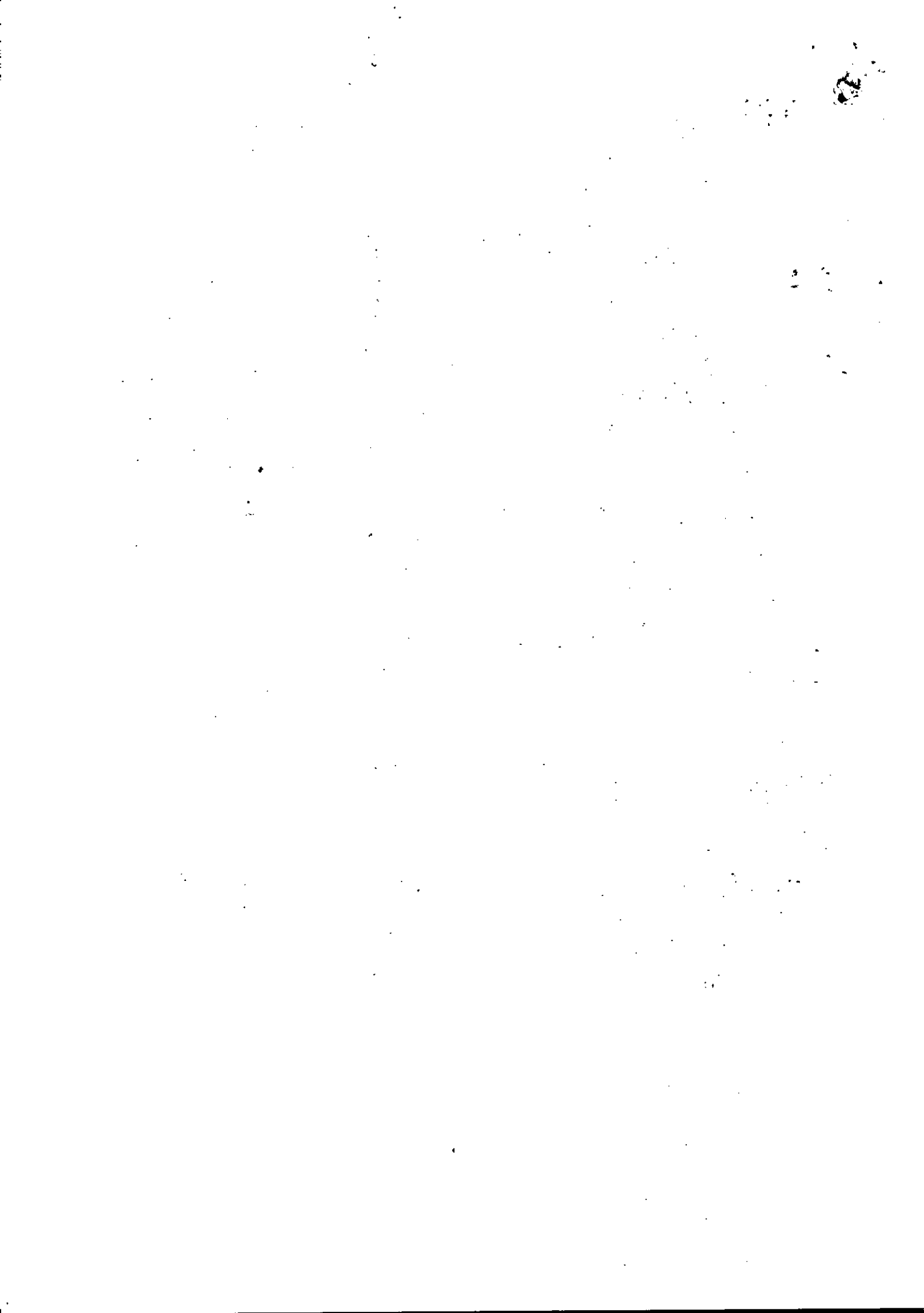
  
Constable Tanzeer No 505

Enquiry Officer

Attested

  
Dist. DPO/BA-Enq.  
Bakhtawar

Attested  

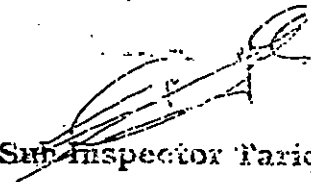



STATEMENT OF SI TARIQ MEHMOOD, INCHARGE PP SIKANDAR ABAD  
NOW ADDL: SHO PS HAVELIAN, ABBOTTABAD

Stated on oath that during the days of registration of case FIR No. 553 dated 27-05-2012 u/s 9 CNSA PS Cantt, Abbottabad against Constable Shafi ur Rehman s/o Sarfaraz, I was posted as incharge PP Sikandar Abad; PS Cantt Abbottabad. On 26-05-2013, again added 27-05-2013 I was on routine patrolling in near Rehmat Hospital Abbottabad at about 13:30 hrs; when I saw a suspicious person want to arrest him and hence succeeded in his arrest who declared his name as Shafi ur Rehman s/o Sarfaraz caste Swati. I took his personal search and recovered Hashish weighting 1050 gram from his possession. I had taken the scale in my possession and weight about 1050 gram. It is incorrect to suggest I had weight the Hashish in Police station. It is also incorrect to suggest that I have prepared only two parcel. It is also incorrect to suggest that Shafi ur Rehman was brought on 26-05-2013. It is also incorrect to suggest that the case was planted by me. It was also incorrect to suggest that I have person grudges with Shafi ur Rehman HC of DCT for sending a report to the headquarter DCT. It is also incorrect to suggest that constable Tauqeer does not know what is fard (recovery memo).


R.O.A.C,

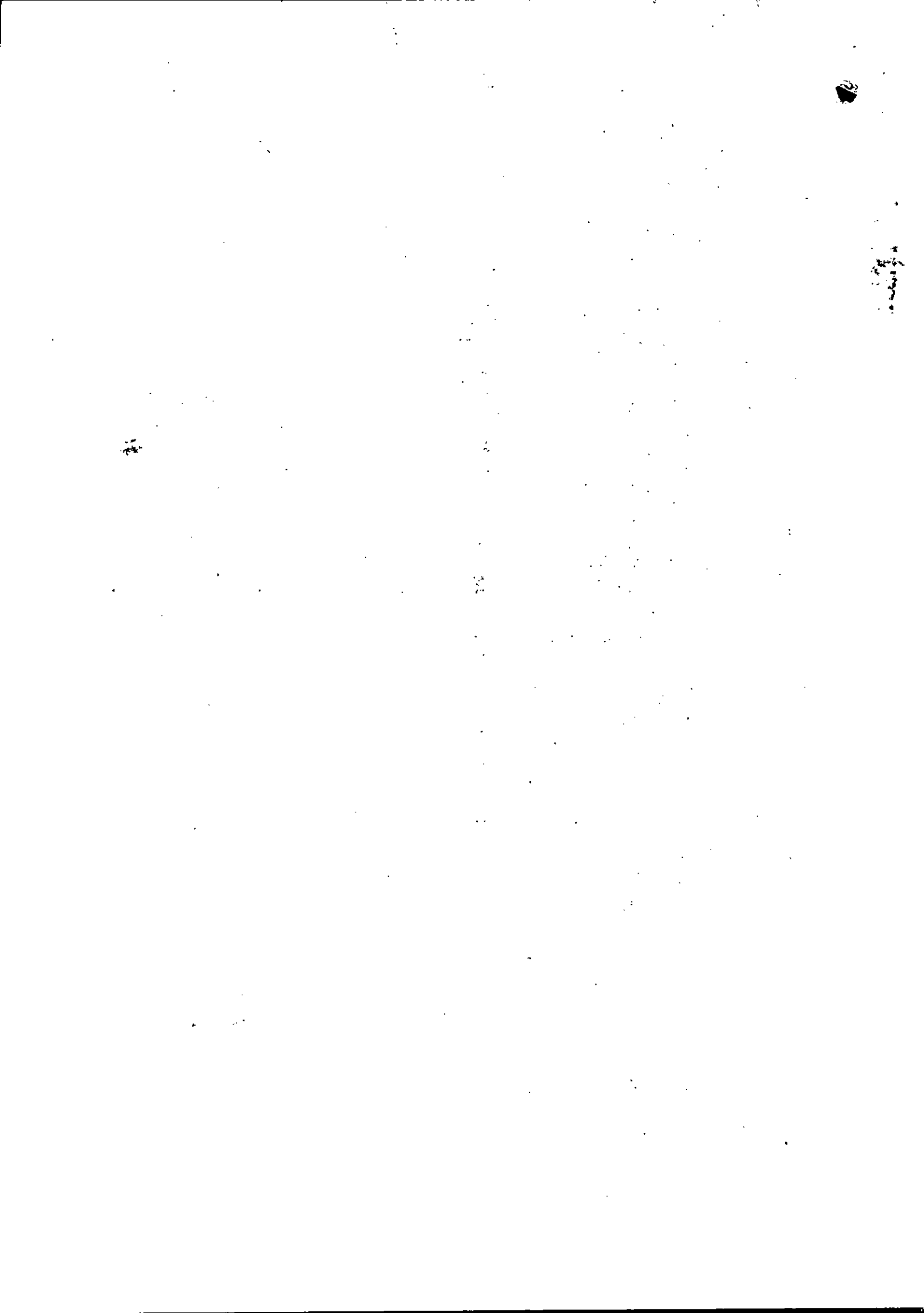
(Attested)



