

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Service Appeal No. 5185/2021

BEFORE: SALAH UD DIN --- MEMBER(J)
MIAN MUHAMMAD --- MEMBER(E)

Muhammad Zahid S/O Mubammad Ishaq, (Ex-Constable Belt No.4668) R/O Mohallah Achar Deh Bahader, Tehsil & District Peshawar.

.....(*Appellant*)

VERSUS

1. **Govt: of Khyber Pakhtunkhwa**, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. **Inspector General of Police**, Khyber Pakhtunkhwa, Peshawar.
3. **Superintendent of Police**, Headquarter, Peshawar.

..... (*Respondents*)

Present:

ASIF ALI SHAH,
Advocate --- For Appellant.

SYED NASEER UD DIN SHAH,
Assistant Advocate General --- For official respondents.

Date of Institution.....21.04.2021

Date of Hearing.....28.04.2022

Date of Decision29.04.2022

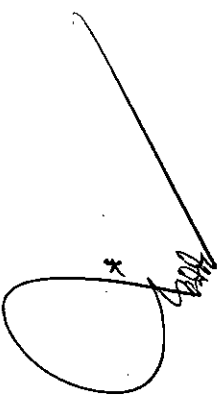
JUDGEMENT.

MIAN MUHAMMAD, MEMBER(E):- The service appeal in hand has been filed under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order of respondent No.4 dated 08.02.2021 whereby the appellant was dismissed from service and appellate order of respondent No.3 dated 06.04.2021 whereby his departmental appeal was rejected. Both the orders have been impugned and are under scrutiny before this bench for adjudication.

02. Brief facts leading to institution of the service appeal, as arrayed in the memorandum of appeal, are that the appellant was serving as constable in respondent-department. It was on 11.11.2020 that he was

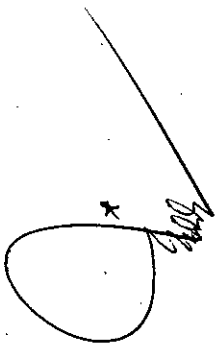
nominated in FIR No.482 registered at Police Station Rehman Baba Peshawar under Section 324 PPC, later on altered to Section-302/15-AA. He managed BBA from the competent court of law and jurisdiction on 14.01.2021 which was confirmed on 18.01.2021. Based on the said FIR, the appellant was proceeded against departmentally and on culmination of the proceedings, he was awarded major penalty of dismissal from service vide impugned order dated 08.02.2021 against which departmental appeal was preferred on 12.02.2021. However, his departmental appeal was rejected/filed vide appellate order dated 06.04.2021 where-after the instant service appeal was instituted on 21.04.2021.

03. On admission of the service appeal for regular hearing, respondents were put on notice to submit their defense through reply/parawise comments with connected documents in the case. Respondent-department submitted the requisite reply/parawise comments. We have heard learned counsel for the appellant as well as learned AAG on behalf of the respondents and gone through the details with their assistance.



04. Learned counsel for the appellant while opening to address his arguments contended that the appellant had been serving as Constable in the respondent-department since 2007. He was nominated in FIR No. 482 dated 11.11.2020 under Section-324 PPC but converted into Section-302 PPC after the death of deceased who happened to have been his real sister. He obtained BBA from the competent court of law on 14.01.2021 which was confirmed on 18.01.2021. The appellant was also acquitted by the court on the basis of a genuine compromise vide order of ASJ-X-III Peshawar dated 14.06.2021. It was further argued that departmental proceedings were

held in a haphazard manner and no proper enquiry proceedings were held in the prescribed manner. Neither his reply to the charge sheet/ statement of allegations nor reply to show cause notice or departmental appeal was ever considered before passing the impugned order dated 08.02.2021. The appellant was acquitted by the court on the basis of compromise of the parents of deceased who did not want to further prosecute the case against the appellant. According to plethora of judgements of superior courts, every acquittal by the court of law is Honorable acquittal and as such after acquittal of the appellant he was innocent and departmental proceedings were liable to have been set aside. However, the legal obligation incumbent upon the respondents was deviated from. The impugned order dated 08.02.2021 and appellate order dated 06.04.2021 are therefore illegal, unlawful, issued with mala fide intention and harsh in nature, may graciously be set aside and the appellant be reinstated in service with all back benefits, he concluded.



05. Learned Asst: AG conversely contended that the respondent-department initiated proceedings against the appellant for gross misconduct as he was involved in FIR No. 482 under Section-302 and Section-15-AA PPC. He was provided ample opportunity of self defense to prove his innocence and awarded him the major penalty of dismissal from service after completion of all codal formalities. The impugned orders have been issued in accordance with law/rules are therefore, valid and legal. He requested that the appeal being devoid of merit may kindly be dismissed.