Sub Inspector Tariq Mahmood,

Enquiry Officer

Attested  
  
Dist. Enquiry Officer



32 21

To RCIO Hazara.  
DCIO Abbottabad.  
DCIO Battagram.

Subject: SUMMON UNDER CHAPTER VII- SECTION 94 CR.PC

Memo:

A departmental enquiry is initiated in this Unit against Shafi ur Rehman No. 237/HC of DCT, in which the statement of the following person is required to be recorded in case FIR No. 553 dated 27-05-2013 u/s 9 CNSA PS Cantt, Abbottabad.

- i. Inspector Hamayun Khan DCIO, Battagram. Along with Attested copy of DD report.
- ii. Sub-Inspector Tariq Mehmood, PS Cantt Abbottabad.
- iii. Sub-Inspector Niaz Khan, PS Cantt, Abbottabad.
- iv. Sub-Inspector Ayub Khan OII, PS Cantt presently PS Lora, Abbottabad. Along with attested copy of FIR and recovery memo.
- v. HCO Khan Afsar, PS Cantt Abbottabad.
- vi. Constable Imtiaz No. 182, PS Cantt Abbottabad.
- vii. Constable Toqeer No. 505, PS Cantt, Abbottabad.
- viii. Head Constable Shafiq ur Rehman No. 237, DCT/Hqr.

You are hereby directed to inform the above mentioned person to attend this office on 25-06-2013 (Tuesday) at 10:00 am in connection with enquiry without fail.

(Syed Liaqat Shah), DSP  
DCT, SB: Khyber Pakhtunkhwa  
Peshawar.

No. 423/INV/DCT,SB

Peshawar the 19/06/2013.

Copy to SSP/Admin., DCT-SB for information.





OFFICE OF THE DISTRICT POLICE OFFICER, BATTAGRAM

FINAL SHOW CAUSE NOTICE

(Under Rule 5 (3) KPK Police Rules, 1975)

I, Jehanzeb Khan, District Police Officer, Battagram, as Competent Authority under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules-1975, Removal from Service do hereby you **Head Constable Shafi Ur Rehman No. 14** as follow:-

1. As per report received from DSP CTD Battagram on 30.10.2014. you Head Constable Shafi ur rehman No. 14 alongwith another person namely Zaib ur Rehman were on way from Battagram to Mansehra traveling in Alto Motor Car bearing registration No. 4797/RNG. You were stopped by SHO Shinkyari near Khanpur and carried out your personal search. One KG Charras alongwith one-30 Bore Pistol and 12- rounds were recovered from your possession while 2-KG Charras was also recovered from your companion a proper case vide FIR No. 392 dated 30.10.2014 U/S 9C-CNSA Police Station Shinkiari against you.
2. During interrogation you disclosed that you are earlier remained in another case of smuggling vide case FIR No. 553 dated 02.05.2014 U/S 9C-CNSA Police Station Cantt Abbottabad. On receiving these information DIG CTD directed SP CTD Hazara to initiate departmental enquiry against you Head Constable for your direct involvement in 2- different heinous nature cases. As per direction of DIG CTD, proper departmental enquiry was conducted after fulfillment of all codel formalities and you Head Constable Shafi ur Rehman were found guilty of the allegation leveled against you the enquiry officer recommended you for the major penalty. Your this act is gross misconduct and liable to be punishment.
3. On going through the findings and recommendation of the enquiry officer, material on the record, reply of the charge sheet/summary of allegations and other connected papers, I am satisfied that you have committed the following acts/omissions specified in rule 5 (3) KPK, Police Rules-1975.

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Page 1 of 1

# ORDER

ANNEXURE

24

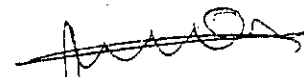
HC Shafi ur Rehman No. 14 was enlisted in Police Department on 24.01.1995. While he was posted at CTD Battagram involved in case FIR No. 553 dated 02.05.2014 U/S 9CNSA Police Station Cantt Abbottabad and Case FIR No. 392 dated 30.10.2014 U/S 9-CNSA PS Shinkiari District Mansehra.

Charge sheet was issued along with the summary of allegation Mr: Muhammad Nawaz DSP CTD was appointed as enquiry officer by the Superintendent of Police CTD, Hazara Region Abbottabad vide Endst: No. 455-56/R dated 12.11.2014.

The enquiry Officer in his findings found him guilty and recommended him for the major Punishment. Final Show Cause Notice was also issued to him vide this office Endst: No136/PA, dated 27.02.2015 as per direction of Addl: Inspector General of Police Enquiry & Inspection, Khyber Pakhtunkhwa, Peshawar office Endst: No. 122-25/E&I dated 13.01.2015.

After perusal of enquiry and other relevant papers available on the record, I, Jehanzeb Khan, PSP, District Police Officer, Battagram, as competent authority, **Dismiss** from service HC Shafi ur Rehman No.14 under Police Rules-1975, with immediate effect.

Announced.

  
(JEHANZEB KHAN)PSP,  
District Police Officer,  
Battagram  
(Competent Authority)

No. 177/DA /Dated Battagram the, 12 - 03 /2015.

Copy submitted to the Regional Police Officer, (Hazara) Region Abbottabad for favour of information with reference to his office Endst: No. 45/C, dated 19.01.2015 and diary No. 152/C, dated 19.01.2015.

Attested  
14

OB No. 13  
13-03-2015



25

**ANNEXURE "G"**

**IN THE COURT OF INAM ULLAH WAZIR,  
ADDITIONAL SESSIONS JUDGE-II ABBOTTABAD**

Case No. 18/III-S of 2013

Date of Institution ..... 25.06.2013  
Date of Decision ..... 17.01.2018

THE STATE  
VERSUS

SHAFI-UR-REHMAN S/O SARFRAZ CASTE SWATI AGED  
ABOUT 39/40 YEARS R/O MALKOT, GABORI POLICE STATION  
KOZA BANDA, BATTAGRAM.

..... (ACCUSED FACING TRIAL)

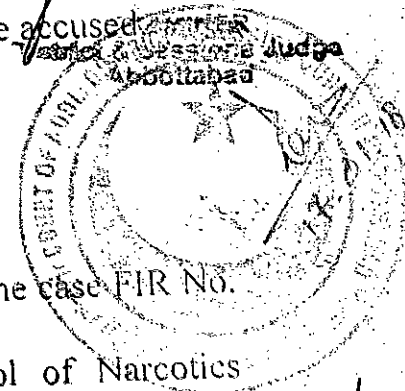
CASE FIR NO.553 DATED 27.05.2013 U/S 9 (C) CNSA,  
POLICE STATION CANTT: ABBOTTABAD.

**PRESENT:**

Mr. Masood-u-Rehman Tanoli advocate for the accused  
Miss: Bushra Ashraf APP for the State.

Attested to be a True Copy

12 JAN 2018



**JUDGMENT**  
**17.01.2018**

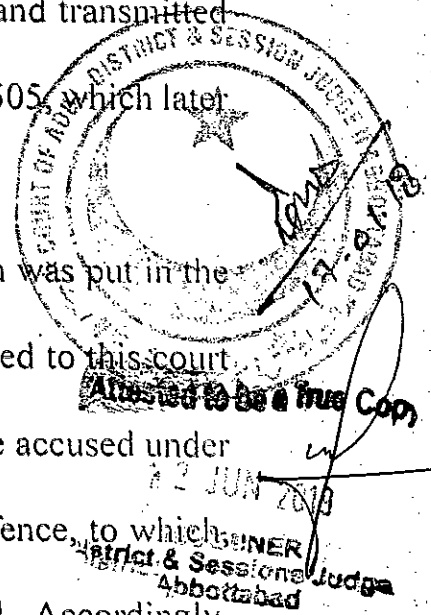
Accused Shafi-ur-Rehman has faced trial in the case FIR No. 553 dated 27.05.2013 under Section 9 (c) of Control of Narcotics Substances Act, of Police Station Cantt, Abbottabad.

2. Succinctly, facts of the case as depict in the FIR Ex-PA/1 are that, on the relevant date and time, Tariq Mehmood SI, PS Cantt along-with police personnel comprising Khan Afsar HC, constable Imtiaz No.182 and constable Tauqeer No.505 reached near Rehmat Hospital in connection with search of drug paddlers. There, a person seeing the police party ran

towards the street, who was chased and overpowered. On query, said person disclosed his name as Shafi-u-Rehman son of Sarfaraz whose body search was conducted, and from the folds of his trouser a plastic bag of black colour containing five packets of charas was recovered. The contraband was weighed which was found to be 1050 grams. Five (05) grams of contraband charas were separated from each slab of the contraband and were made into five parcels for chemical analysis, whilst remaining charas, weighing 1025 grams, was sealed in parcel No. 6. Further body search of the accused led to recovery of Rs.20,000/- and a Nokia mobile set with SIM No.0341-9086635, Q mobile set with SIM No. 0301-8130346 and mobile set N-73 without SIM. Complainant drafted the Murasila and transmitted the same to the police station through Constable Tauqeer # 505, which later culminated into instant FIR.

3. After completion of investigation in the case, challan was put in the court of learned Sessions Judge, where from it was entrusted to this court for trial and decision thereon. After delivering copies to the accused under Section 265-C Cr.P.C, he was formally charged for the offence, to which however, he pleaded not guilty and rather claimed trial. Accordingly, prosecution was asked to adduce its evidence in support of the charge and its proof against the accused. As a consequence, prosecution produced as many as four (04) PWs, brief resume whereof is as under:

4. PW-1 is Tariq Mehmood, SI ASHO PS Cantt who, during the relevant days, was posted as In-charge Police Post Sikandar Abad. He had apprehended the accused and thus recovered 1050 grams charas which was



*Handwritten signature*  
A.S.

in form of slabs five in number. 5/5 grams of the contraband were separated from each slab for FSL analysis and were sealed in parcels No. 1 to 5, while the remaining proscribed item was sealed in parcel No. 6. That he also recovered cash amount of Rs. 20,000/- and mobiles, three in number, from possession of the accused. That he drafted the Murasila, which was sent to the P.S for registration of FIR Ex-PA through constable Tauqeer No. 505. Recovery memo, site plan and docket for transmission of the samples to the FSL were also prepared, which are Ex-W1/1, Ex-PW1/2 and PW-1/3 respectively. The witness, being conversant, also verified the signature of cadet Chanzeb, who had submitted complete challan Ex-PW1/4, and Niaz Khan SI who incorporated FIR Ex-PA/1.

PW-2 is constable Jehanzeb # 101. The witness, during the relevant days was posted in the PS Cantt. Vide road certificate No. 172/21 Ex-PW2/1 he had taken the samples to the FSL on 29.05.2013. The witness had brought original register pertaining to the receipt No. 172/21 and so verified his signature thereon as correct.

SEAL OF THE COURT OF SESSIONS JUDGE  
 17.01.13  
 Attested to be a True Copy  
 12 JUN 2013  
 EXCHAMER  
 District & Sessions Judge  
 Abbottabad

PW-3 is Muhammad Ayub, then SI police station Cantt: who testified in the witness box that he conducted investigation in the instant case and recorded statement of PWs in the police station. That he prepared his card of arrest, which is Ex-PW3/1. That he also produced the accused before the concerned Illaqa Magistrate for obtaining his police custody vide his application Ex-PW3/2 and after expiry of the same accused was produced again before the court for judicial remand vide his application Ex-PW3/3. He placed FSL report on file, which is Ex-PW3/4. After

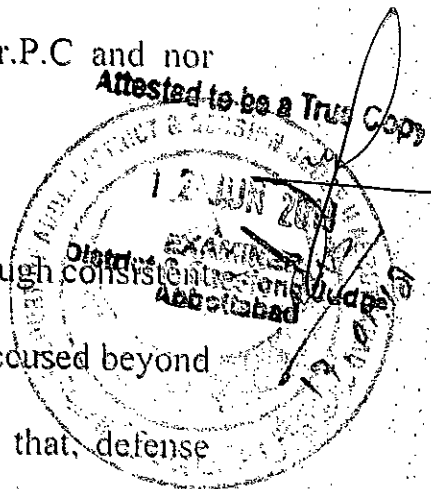
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completion of investigation, he handed over the case file to SHO for submission of complete challan. The PW also verified his signature upon the above mentioned documents as correct.

PW-4, Khan Afsar IHC police station Nawanshehr is the witness of recovery memo already exhibited as Ex-PW1/1. He verified his signature thereon as correct.

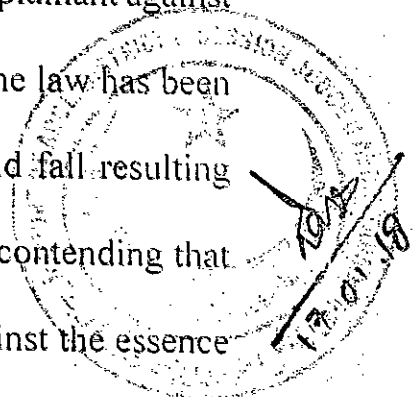
5. Prosecution closed its evidence on 19.08.2017 and thereafter statements of accused u/s 342 Cr.P.C. was recorded wherein he again professed innocence and refuted the charge levelled against him. However, he neither wished to be examined on oath u/s 340(2) Cr.P.C and nor produced evidence in his defense.

6. Learned State counsel argues that the prosecution, through consistent and coherent evidence, has established its case against the accused beyond shadow of any reasonable doubt. She goes on contending that, defense couldn't have made any substantial dent in the case, and while further elaborating her point, she refers to the different documents like; the recovery memo, site plan, and FSL report etc., which, according to her, support each other and thus leave no room so as to cast doubt on the charge against the accused. She also argues that, the PWs have been consistent in their testimony and that they have nowhere fumbled substantially so that defense could claim benefit out of their deposition. She underscores that accused was found involved in a crime which weakens fabric of the society by distracting people, especially young segment of the society, and while



concluding her arguments in the cited fashion, the learned counsel calls upon the court to pronounce conviction on the accused and sentenced him to the maximum under the law.