06. It is evident from record that the appellant himself lodged FIR No. 482 under Section-324 PPC on 11.11.2020 against unknown accused for the commission of offence when the deceased Mst. Rema

(Sister of the appellant) sustained fire arm injury and who succumbed to injuries after 26 days. FIR No. 482 was then converted into Section-302 and 15-AA PPC. He was placed under suspension and charge sheet/statement of allegations dated 29.12.2020 was issued to him for "gross misconduct". The appellant was granted interim pre-arrest bail by competent court of jurisdiction on 14.01.2021 which was confirmed on 18.01.2021. It is not disputed that the appellant associated himself with the enquiry proceedings and appeared before the enquiry officer, negating the charge as baseless because he had never been involved in the murder of his deceased sister. The appellant himself registered FIR No. 482 and took her injured sister to the hospital and looked after her in ICU till she died of injuries after 26 days of the un-fortunate incident. Since the appellant was innocent, therefore, father and mother of the deceased patched up the matter with the appellant facing trial and pardoned him unconditionally. The enquiry officer recommended "suitable punishment" and not major punishment of "dismissal from service" to be awarded to the appellant. Moreover, the show cause notice dated 28.01.2021 issued under Rule 5 (5) of the Khyber Pakhtunkhwa Police Rules, 1975 did not specifically indicate the kind of penalty tentatively decided to be awarded to the appellant.

07. We are therefore of the considered view that statement of the appellant submitted on 25.01.2021 to the enquiry officer as well as statement dated 26.01.2021 in response to charge sheet/statement of allegations and reply to show cause notice dated 28.01.2021, have not been taken into account which speaks volume of his innocence who seems to have been grilled on the sole ground of being a personnel of disciplined force. It is an established fact that the appellant was neither


arrested nor he remained behind the bar, rather he made himself available to the enquiry officer and was associated with the disciplinary proceedings under taken against him. On acceptance of compromise statement of the parents of deceased by the court and his acquittal by the court of law is nothing but an honourable acquittal, which quashed away the vary and basic charge he was proceeded against departmentally.

08. As a sequel to the above, the instant service appeal is allowed by setting aside the impugned orders and the appellant is reinstated into service with all back benefits. Costs shall follow the event. Consign.

09. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 29th day of April, 2022.*




(SALAH UD DIN)
MEMBER(J)


(MIAN MUHAMMAD)
MEMBER(E)

انڈیکس

بعد الت جناب محمد ساجد XII-A.D&SJ، پشاور

نمبر مقدمہ	ردومہ	صل رجوعہ	فیصلہ	قطعات
14/SC	27-3-21		14-6-21	

سرکار
نام
نمبر

نمبر شمار	قطعہ نمبر	تعداد قطعات	نوعیت کاغذات
	1/6		انڈیکس اور آرڈر کی کتابیں
	7/8		مختصر فارماری EX
	9/53		انڈیکس اور آرڈر کی کتابیں
			53

Checked & Found Correct

ASJ-XII, Peshawar

ضلع (سید)

فارم چالان مکمل

(۲)

قائدہ / قاضی

قائدہ / قاضی 30299C 11-11-2021 مورخہ

6	5	4	3		2	1
تفصیل	تفصیل کو اعلان	تفصیل بالقدم	بہداشت	مزمان	مزمان جو گرفتار ہوئے ہوں۔ بشمول مغروران	تقریب
<p>حالات یوں ہے کہ خدمت مخانیہ پارک میں مہنگی ایل سے (PAC) میں آگیا اور اس کے پے سے اس طرح سے میں حکم ایک طرح سے باخو موجود تھا۔ پہرے اچانک فائبرس آگیا اور اس دیکھا تو یہ چیز آگ میں ایک اعلیٰ حالت میں لپک رہا فنی سہیلی کی حالت میں ایک اعلیٰ حالت میں لپک رہا پہرے 324 سے آگیا اور اس کے ساتھ اس کے ساتھ</p>	<p>زائدہ ولد محمد اسماعیل کے ایل 0312-5683030 ایکٹا سے ایل کنیل مکمل 1745 ڈی ایل 2526 کنیل ایل 3093 ایکٹا سے ایل 5446</p>	<p>زائدہ ولد محمد اسماعیل کنیل مکمل</p>	<p>زائدہ ولد محمد اسماعیل کنیل مکمل</p>	<p>زائدہ ولد محمد اسماعیل کنیل مکمل</p>	<p>زائدہ ولد محمد اسماعیل کنیل مکمل</p>	<p>تقریب</p>

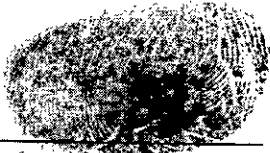


Joint statement of

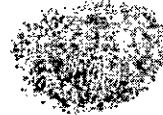
- 1. Muhammad Ishaq S/O Muhammad Ismail (father of deceased).**
- 2. Mst: Saeeda W/O Muhammad Ishaq (mother of deceased)**
Both R/O Mohallah Achar Deh Bahadar, Peshawar on oath.

Stated on oath that we are parents as well as legal heirs of deceased Mst: Reema Bibi who was murdered and in this regard case FIR No.482 dated 11.11.2020 U/S 302 PPC was registered at PS Rehman Baba, Peshawar. Now we have patched up the matter with the accused facing trial and have pardoned him in the name of Allah Almighty and also waived off our rights of Qisas and Diyat. We have got no objection if this Honorable Court acquit the accused facing trial in the instant case on the basis of compromise. In this respect copies of our CNIC's are Ex.PA & Ex.PB. It is pertinent to mention here that the deceased was unmarried.