7. Conversely, the learned defense counsel controverts the foregoing contentions of the learned state counsel and argues that, the record is bereft of anything substantial against the accused. The learned counsel further argues that there is not one lacuna but, according to him, the prosecution case is replete with many. He contends that how could names of those witnesses appear on the recovery memo who admittedly were not accompanying the complainant during the relevant time. The learned counsel is also critic of investigation by seizing officer/ complainant against the spirit of the Police Order, 2002. According to him, as the law has been violated hence the entire edifice of the investigation would fall resulting into acquittal of the accused. The learned counsel goes on contending that complainant did not issue card of arrest of the accused against the essence of the Police Order. Being skeptical of recovery of the proscribed item, the learned counsel maintains that no private witness was associated during the exercise of recovery of the contraband. He underscores that how could transmission of the samples take two days when the same were dispatched to the FSL on the same day of registration of FIR. Lastly, the learned counsel argues that accused has fallen victim to vendetta of the seizing officer, who once was penalized by accused in the PTS Hangu. In this regard he refers to the Ex-D1, copies of the documents relating to an inquiry into the allegation against the accused, and asserts that accused was



*Handwritten signature/initials*

*Handwritten signature*  
13 JUL 2019  
EXAMINER  
District & Sessions Judge  
Abbottabad

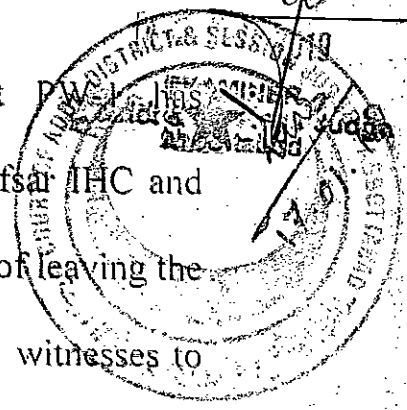
innocent. The learned counsel while wrapping up his arguments entreats for extending benefit of doubt to the accused and acquit him accordingly.

8. Arguments heard and record perused.

9. The court, having appraised record of the case with a discerning eye, is of the considered view that the prosecution's case is not laden with a single, but many defects to count. Having so, the claim that the charge has been proven against the accused beyond shadow of doubt, is an out-of-place assertion owing to the following anomalies and aberrations.

- It is admitted by the Investigation Officer (IO)/ PW-3 that the daily diary showing departure and arrival of the complainant hasn't been made part of the judicial file.
- It is also relevant to state that complainant acknowledged in his statement that PWs Khan Afsar IHC and Imtiaz FC were not accompanying him at the time of leaving the police station but still, admittedly, they are shown witnesses to the recovery proceedings and so their names appear on the recovery memo Ex-PW1/1. Albeit the witness tried to clarify that departure of the said witnesses had been recorded in separate daily diary but, proof in this regard in not forthcoming. It also goes without saying that, the detail of the personnel who accompanied the complainant during the relevant time is contradictory in the FIR and the copy of the daily diary showing

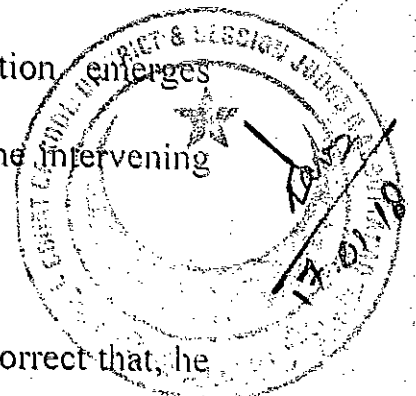
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departure of the seizing officer. Thus the cited paradox cannot be discounted.

- PW-1, the complainant acknowledges that application dated 27.05.2013 Ex-PW1/3 correctly shows that the samples of the contraband were dispatched to the FSL on the same date of occurrence, but the report of the laboratory Ex-PW3/4 depicts that the same were received there on 29.05.2013. Keeping in view that the laboratory is situated at Peshawar, then how could the parcels of the samples take two days to reach its destination, is a question which puts the prosecution's case in quandary and make the recovery doubtful. Furthermore, another question emerges pertaining to the custody of the samples during the intervening two days, which though is not plausibly answered.



- During his statement, complainant admitted it as correct that, he always keep investigation bag. However, he was not sure as to how many items it contains. Furthermore, he admitted that it is nowhere mentioned in his departure entry that during the relevant time he was carrying investigation bag.

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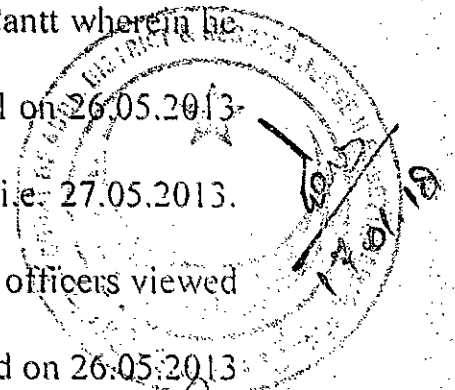
District & Sessions Judge

- It needs merit to mention that accused produced copies of documents relating to the inquiry, which he alleges to have been initiated at his request. Complainant/ PW-1 has admitted that such inquiry had been conducted. It is one of the many defences of the accused that once he was instructor in the PTS Hangu while,

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during those days, complainant Tariq Khan was a recruit, and owing to misconduct, complainant was front rolled (penalized). It is for this reason that, complainant trapped him in the instant case and so on his application, the matter was probed by a team of officers who, finding him innocent, his salary was released.

As depicts from the copies of the inquiry documents Ex-DWI and also that factum of inquiry has not been denied, a departmental inquiry was conducted against the accused for his involvement in the case. Findings of the inquiry refer to the statement of Niaz Muhammad, then ASHO PS Cantt wherein he confirmed confinement of the accused in the cell on 26.05.2013 and lodging of the FIR on the subsequent date i.e. 27.05.2013. The inquiry committee comprising of two police officers viewed that accused was innocent as he had been arrested on 26.05.2013 while he was charged on 27.05.2013, but didn't conclude the inquiry till court's decision in the case.



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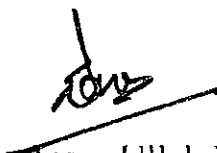
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District Sessions Judge  
Abbottabad

Since the factum of inquiry in the matter has not been denied by the prosecution hence, the defence taken by accused appeals to a prudent mind which further augments the defence's stance that the prosecution has not been able to prove its case beyond shadow of reasonable doubt.

10. It is, thus, safely gathered from the foregoing discourse that, the prosecution has been unable to come up with a well knitted and corroborated evidence, and thus while extending benefit of doubt, the accused namely Shafi-ur-Rehman is hereby acquitted from the charge leveled against him in case FIR No. 553 dated 27.05.2013 under Section 9-C, CNSA, Police Station Cantt, Abbottabad. He is on bail, his sureties are discharged from their liabilities of bail bonds.

Case property be dealt with as per law after expiry of period of appeal/revision. File be consigned to the record room after necessary compilation.

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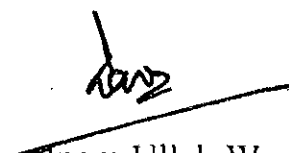
  
Inam Ullah Wazir  
ADDITIONAL SESSIONS JUDGE-II  
ABBOTTABAD

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EXAMINER  
District & Sessions Judge  
Abbottabad

CERTIFICATE

Certified that this judgment consists of nine (09) pages, and each page has been read, checked, corrected and signed by me where ever necessary.



  
Inam Ullah Wazir  
ADDITIONAL SESSIONS JUDGE-II  
ABBOTTABAD

No. 8498 Date 10-6-19  
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Date of Delivery of Copy 14-6-19

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**BEFORE THE COURT OF SADIA ARSHAD  
ADDITIONAL SESSIONS JUDGE-II/JUDGE SPECIAL  
COURT, MANSEHRA**

Case No. .... 10/9C-CNSA of 2015

Date of Institution: ..... 17.02.2015

Date of Decision: ..... 22.12.2018

The State through Sheeraz Ahmed Khan, SHO, P.S Shinkhari,  
Mansehra.....(Complainant)

VERSUS

(1) Zeb-Ur-Rehman s/o Abdur Rayyan (2) Shafi-Ur-Rehman  
s/o Sarfaraz, both Caste Swati, residents of Malkot Gajbori  
P.S Kuzabanda District Battagram.....(Accused facing trial)

Case FIR No.392, Dated 31.10.2014,  
U/S 9C-CNSA of P.S Shinkhari, Mansehra.

**JUDGMENT:**

Accused Zeb-Ur-Rehman and Shafi-Ur-Rehman have faced trial in the instant case for the offence under section 9(C) of the Control of Narcotics Substances Act, 1997 registered at Police Station Shinkhari, Mansehra vide FIR No:392 dated 31.10.2014 for recovery of 3000 grams Charas.

2) Precisely narrated facts as mentioned in the F.I.R are that on 30.10.2014, on receiving spy information, Complainant Sheeraz Ahmed SHO P.S Shinkhari alongwith other police officials laid a barricade at KKH Road near Khanpur Doraha, when a Motorcar No.4797-RNG, white color, came from Ichhrian side, which was stopped. The driver disclosed his name as Zeb-Ur-Rehman, while

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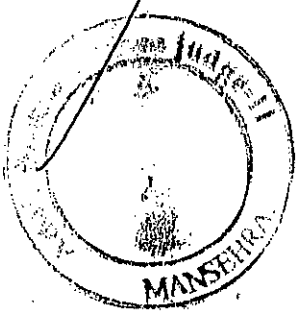
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Examiner of Session Court Mansehra  
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person sitting with him disclosed his name as Shafi-Ur-Rehman. They both were got alighted from the vehicle. On search of accused Zeb-Ur-Rehman, 02 packets of contraband Charas (Garda) weighing 2000 gram (1000 each), one Nokia Mobile (Xi) and cash amount of Rs.19,170/- was recovered. Similarly, during search of accused Shafi-Ur-Rehman, one .30 bore pistol loaded with magazine containing five live rounds, seven other live rounds of same bore kept in bandolier and one packet Charas (Garda) weighing 1000 grams, two mobiles and cash amount of Rs.18,320/- were also recovered. Accused Shafi-Ur-Rehman disclosed that he is owner of the vehicle, <sup>accused were arrested and</sup> Murasila was drafted on the spot, which resulted into registration of instant FIR.

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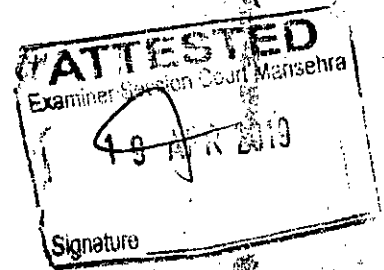


3) After completion of investigation, complete challan against the accused U/S 9C-CNSA was submitted before the Court of learned Sessions Judge, Mansehra on 17.02.2015, who entrusted the same to this Court for disposal. (It is pertinent to mention here that u/s 15-AA KPK, separate challan was submitted against the accused Shafi-Ur-Rehman). Accused were summoned, who attended the Court on 06.04.2015 and provisions of section 265-C Cr.PC were compiled with and the case was fixed for framing of charge.

4) Charge under section 9C-CNSA was framed against the accused on 08.05.2015, to which they pleaded not guilty and claimed

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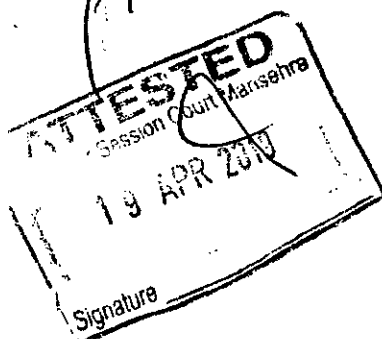
trial. The prosecution was then given the opportunity to produce evidence collected during investigation.

5) Prosecution produced (07) witnesses in support of its charge against accused facing trial. Brief of the prosecution evidence is as under:-

**Constable Naseer No.101, P.S Shinkiari** appeared and examined as PW-1. He took the case property/parcels of the instant case to FSL Peshawar, vide Road Certificate No.252/21 Ex.PW-1/1 and on return, he handed over the receipt to the Muharrir of the PS.

**Gul Muhammad Khan, SI (Rtd.)** appeared and examined as PW-2. He conducted investigation of the instant case. He recorded the statements of PWs U/S 161 Cr.PC. He produced the accused before the court for obtaining their custody through application Ex.PW-2/1 and one day police custody was granted. He interrogated the accused and recorded his statement u/s 161 Cr.PC. After the expiry of police custody, he again produced the accused before the court for further police custody vide application Ex.PW-2/2. He also received the FSL report Ex.PW-2/3. After completion of investigation, he handed-over the case file to SHO for submission of complete challan against the accused.

**Muhammad Waheed, ASI Police Line Mansehra** was examined as PW-3. This PW incorporated the contents of Murasila into FIR Ex.PA/1 in verbatim order, which is correct and correctly bears his signatures. He also handed-over the case property of the instant case to Constable Naseer for safe transmission to FSL vide Road Certificate No.252/21.



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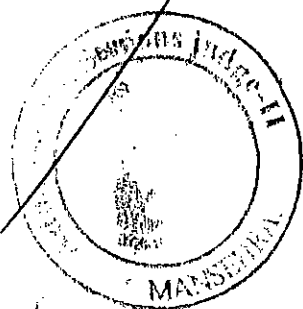
**Hammad Niaz OHC, DPO Office, Mansehra** was examined as PW-4. He handed-over the case property of the instant case alongwith the parcels of other cases to Constable Naseer No.101 for safe transmission to FSL vide Road Certificate No.252/21.

**Shoukat Hussain, SI**, appeared in the witness box as PW-5. He is the marginal witness of recovery memo Ex.PW-5/1 vide which the SHO took into possession the contraband Charas, mobile phones and cash amount from possession of both the accused. The recovery memo correctly bears his signature and that the signature of other marginal witness.

**Habib-Ur-Rehman, Armourer Police Line, Mansehra**, was examined as PW-6. He examined pistol 30 bore No.6931 in P.S and made his report on the application (already exhibited as Ex.PW-2/4). His report is Ex.PW-6/1.

**Sheeraz Ahmed Khan Inspector/SHO**, was examined as PW-7. He was complainant of the instant case, who supported the contents of Murasila in his examination-in-chief. Out of the recovered contraband, he separated 5/5 grams from each packet and sealed into parcels No.1, 2 & respectively, while remaining quantity was sealed into parcels No.3 & 5 respectively as case property. He drafted Murasila Ex.PW-7/1, prepared recovery memo, recovery sketch Ex.PW-7/2. He also drafted application for sending parcels to FSL, which is Ex.PW-7/3. On completion of investigation by the SHO, he submitted complete challan against both the accused facing trial on 13.11.2014. He also submitted separate challan under section 15-AA KPK against accused Shafi-Ur-Rehman on 13.01.2014.

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6) Prosecution produced the following documents in support of its case.

- i. Murasila Ex.PW-7/1.
- ii. FIR Ex.PA/1.
- iii. Recovery memo Ex.PW-5/1.
- iv. Recovery sketch Ex.PW-7/2.
- v. Application for physical custody Ex.PW-2/1.
- vi. Application for confessional statement Ex.PW-2/2
- vii. Application for FSL analysis Ex.PW-7/3.
- viii. Copy of Road Certificate Ex.PW-1/1.
- ix. Application for armourer report Ex.PW-2/4.
- x. Report of armourer Ex.PW-6/1.
- xi. FSL report Ex.PW-2/3.

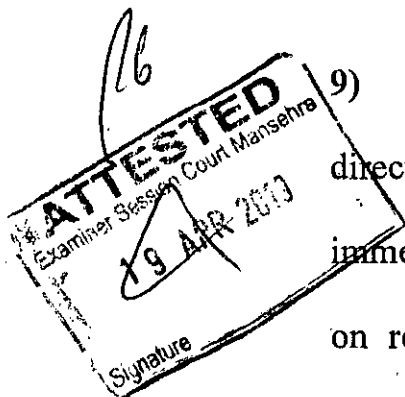
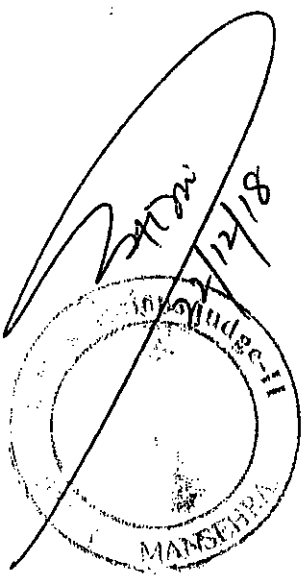
7) The prosecution closed its evidence against the accused facing trial on 29.11.2018 and thereafter statements of both the accused were recorded u/s 342 Cr.PC, wherein they professed their innocence, however, accused neither opted to be examined on oath u/s 340(2) Cr.PC, nor wished to produce evidence in their defence.