RO&AC
14/06/2021



Mst: Saeeda (mother of deceased)
CNIC No.17301-3182885-4



Muhammad Ishaq(father of deceased)
CNIC No.17301-7572470-9

**Muhammad Sajid,
ASJ-XIII, Peshawar**

ACCEPTED
14/06/2021
ESTR...


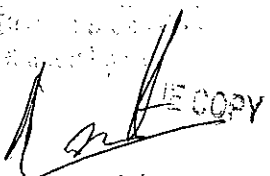
(b)

FORM "A"

FORM OF ORDER SHEET

IN THE COURT OF MUHAMMAD SAJID, ASJ-XIII,**PESHAWAR****Sessions Case #14/SC****The State -- Vs -- Zahid**

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
OR-----03	14/06/2021	<p>Mr. Jamshaid Khan PP for the State present. Accused Zahid on bail present. Today Muhammad Ishaq and Mst: Saeeda appeared before the court and recorded their joint statement to the effect that they being parents as well as legal heirs of the deceased have <u>patched up the matter</u> with the accused facing trial and have <u>pardon him in</u> the name of Almighty Allah by waving of their rights of Qisas and Diyat and have got no objection over the acquittal of the accused facing trial in the instant case.</p> <p>Allegations against the accused acing trial are that he has committed the qatal-i-amd of Mst: Reema by firing at her. Hence the instant case.</p> <p>In view of the above discussed facts, since the parents who are sole LR's of the deceased have effected a <u>genuine compromise</u> with the accused facing trial and they while recording their joint statement shown their <u>no objection over the acquittal of the accused facing trial from the charges leveled against him</u> in this case. The LR's of the deceased also mentioned in their joint</p>

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
Contd...3	14/06/2021	<p>compromise statement that the deceased was unmarried. The compromise appears to be genuine and without any duress and coercion, I, therefore, while <u>accepting the compromise</u> <u>acquit the accused</u> facing trial namely Zahid from the charges leveled against him in the case in hand. Accused facing trial is on bail, his sureties are relieved from the liabilities of their bail bonds.</p> <p>Case property if any be kept in fact till the expiry of period of appeal/revision and thereafter be disposed off according to law. File of this Court be consigned to the record room after completion and compilation.</p> <p><u>Announced</u> 14/06/2021</p> <div style="text-align: right;">  (Muhammad Sajid) ASJ-XIII, PESHAWAR. </div> <div style="text-align: right; margin-top: 20px;">  COURT 24-6-21 </div> <div style="margin-top: 20px;"> <div style="border: 1px solid black; padding: 5px; display: inline-block;"> No..... 26 FT 4 Date of App'l..... 24-6-21 Name..... Work..... For..... Sign..... Date..... 24-6-21 Date..... 24-6-21 </div> <div style="margin-left: 20px; font-size: 2em;"> 5 </div> </div>

ORDER

29.05.2022


Counsel for the appellant present. Mr. Naseer-ud-Din Shah,
Assistant Advocate General for respondents present.

02. Vide our detailed judgement of today placed on file
(containing 05 pages), the instant service appeal is allowed by
setting aside the impugned orders and the appellant is reinstated
into service with all back benefits. Costs shall follow the event
Consign.

03. Pronounced in open court at Peshawar and given under
our hands and seal of the Tribunal this 29th day of May, 2022.



(SALAH-UD-DIN)
MEMBER (J)



(MIAN MUHAMMAD)
MEMBER (E)

23.11.2021 Proper D.B is not available, therefore, case is adjourned to 1 / 3 / 2022 for the same as before.


Reader

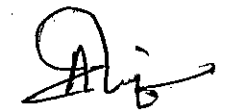
1-3-22

Due to Retirement of the Hon. ble
Chairman the case is adjourned on
30-3-22

30.3.2022

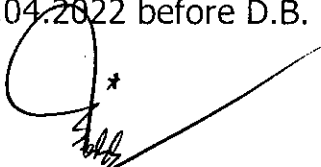
Proper DB not available the case is adjourned
to come up for the same as before on 28-4-2022



Reader


Reader

28.04.2022 Learned counsel for the appellant present. Syed Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Arguments of both the parties heard. To come up for order on 29.04.2022 before D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

16.08.2021

Learned Addl, A.G be reminded about the omission
and for submission of reply/comments within extended
time of 10 days.


Chairman

Stipulated period passed reply not submitted.

02.07.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 23.11.2021 before the D.B.

Appellant Deposited
Security & Process Fee

6/9/21

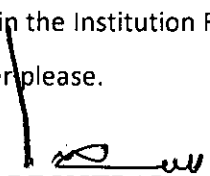


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5185 /2021

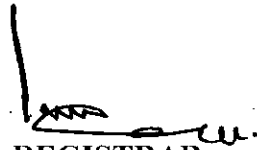
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/05/2021 27/5/21	<p>The appeal of Mr. Muhammad Zahid resubmitted today by Mr. Haseenullah Gamaryani Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/07/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Muhammad Zahid Ex-Constable No. 4668 Peshawar received today i.e. on 21.04.2021 is incomplete on the following score which is returned to counsel for the appellant for completion and resubmission within 15 days:-

1. Copies of Enquiry Report and Final Show Cause Notice are not attached with the appeal which may be placed on file.

No. 759 /ST,

Dt. 03/05 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

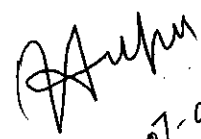
Mr. Haseen Ullah Gamaryan, Advocate
Peshawar.

Respected Sir,

The instant appeal is resubmitted after removing the aforesaid objections and be fixed before the Honorable Bench.

However, it is added that the inquiry report & final show cause notice was not noted in the index of documents, therefore be considered as part & parcel of the service appeal in hand.

Counsel for Appellant


07-05-2021

BEFORE THE SERVICE TRIBUNAL K.P.K.
PESHAWAR

Service Appeal No. _____/2021

Muhammad Zahid

.....Appellant

Versus

Government of KPK, & Others

..... Respondents

INDEX

S.NO.	PARTICULARS	ANNEXURES	P/NO.
1	Memo of Appeal		1-5
2	Affidavit		6
3	Copy of FIR, Bail Application & Order	A,B&C	7-16
4	Charge Sheet & Reply	D&E	17-21
5	Dismissal Order dt:08.02.2021	F	22
6	Departmental appeal & order	G & H	23-25-B
7	Wakalathnama		26

Petitioner
Through

HASEEN ULLAH GAMARYANI
&

ASIF ALI SHAH

Advocates, High Court

Chamber:

3-A, Haroon Mansion,

Khyber Bazaar, Peshawar.

Cell:0333-9006806

0300-9597866

Dated: 21.04.2021

①

BEFORE THE SERVICE TRIBUNAL K.P.K.
PESHAWAR

Service Appeal No. 5185 /2021

Khyber Pakhtunkhwa
Service Tribunal
4981
21/4/2021

Muhammad Zahid S/O Muhammad Ishaq, (Ex-Constable Belt
No.4668)
R/O Mohallah Achar Deh Bahader, Tehsil & District Peshawar.
.....Appellant

Versus

1. **Government of KPK**, through, Chief Secretary KPK,
Peshawar.
2. Inspector General of Police, KPK, Peshawar.
3. Capital City Police Officer, Peshawar City.
4. Superintendent of Police, Headquarter, Peshawar.

.....Respondents

APPEAL U/S 4 KP SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER OF RESPONDENT NO. 3
DATED:06.04.2021 WHEREBY THE APPEAL OF THE
APPELLANT AGAINST THE IMPUGNED ORDER
OF RESPONDENT NO.4 DATED: 08.02.2021, HAS
BEEN REJECTED AND DISMISSAL ORDER OF
APPELLANT ISSUED BY RESPONDENT NO.4
DATED: 08.02.2021 WAS MAINTAINED.

Riled to-day

Registrar

21/4/2021

Re-submitted to -day
and filed.

Registrar

7/5/2021

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL THE ORDER
OF RESPONDENT NO. 3 DATED: 06.04.2021
WHEREBY THE APPEAL OF THE APPELLANT

②

AGAINST THE IMPUGNED ORDER OF
RESPONDENT NO.4 DATED: 08.02.2021, HAS BEEN
REJECTED AGAINST DISMISSAL FROM SERVICE,
MAY KINDLY BE REVERSED AND RESULTANTLY
THE DISMISSAL ORDER OF APPELLANT ISSUED
BY RESPONDENT NO.4 DATED: 08.02.2021 MAY
KINDLY BE SET ASIDE AND THE APPELLANT
MAY BE REINSTATED IN SERVICE WITH ALL
BACK BENEFITS.

Respectfully Sheweth:

1. That the appellant was serving in Police Department as Constable Belt No.4668 in District Police, Peshawar.
2. That the appellant was performing his duties to the satisfaction of his high ups but on 11.11.2020 the appellant's younger sister got fire arms injury and the appellant has been involved by the local police on the suspicion in case FIR No.482 U/S-302 PPC & 15AA of Police Station Rehman Baba, of District Peshawar. (Copy of FIR is attached as annexure-A)
3. That the appellant due to harassment by the hands of the local police, surrendered and got bail before arrest from the competent court of law which was confirmed by Hon'ble Additional Sessions Judge-VII, Peshawar. (Copy of Bail Application and confirmation order are attached as annexure-B&C)
4. That the respondents started proceedings against the appellant, the appellant joined the proceedings and submitted the required replies and documents as per requirement of the inquiry committee. (Copies of charge sheet & others are attached as Annexure-D&E)

5. That when the appellant appeared before respondents and submitted the true facts but Respondent No.4 without touching the real of affaires of the case passed the dismissal order of the appellant vide impugned Order dated: 08.02.2021. (Copy of dismissal order is attached as Annexure-F)
6. That the appellant approached to respondent No.3 after getting knowledge of the above illegal dismissal, and filed a departmental appeal against the above impugned order which was entertained and decided vide impugned Order on 06.04.2021. (Departmental Appeal & impugned Order dated:06.04.2021 are attached as Annexure-G&H).
7. That the appellant now approaches this Honourable Tribunal against the above said order on the following grounds amongst the others.