8) Valuable arguments of learned APP for the State and learned counsel for the accused heard.

9) Learned APP for State argued that the accused have been directly charged for recovery of 3000 grams Chars from their immediate possession. Recovery memo and other material available on record fully support the prosecution version; the prosecution examined 07 PWs in support of its case and all of them were consistent on the material points and there is no major contradiction

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in the statements of PWs. It was further argued that FSL report has established that the recovered contraband was Chars which was recovered from the personal and immediate possession of the accused. That the prosecution has proved its case against the accused by producing oral and documentary evidence, hence, requested for conviction of both the accused facing trial.

10) On the other hand, learned defense counsel argued that the accused are innocent and have falsely been implicated in the instant case; that the prosecution has failed to establish its charge against the accused through cogent, convincing and confidence inspiring evidence. That all the witnesses examined by the prosecution in the instant case, contradict each other on material points, hence requested for acquittal of the accused facing trial.

11) After hearing learned APP for the State and defense counsel, available record perused.

12) In the instant case, charge against accused facing trial is that on 30.10.2014 at 17:00 hours, complainant Sheeraz Ahmed Khan, SHO alongwith police party on spy information regarding trafficking of Charas through Alto-Mehran Motor Car No.4797-RNG made Nakabandi at KKH near Khanpur Doraha. During Nakabandi, the vehicle Alto-Mehran (mentioned-above) coming from Ichhrian side was stopped. During search of the said vehicle, <sup>and accused,</sup> from accused Zeb-Ur-Rehman sitting on driving seat, 2000 grams Charas (two packets,

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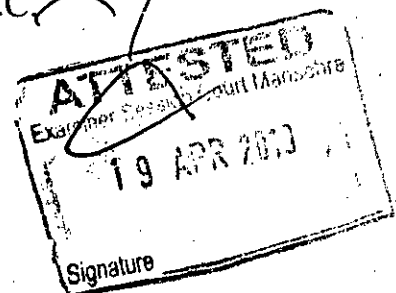
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each of 1000 grams) was recovered from his trouser fold, while 1000 grams Charas was recovered from the trouser fold of accused Shafi-Ur-Rehman. Thus total recovered Charas from both the accused was 3000 grams for which they are booked u/s 9C-CNSA. Since prosecution has charged the accused facing trial for alleged possession of 3000 grams of Charas, therefore, burden rested upon the prosecution to prove the same, for which, prosecution produced & examined 07 witnesses; out of whom, PW-7 is the statement of Complainant Sheeraz Ahmed Khan, PW-5 Shoukat Hussain ASI is the marginal witness of recovery memo, while PW-2 Gul Muhammad Khan, SI is Investigating Officer of the case.

13) Since, PW-7 & PW-5 are star witnesses of the case, therefore, their statements are most important for establishing guilt of the accused facing trial, however, if their statements are gone through, they are full of contradictions and lacunas, which are discussed herein below:-

i) As per Murasila and FIR, place of occurrence is mentioned as KKH Road near Khanpur Doraha, which is a very busy road but despite of that they have not associated any private witness to the recovery proceedings nor have given any plausible explanation for their non-association, thus violating the mandatory provisions of section 103 Cr.P.C.

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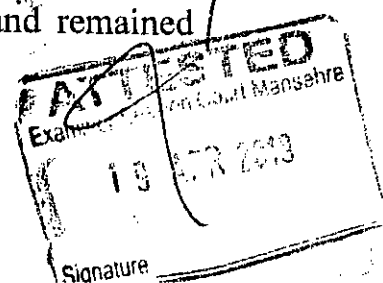
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ii) Though police officials are as good witnesses as any others but the requirement of association of private witnesses with the recovery proceedings especially in those cases wherein there is prior information is for ruling out chances of false implication of the accused in a criminal case. In this case all the witnesses are police officials who being subordinates of the complainant have though supported the stance of the complainant in their examination-in-chief but when they were put to test of cross-examination, they could not stand the same, rather there are number of discrepancies in their statements. As per Murasila Ex.PW-7/1, the date of occurrence is 30.10.2014, time of occurrence is 17:00 hours, the time of report is 17:45 hours, while report is lodged on 31.10.2014 at 18:20 hours despite of the fact that complainant was a police official and the distance between the place of occurrence and the police station is 3/4 km, this inordinate delay is nowhere explained and is sufficient to create clouds of doubt on prosecution case.

iii) Not only there is inordinate and unexplained delay in the registration of FIR but record transpires that vide Register No.19, complainant of the case Sheeraz Khan SHO handed-over parcels to Muharrar of the P.S on 02.11.2014 i.e. after delay of about three days. There is no explanation on the record, as to where these parcels of alleged recovered contraband remained lying from 30.10.2014 to 02.11.2014.

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iv) The matter does not end here, rather another intriguing aspect of the prosecution case is that the parcels to the FSL were sent on 11.11.2014 i.e. with delay of about 11 days. This delay has not only created doubt with regard to the sample so received by the FSL but is also violation of the mandatory rules on the subject, according to which, sending of samples for chemical analysis within 72 hours is a must.

v) The inconsistency in the statements of prosecution witnesses coupled with unexplained inordinate delay in lodging of FIR and other proceedings of the case are instances making doubtful the mode & manner of occurrence and the alleged recovery from the accused facing trial which is further supported from the fact that there is no card of arrest of both the accused available on the record. Similarly, the site-plain does not carry the proper points showing presence of police officials accompanying the complainant at the time of occurrence.

vi) Another fatal discrepancy in the prosecution case cutting its very roots is that the case property produced in the court was incomplete i.e. only one parcel No.3 allegedly shown to be recovered from accused Zeb-Ur-Rehman were produced, while the case property seized on the spot from accused Shafi-Ur-Rehman was not produced nor any plausible explanation was given for its non-production.

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vii) Another lacuna in the prosecution case is that admittedly complainant belongs to Preventive Staff and investigation of the case is required to be conducted by independent Investigation Officer, while in this case the recovery of alleged contraband was effected from possession of the accused by police officer, who was seizing officer, complainant as well as investigation officer in the case in the sense that per record though a formal IO has been shown to have conducted investigation in the case but factually entire proceedings i.e. from seizing of the contraband till preparation of recovery sketch etc were conducted by same Police Officer, meaning thereby that he was three in one. Under the law complainant and accused were two opponents and contesting parties. Role of an Investigation Officer was of a neutral authority, whose object was to unearth the truth and he cannot be part or a member of party in a case, which he was investigating. Concept of honest investigation was based on non-partisanship and neutrality. Reason and spirit of separating Investigating Wing from the Operation Wing of Police also emanated from the said fact, which reflected in Article-18 of the Police Order, 2002. Element of honest, transparent and fair investigation lacked in the present case, as IO of the case (PW-2) has not bothered to either independently prepare the site-plan in the case after verifying the spot from the complainant and the marginal witnesses nor has even made any

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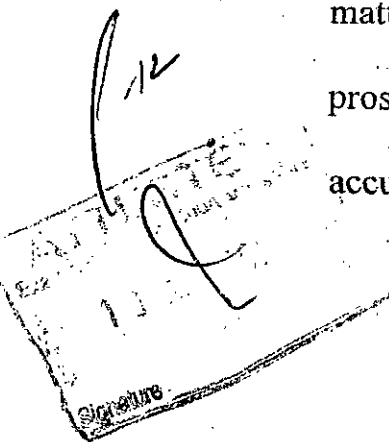
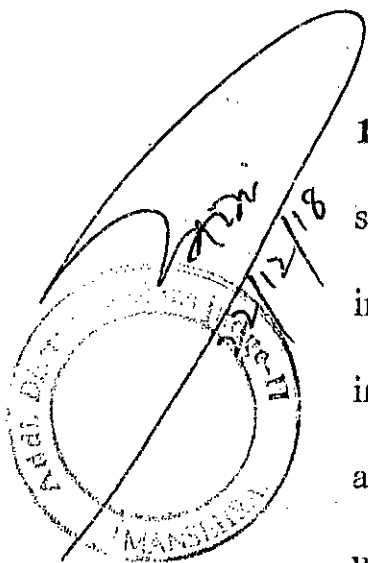


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addition in the recovery sketch after spot inspection, rather it appear that he by considering all that is done by complainant as Gospel truth has endorsed the same without independently verifying the veracity of the allegations. The Hon'ble Supreme Court has analyzed the above point from another angle also. According to the Hon'ble Supreme Court, Investigating Officer is an important witness for the defense also and in case he acts as a complainant and raiding officer, the defense is deprived of his very precious right at the same time and is forced not to depend upon the same. (*Aashiq alias Kalu VS The State 1989 P.Cr.L.J 601*).