Grounds:

- a) That the aforementioned orders of dismissal of the appellant are illegal unlawful without authority / jurisdiction and being based on the malafide intention is liable to be set-aside.
- b) That in inquiry proceedings as prescribed under the prevailing laws was never ever conducted, still in the findings of the punishment was awarded the major penalty of dismissal from service without mentioning any reasons and passed the impugned orders illegally.
- c) That the punishment awarded to the appellant was not proportionate with his fault / negligence and he was awarded the maximum punishment and the punishing authority did not fulfilled the legal requirement and

passed the impugned order, which have no value in the eyes of law.

- d) That no process/procedure as prescribed in the service laws were ever adopted by the respondent department, which is the basic requirement under the prevailing service laws/rules.
- e) That no legal requirement has ever been fulfilled in the appellant case and this factum is clear from the impugned orders, hence, the orders were passed in haphazard manner and liable to be set aside
- f) That the dismissal order of the appellant was not in accordance/in-proportionate with the allegations leveled against the appellant and it was a harsh punishment as against the negligence whatsoever mentioned in the proceedings.
- g) That the appellant would be acquitted from the charges leveled against him and every acquittal in the eye of law is honorable acquittal, hence the impugned order of dismissal from service on this ground is nullity in the eye of law.

IT IS, THEREFORE, HUMBL Y PRAYED THAT ON ACCEPTANCE OF THIS APPEAL THE ORDER OF RESPONDENT NO. 3 DATED: 06.04.2021 WHEREBY THE APPEAL OF THE APPELLANT AGAINST THE IMPUGNED ORDER OF RESPONDENT NO.4 DATED: 08.02.2021, HAS BEEN REJECTED AGAINST DISMISSAL FROM SERVICE, MAY KINDLY BE REVERSED AND RESULTANTLY THE

(5)

DISMISSAL ORDER OF APPELLANT ISSUED BY
RESPONDENT NO.4 DATED: 08.02.2021 MAY
KINDLY BE SET ASIDE AND THE APPELLANT
MAY BE REINSTATED IN SERVICE WITH ALL
BACK BENEFITS.

ANY OTHER RELIEF WHICH THIS HON'BLE
TRIBUNAL DEEMS PROPERLY AND HAS NOT
BEEN ASKED PROPERLY MAY ALSO BE
GRANTED.

Appellant
Through: *Asif*
Haseen Ullah Gamaryani
&
Asif Ali Shah *Asif*
Advocate High Court, Peshawar

Dated:21.04.2021

VERIFICATION:

It is verified that (as per information given me by my client) all the contents of the instant appeal are true and correct and nothing has been concealed intentionally from this Hon'ble Tribunal.

Advocate *Asif*

Note:

That no such like petition / Appeal on this subject matter has earlier been filed before this Hon'ble Tribunal.

Asif
Advocate

(6)

BEFORE THE SERVICE TRIBUNAL K.P.K.
PESHAWAR

Service Appeal No. _____/2020

Muhammad Zahid

.....Appellant

Versus

Government of KPK, & Others

..... Respondents

Affidavit

It is hereby solemnly affirm and declare on oath that all the contents of the instant appeal are true and correct to the best of my Knowledge and belief and nothing has been concealed intentionally from this Honourable Court.

ATTESTED



M. Zahid
Deponent

17301-6506063-7

0312-5683030

(7)

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت بم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 153 بم و ضابطہ نوہداری

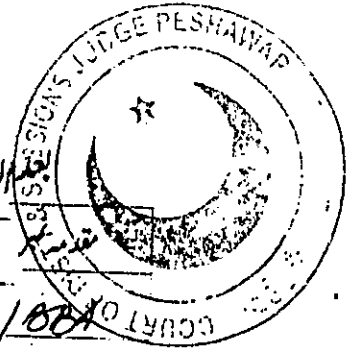
ملک	پاکستان	ضلع	پشاور
تاریخ	11-11-2020	تاریخ	10-10-20
تاریخ وقت رپورٹ	32	تاریخ وقت رپورٹ	48
نام سکونت	راولپنڈی	نام سکونت	لاہور
مختصر کیفیت جرم (موردہ)	حال اگر کچھ لیا گیا ہو	مختصر کیفیت جرم (موردہ)	324 PPC
جائے وقوعہ	جائے وقوعہ	جائے وقوعہ	جائے وقوعہ
نام و سکونت ملزم		نام و سکونت ملزم	
بہرہ رانی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں وقفہ واقع ہوا تو وجہ بیان کر		بہرہ رانی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں وقفہ واقع ہوا تو وجہ بیان کر	
مقام سے روانگی کی تاریخ و وقت		مقام سے روانگی کی تاریخ و وقت	

ابتدائی اطلاع نیچے درج کرو۔
 بوقت صبح ایک شخص نے اسم اسلام صاحب سے
 علامہ خان ASI سے بیسٹ کنٹینر میں 1745 نمبر پر موجود بل سے مجھ سے افسر ایچ آر جی
 رحمن بابا اسد زین میں مع بیرونیان میں 1743-1743 نمبر پر 7063 نمبر پر جو یہ بل سے مجھ سے
 موجود تھا کہ تمام سے اطلاع لیا کہ تمام بل سے اطلاع لیا کہ تمام بل سے اطلاع لیا کہ تمام بل سے
 سبب اطلاع فوراً LRMH اسپتال آکر IC اور وہیں مجھ سے بیسٹ کنٹینر میں 1743-1743 نمبر پر 7063
 نمبر پر بل سے اطلاع لیا کہ تمام بل سے اطلاع لیا کہ تمام بل سے اطلاع لیا کہ تمام بل سے
 موجود بل سے اطلاع لیا کہ تمام بل سے اطلاع لیا کہ تمام بل سے اطلاع لیا کہ تمام بل سے
 اچانک فائر کا آواز سن کر جو مجھ سے بیسٹ کنٹینر میں 1743-1743 نمبر پر 7063
 سبب اطلاع فوراً LRMH اسپتال آکر IC اور وہیں مجھ سے بیسٹ کنٹینر میں 1743-1743
 نمبر پر بل سے اطلاع لیا کہ تمام بل سے اطلاع لیا کہ تمام بل سے اطلاع لیا کہ تمام بل سے
 کسی ملزم کا باہر نکلنا نامعلوم ہے اسلئے سیکورٹی سے ہم اس بارہ قتل و گنہگاروں کی قتل
 سے امداد دیگر دستہ داران کے معرض علاج سے لRMH اسپتال دینے سے ہی اطلاع کسی پر مشتمل
 اور سبب اطلاع فوراً LRMH اسپتال آکر IC اور وہیں مجھ سے بیسٹ کنٹینر میں 1743-1743
 نمبر پر بل سے اطلاع لیا کہ تمام بل سے اطلاع لیا کہ تمام بل سے اطلاع لیا کہ تمام بل سے
 اسلئے سیکورٹی سے ہم اس بارہ قتل و گنہگاروں کی قتل سے امداد دیگر دستہ داران کے معرض
 علاج سے لRMH اسپتال دینے سے ہی اطلاع کسی پر مشتمل اور سبب اطلاع فوراً LRMH
 اسپتال آکر IC اور وہیں مجھ سے بیسٹ کنٹینر میں 1743-1743 نمبر پر 7063
 نمبر پر بل سے اطلاع لیا کہ تمام بل سے اطلاع لیا کہ تمام بل سے اطلاع لیا کہ تمام بل سے
 اسلئے سیکورٹی سے ہم اس بارہ قتل و گنہگاروں کی قتل سے امداد دیگر دستہ داران کے معرض
 علاج سے لRMH اسپتال دینے سے ہی اطلاع کسی پر مشتمل اور سبب اطلاع فوراً LRMH
 اسپتال آکر IC اور وہیں مجھ سے بیسٹ کنٹینر میں 1743-1743 نمبر پر 7063
 نمبر پر بل سے اطلاع لیا کہ تمام بل سے اطلاع لیا کہ تمام بل سے اطلاع لیا کہ تمام بل سے

ATTACHED

انڈس

8



اعمال جناب شاہد محمود صاحب ایڈیشنل ڈسٹرکٹ اینڈ سیشن جج، پشاور

تقطعات	فیصلہ	اصل رجوعہ	رجوعہ	تاریخ
24	18-1-2021		24.12.20	7/881

بنام سر

ذمیت لاغرات	تعداد تقطعات	تقدیر نمبر	نمبر شمار
انڈس - سر اسحاق خان درویش	10	1/10	1
سر اسحاق خان درویش - سر اسحاق خان درویش	7	1/17	2
سر اسحاق خان درویش - سر اسحاق خان درویش	7	18/24	3

ایڈیشنل ڈسٹرکٹ جج ۷/۱۱ پشاور
9/10/2020

داخل دفتر شد (24) کل تقطعات

ATTESTED

ATTESTED

25 12 2020

(Signature)
Sessions Judge

7
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BEFORE THE HON'BLE SESSIONS JUDGE, PESHAWAR

Institution Branch (Sessions),
New Judicial Complex,
Peshawar

Cr. Misc (BBA) No. _____/2020

Muhammad Zahid S/o Muhammad Ishaq R/o Mohallah
Achar, P.O Deha Bahadar, Tehsil & District Peshawar.

.....ACCUSED/PETITIONER

VERSUS

The State..... RESPONDENT

Case FIR No.482, Dated 11.11.2020
Charged u/s 302 P.P.C,
Police Station Rehman Baba, Peshawar.