14) In criminal cases, heavy responsibility rests upon the shoulders of prosecution to prove its case by producing coherent, independent, reliable and confidence inspiring evidence but in the instant case, the prosecution has miserably failed to prove its charge against the accused facing trial beyond any reasonable doubt and it is well settled principle of law that it is not necessary to have many facts for disbelieving the story of the prosecution but even a single slightest circumstance creating reasonable doubt in the prudent mind makes the accused entitled to the benefit of doubt, not only as a matter of grace but as a matter of right; while in the instant case, prosecution has totally failed to establish any charges against accused facing trial and whole prosecution case is full of doubts.



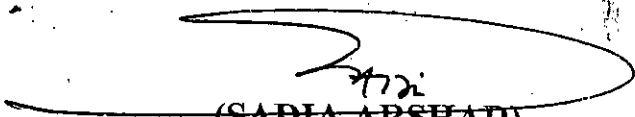
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what to say of a single slightest doubt, in this respect reliance is placed on 2009 SCMR 230 (Supreme Court of Pakistan).

15) In the light of above detailed discussion, it is held that prosecution has badly failed to prove its case against the accused facing trial beyond reasonable shadow of doubt, hence, both the accused **Zeb-Ur-Rehman s/o Abdur Rayyan** and **Shafi-Ur-Rehman s/o Sarfaraz** are hereby acquitted of the charges levelled against him u/s 9C-CNSA. Accused are on bail, therefore their bail bonds are cancelled and sureties are discharged from liabilities under the bail bonds.

16) Case property i.e. contraband be destroyed in accordance with law after expiry of period of appeal/revision. Record be returned alongwith copy of this Judgment. File be consigned to record room after necessary completion and compilation.

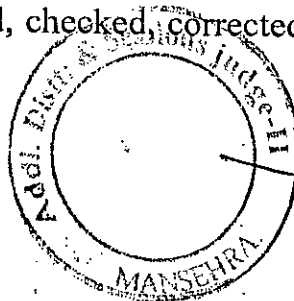
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(SADIA ARSHAD)

Additional Sessions Judge-II,  
Judge Special Court,  
Mansehra.


**CERTIFICATE**

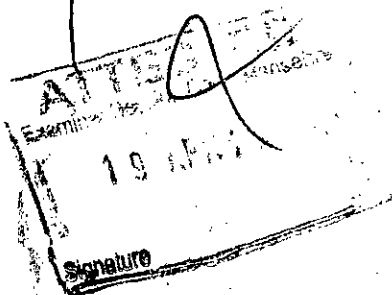
Certified that this judgment consists (12) pages. Each page has been read, checked, corrected wherever necessary and signed by me.



  
(SADIA ARSHAD)

Additional Sessions Judge-II,  
Judge Special Court,  
Mansehra.

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# ANNEXURE 'H'

46

بکھنور جناب قابل احترام پراونشل پولیس آفسر صاحب بھادر صوبہ خیبر پختونخواہ پشاور

اپیل برخلاف حکم ڈی بی او صاحب ضلع بگلگرام محررہ 13/03/2015

عنوان:

بحالی ملازمت، ادائیگی واجبات

جناب عالی!

سائل ذیل عرض گزار ہے۔

- ۱۔ یہ کہ سائل غرضہ طویل سے محکمہ پولیس میں اپنی ذیوبنی نہایت دیانت داری، خوش اسلوبی اور جان نشانی سے سرانجام دیتا چلا آ رہا تھا۔ سروس کے دوران سائل نے ہر لمحہ محکمہ کے وقار و مورال اور عزت کو مقدم رکھا تھا۔ کبھی بھی لاپرواہی حکم عدولی اور عدم دلچسپی کا اظہار نہیں کیا ہے۔ اسی طرح حتی الوسع کوشش رہی تاکہ آفسران بالا کو شکایت کا موقع نہ ملے۔
  - ۲۔ یہ کہ سائل نے 2014 میں انٹرمیڈیٹ کورس پاس کیا تھا انٹرمیڈیٹ کورس پاس ہونے کے نالغے ایک پولیس آفسر اس طرف بھیجی نہیں سکتا ہے لیکن سائل کو ذاتیات کے تحت ایک ایسے گناہ دانے جرائم میں ملوث رکھا۔ جو آفسران بالا کے ظاہری نظر میں ناقابل معافی ہے۔ لیکن خدا کے نزدیک سائل بے گناہ ہے۔
  - ۳۔ یہ کہ سائل کے خلاف وقتاً فوقتاً جادو بے بنیاد مقدمات علت نمبر 553 مورخہ 27/05/2013 جرم 9C.CNSA پولیس سٹیشن کینٹ ضلع ایبٹ آباد مقدمہ علت نمبر 392 مورخہ 30/10/2014 جرم 9C.CNSA پولیس سٹیشن شکیاری ضلع مانسہرہ درج رجسٹر ہو کر جس میں سائل کو ذہنی کوفت مالی اور جانی تکالیف پہنچایا گیا ہے۔
  - ۴۔ یہ کہ زیر بحث بالا ہر دو مقدمات میں من سائل بری ہو چکا ہے عدالتی حکم نامہ جات ہمراہ لف قابل ملاحظہ ہے۔
  - ۵۔ یہ کہ سائل نہایت ہی غریب ہے ملازمت واحد ذریعہ معاش تھا جس سے مشکل بچوں کا پیٹ پال رہا تھا۔
  - ۶۔ یہ کہ سائل بے گناہ اور ناکردہ جرم ہے سائل کے خلاف لگایا ہوا الزام بالکل غلط من گھڑت بے بنیاد اور اصل حقائق سے کافی دور ثابت ہوا ہے۔
  - ۷۔ یہ کہ سائل نے قبل ازیں جناب RPO صاحب ایبٹ آباد کو بروقت اپیل کی تھی تقریباً 4 سال بعد کورٹ کے فیصلہ جات کے آنے پر سائل کو OR میں طلب فرمایا اور بعد میں ڈی بی او صاحب بگلگرام کی کسٹنس کو ترجیح دیتے ہوئے عدالتی فیصلہ جات کو نظر انداز کرتے ہوئے سائل کی اپیل خارج کی۔ جو کہ انصاف کا تقاضا نہیں ہے۔ حکم RPO صاحب مورخہ 31/05/2019 ہمراہ لف درخواست ہذا ہے۔
  - ۸۔ یہ کہ سائل کی خلاف جملہ اختیارات کیا ہوا لائحہ عمل عدالت میں ثابت نہ ہو سکا اور سائل عدالت سے بری ہو چکا ہے۔
- لہذا ملتجیانہ استدعا ہے کہ حالات، واقعات بالا کے پیش نظر سائل کے خیال پر رحم فرما کر ماتحت پروری اور خداترسی کے بنا پر سائل کو عدالتی فیصلہ جات کی روشنی میں ملازمت پر بحال فرما کر سائل کو جملہ واجبات عنایت فرما کر مشکور فرمائیں سائل تاحیات دعا گو رہے گا۔