PETITION UNDER SECTION 498
Cr.P.C FOR THE CONCESSION OF
PRE-ARREST BAIL TO THE
ACCUSED/ PETITIONER TILL FINAL
DECISION OF THE CASE.

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ASJ 11

Respectfully Sheweth:

1. That the above captioned case has been registered on the report of petitioner being complainant. (Copy of FIR is annexed).
2. That afterwards during investigation the petitioner has submitted his written statement, wherein he disclosed that on the day of occurrence, he was in severe shock

Dr. Saad ul Azeem Muhammad Saifur Khair Adv. Muhammad Zahid BBA n 302 (S.I), 2020.docx

~~ATTESTED~~

ATTESTED

25.11.2020

(Signature)
Sessions Judge

and tension due to the sudden incident, therefore, he could not understand the actual and real facts and reported the matter to the police as described in the FIR inadvertently.

3. That in the subsequent statement, the petitioner narrated the actual facts of the incidents.
4. That instead of conducting investigation on the line as described in the afterwards statement, the local police of the concerned Police Station during investigation suspected the petitioner as accused and going to arrest him, malafidely and unjustifiably.
5. That initially the case was registered u/s 324 P.P.C but later on altered to section 302 P.P.C, after the death of the deceased ~~then~~ injured.
6. That the petitioner is absolutely innocent in the case and his mother also supports the version by submitting written statement during investigation.
7. That as the petitioner apprehends his arrest by the local police as time and again they telephonically asked the petitioner to join the investigation as accused.
8. That section of law leveled in the case is absolutely not applicable against the petitioner.
9. That the petitioner is peaceful and law abiding citizen and government servant, hence there is no apprehension of his abscondance, if released on bail.

D. Afroz P.W.A. (Muhammad) Saeed Khan 509 (Muhammad) Zaid RPA in 302 (S.I), 3620-10x

ATTESTED

ATTESTED

25 JAN 2024

(Examiner)
Session Court Peshawar

11

10. That the petitioner will join the investigation when required and will fully cooperate with the investigation agency.

11. That the petitioner is ready to furnish reliable sureties for the satisfaction of this Hon'ble Court.

It is, therefore, humbly prayed that on acceptance of the instant petition, the pre-arrest bail may kindly be granted as prayed for.

Accused/Petitioner
Through

M. Safdar Khan
Muhammad Safdar Khan
Advocate Supreme Court

Dated: 24.12.2020

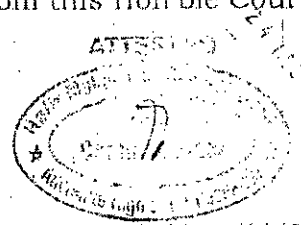
CERTIFICATE:

No such like Pre-Arrest Bail petition has earlier been filed by the accused/ petitioner before this Hon'ble Court.

M. Safdar Khan
ADVOCATE

AFFIDAVIT

I, Muhammad Zahid S/o Muhammad Ishaq R/o Mohallah Achar, P.O Deha Bahadar, Tehsil & District Peshawar, do hereby solemnly affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.



M. Zahid
DEPONENT

CNIC: 173016506063-7

D:\Pwcr DATA\Substantia\ Sadat (Glan) A/c Muhammad Zahid BUA in 302 (Sd) 2020.docx

ATTESTED

ATTESTED
[Signature]

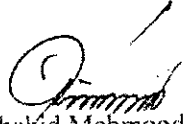
25 JAN 2021
(Examiner)
Session Court Peshawar

Joint Statement of

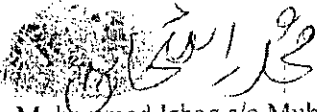
1. Mst Saeeda w/o Muhammad Ishaq aged about 52 years (mother of deceased)
2. Muhammad Ishaq s/o Muhammad Ismail aged about 61 years (father of deceased) both r/o Mohallah Achar Deh Bahadar Peshawar; on oath;

Stated that we are legal heirs/parents of deceased Mst Rema who was sustained injuries and in this respect the accused/complainant Muhammad Zahid (brother of deceased) lodged a report vide case FIR No. 482 dated 11/11/2020 u/s 324 PPC of Police Station Rehman, Peshawar was registered wherein unknown accused were charged for the commission of offence. Later on Mst Rema succumbed to her injuries and died and section of law was converted to section 302 PPC and complainant of the instant case was charged in the instant case as accused. Now we being parents of the deceased don't want to further prosecute the instant case against accused (Muhammad Zahid) as he is innocent and falsely been charged by the police party. Since, the accused is innocent, therefore, we all the legal heirs (being sole legal heirs/parents of the deceased) have patched up the matter with the accused facing trial and have pardoned him unconditionally in the name of Allah Almighty. The deceased was unmarried. The compromise is genuine and effected without force and coercion. Now we have got no objection if the BBA of the accused/petitioner is confirmed or later on acquitted of the charges leveled against him. The compromise deed affidavit are Ex.PA & PB while Copies of our CNICs are Ex. P-1 and Ex.P-2.

RO & AC
14/1/2021


Shahid Mehmood
Addl: Sessions Judge-VII,
Peshawar.