العارض


سائل شفیق الرحمن صاحب HC نمبر 14 ڈسٹرکٹ بگلگرام

شخصی نمبر: 7-13202-5087158

سوائس نمبر: 0301-8130346



الرقوم 21 جون 2019

Attested  


حکومت جناب DIG صاحب ہزارہ ڈویژن ایبٹ آباد

عنوان: اپیل برخلاف آرڈرنگ نمبر 13 محرمہ 13.03.2015 جناب جناب DPO صاحب بگرام

جناب عالی! سائل/اپیلانٹ شفیع الرحمن سابقہ HC نمبر 237 ذیل عرض پرداز ہے:-

۱- یہ کہ مورخہ 30.10.2014 کو من سائل/اپیلانٹ بمعہ زیب الرحمن رشتہ دارام بسواری موٹر کار نمبر 4797-RNG ایبٹ آباد آ رہا تھا۔ بمقام نزد چھڑیاں حدود تھانہ شنکیاری پہنچے تو عقبی جانب سے ایک ALTO گاڑی میں 5 نفر افراد سفید پرچات میں آئے اور ہمارا راستہ روک کر کھڑا ہونے پر مجبور کیا اور اپنے آپ کو پولیس تھانہ شنکیاری کے ملازم ہونا بتلایا۔ ان کے طرز عمل اور طریقہ کار کے باعث ان سے تلخ کلامی ہوئی جس کے نتیجہ میں ہمیں تھانہ شنکیاری لے جایا گیا اور ہم دونوں سے 3 عدد موبائل فون اور رقم مبلغ 37,500 روپے نقد اور ایک عدد 30 بورپسنول نمبر 6931 بمعہ 23 عدد کارتوس پر بمعہ لائسنس اور موٹر کار متذکرہ بھی اپنی تحویل میں لے کر علیحدہ علیحدہ حوالات تھانہ میں بند کر کے مقدمہ عدت نمبر 392 مورخہ 30.10.2014 جرم 9.C/CNSA,15AA/KPK تھانہ شنکیاری جھوٹا بے بنیاد قائم کر دیا۔

۲- یہ کہ قبل ازیں یکے بعد دیگرے موصولہ چارج شیٹ و آخری شوکار نوٹس کی روشنی میں من اپیلانٹ تفصیلاً جواب دے چکا ہے جن کی نقولات لف لہذا قابل ملاحظہ ہیں۔

۳- یہ کہ من سائل نے اپنے تحریری جواب میں استدعا کی تھی کہ مقدمہ متذکرہ بالا کے فیصلہ تک انکوائری کو Pendign رکھا جائے مگر کوئی شنوائی نہ ہوئی اور بے بنیاد یک طرفہ انکوائری کر کے من اپیلانٹ کو بحوالہ آرڈرنگ نمبر 13 محرمہ 13.03.2015 جناب DPO صاحب بگرام نے Dismiss from Service کر دیا اور ادولی روم میں برائے زبانی عرض معروض پیش ہونے کا موقع بھی نہ دیا اور اس طرح انصاف کے تقاضے بھی پورے نہ کئے۔

عالی جاہ! من اپیلانٹ سال 1995ء میں محکمہ پولیس ضلع بگرام میں بطور کنسٹیبل بھرتی ہو کر محکمانہ قواعد و ضوابط کے مطابق امتحانات پاس کر کے پرموشن لسٹ D پر CTD بگرام میں تعینات تھا۔ اس عرصہ کے دوران من اپیلانٹ کی

Attested  
[Signature]

کوئی عوامی و حکمانہ شکایت نہیں ہوئی اور کارسز کار انتہائی جانفشانی اور محنت سے سرانجام دیتا رہا۔ مقدمہ متذکرہ بالا انتہائی جھوٹا، بے بنیاد اور انتقامی کارروائی کا نتیجہ ہے جو زیر سماعت عدالت مجاز ہے جس میں من اپیلانٹ کو اپنی بے گناہی ثابت کرنا درپیش ہے۔

جناب عالی! DPO صاحب بنگرام نے عجلت میں بغیر نتیجہ مقدمہ و فیصلہ عدالت کے من اپیلانٹ کو Dismiss from service کر دیا ہے جو قانون اور انصاف کے تقاضوں کی تکمیل نہیں کی گئی۔ (نقل آرڈر لف ہذا ہے)

حضور والا! من اپیلانٹ ایک غریب اور باعزت خاندان کا فرد ہے اور چھوٹے چھوٹے بچوں کی تعلیم و تربیت کا ذریعہ یہی ملازمت اور تنخواہ تھی دیگر کوئی ذریعہ آمدن نہ تھا اور نہ ہے۔ مجھ پر منشیات جیسے گھناؤنے کام کا بے بنیاد اور جھوٹا الزام لگایا گیا ہے جو یقین واثق ہے کہ عدالت سے مجھے انصاف مل جائے گا۔

لہذا استدعا ہے کہ من سائل / اپیلانٹ کو اپنے عہدہ اور ملازمت پر تلافی صلہ مقدمہ بحال فرمایا جاوے تاکہ من سائل کے بچوں کی کفالت اور تعلیمی سلسلہ جاری رہ سکے۔ سائل حضور والا نشان کی اس مہربانی کا تازیت مشکور و ممنون رہے گا۔

المرقوم: 20.03.2015

*Shafiq*

سائل / اپیلانٹ:

شفیع الرحمن سابقہ HC No.237 ولد سرفراز

سکنہ ملکوٹ گجھوڑی، تحصیل ضلع بنگرام

شناختی کارڈ نمبر: 13202-5087158-7

موبائل نمبر: 0301-8130346

*Attested*  
*H*



**ANNEXURE**  
c.i.

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

49

No. S/ 519

720, dated Peshawar the 09/07/2020.

**ORDER**

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-HC Shafi-ur-Rehman No. 14. The petitioner was dismissed from service by District Police Officer, Battagram vide OB No. 13, dated 13.03.2015 on the allegations of involvement in two criminal cases vide FIR No. 553, dated 02.05.2014 u/s 9 (C) CNSA Police Station Cantt: Abbottabad and FIR No. 392, dated 30.10.2014 u/s 9C CNSA Police Station Shinkari, Mansehra. His appeal was filed by Regional Police Officer, Hazara at Abbottabad vide order Endst: No. 1951/PA, dated 31.05.2019.

Meeting of Appellate Board was held on 27.12.2019 wherein petitioner was heard in person. During hearing petitioner denied the allegations leveled against him and contended that he has been acquitted from the charges by the court.

The petitioner has long service of 20 years, 01 month & 20 days at his credit. Keeping in view his long service, the Board decided that penalty of dismissal from service is hereby converted into compulsory retirement from service.

**This order is issued with the approval by the Competent Authority.**

(Signature)  
**(ZAIB ULLAH KHAN)**  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. S/ 520-26 720,

Copy of the above is forwarded to the:

1. Regional Police Officer, Hazara at Abbottabad. One Service Roll and one Fauji Missal containing enquiry file of the above named Ex-HC received vide your office Memo: No. 3370/PA, dated 24.09.2019 is returned herewith for your office record.
2. District Police Officer, Battagram.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

Attested  
(Signature)





# وکالت نامہ

کورٹ فیس

Before the Honorable M.A. Saad Tirmazi  
Shafiq-ur-Rehman 1. G.P. 1. عنوان:   
Appellant منجانب:   
Saad Appeal نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام  
مقدمہ مندرجہ میں اپنی طرف سے واسے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام  
کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب  
موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء  
وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور  
کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار  
بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختم مجھ کو منظور و  
قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔  
نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف  
پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف  
مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراء استجارت نالش بصیغہ مفلسی کے دائر کرنے اور اس کے  
پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 20/1/2020

بمقام:

Accepted by

M.A. Saad Tirmazi

Shafiq-ur-Rehman

Shafiq-ur-Rehman

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

APPEAL No. 525 of 20 18  
20

*Shafi ur Rehman*

Appellant/Petitioner

Versus

*1678 1678 Pesh*

RESPONDENT(S)

Notice to Appellant/Petitioner *at Camp Court Peshawar*  
*Advocate High Court*  
*Peshawar*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 15/11/2021 at 9:00 AM.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

*at Camp Court Peshawar*

*[Signature]*  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR..

No.

APPEAL No. 525 of 20 20

TB

*Shafi ur Rehman*

Appellant/Petitioner

Versus

*IGP. KPDC Pesh:*

RESPONDENT(S)

Notice to Appellant/Petitioner

*Shafi ur Rehman So Sarfraz*  
*R/o Malkot Cuon Gijbari*  
*Tehsil 9. District Battagram*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 15/11/2021 at 9:00 A.M.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

*at Camp Court Peshawar*

*[Signature]*  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