Mst Saeeda w/o Muhammad Ishaq
(Mother of deceased) CNIC NO 17301-3182885-4


Muhammad Ishaq s/o Muhammad Ismail
Father of deceased CNIC No 17301-7572470-9

ATTESTED

ATTESTED

25 JAN 2021

(Examiner)

Session Judge Peshawar

5 (13)

**IN THE COURT OF SHAHID MEHMOOD,
ADDITIONAL SESSIONS JUDGE-VII, PESHAWAR**

FORM "A".

FORM OF ORDER SHEET.

Muhammad Zahid Vs state & others

Case No:

Serial No. Of Order or Proceedings	Date of Order or proceedings	Order or other proceedings with Signature of Judge Or Magistrate and that of parties or counsel, where necessary
1	2	3
Order....#	18.01.2021	<p>Mr. Muhammad Khalid, Sr. PP for the state present. Accused/petitioner on ad interim pre-arrest bail present.</p> <p>The accused/petitioner namely Muhammad Zahid s/o Muhammad Ishaq seeks his ad-interim pre-arrest bail in case FIR No. 482 dated 11/11/2020, U/S 302 PPC, registered at Police Station Rehman Baba Peshawar.</p> <p>On 14/1/2021, Mst Saeeda w/o Muhammad Ishaq (mother of deceased) and Muhammad Ishaq s/o Muhammad Ismail (father of the deceased) alongwith counsel appeared and informed the court about the factum of compromise affected between the parties, in this respect, their joint statement was also recorded wherein they affirmed that they have stated that since the accused is innocent, they have patched up the matter with the accused/petitioner and have pardoned him in the name of Almighty Allah, and that they have got no objection, if the BBA of the accused/petitioner is confirmed or later on acquitted from the charges leveled against him, as they are no more interested in the further prosecution of case.</p> <p>They further stated that deceased was unmarried.</p>

[Handwritten Signature]
18/01/2021
Addl. District Judge-VII
Peshawar

ATTESTED

ATTESTED

25 JAN 2021

(Examiner)
Sessions Court Peshawar

As per record, accused/petitioner is charged u/s 302 PPC and the sections of law is compoundable hence, sending accused/petitioner behind the bar would serve no useful purpose, if he is to be subsequently released on bail. Moreover, the complainant party is also not interested in further prosecution of instant case. Above all, accused/petitioner has already joined investigation and sending him behind the bar will be useless rather having negative impact.

For the above given reasons, accused/petitioner deserves concession of grant of ad-interim relief of release on pre-arrest bail, hence, petition is allowed, ad-interim pre-arrest bail already granted to the accused/petitioner is hereby confirmed on existing bail bonds. Record be returned. File be consigned to record room after compilation and completion.

Announced:
18/01/2021

Shahid Mehmood
Shahid Mehmood,
AD&SJ-VII, Peshawar.

CERTIFIED TO BE TRUE COPY

25 JAN 2021

(Ex:
Copying Agent
Peshawar

~~ATTESTED~~

150:	1582
Dated of Reg.	25-1-021
Name of Applicant	decc
Word	2800
Fee	P-7
Signature	<i>[Signature]</i>
Dated of Reg.	25-1-021
Date of Delivery	25-1-021

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بیان حلفی

سلسلہ مقدمہ علت 482 مورخہ 11/11/2020 جرم PPC 302/15AA تھانہ رحمان بابا

مکہ محمد اسحاق ولد محمد اسماعیل ساکن شیخان اچھر کلمہ تحصیل ضلع پشاور حلفاً بیان کرتی ہوں کہ من حالفہ کی دختر مورخہ 11/11/2020 اپنے مکان کے اندر واقع سمرہ ایس ڈی بیوٹی تھی جو کہ چند دن لیڈی ریڈنگ ہسپتال پشاور میں زیر علاج تھی جو مورخہ 05/12/2020 کو دفات لپائی ہے۔ اس لئے مقدمہ میں جرم کی نوعیت PPC/324 سے تبدیل کر کے PPC/302 کی ایزادگی کی گئی مقدمہ ہذا اور رپورٹ پسرش محمد زاہد نے کی تھی۔ مقدمہ ہذا کی رپورٹ پسرش محمد زاہد نے تھی جو کہ اصل واقعات سے باطنی کی وجہ سے غلطی سے اصل واقعات بیان نہیں کر سکے دوران تفتیش مقامی پولیس نے پسرش کو مقدمہ ہذا میں بطور ملزم نامزد کیا۔ ملزم مذکورہ نے ہماری تسلی کرائی اور ہم نے اپنے طور پر بھی تسلی کی کہ ملزم مذکورہ مقدمہ ہذا میں بے گناہ ہے اس لئے ہم ملزم مذکورہ کے خلاف قانونی کارروائی کرنے کا خواہاں نہیں ہے اور نہ ہی مقدمہ میں کسی دیگر شخص کو نامزد کرتے ہیں ہم نے پوری تسلی کی ہے کہ میری بیٹی سہماہ ریمائی بی بی بھر 16/17 سال کرہ میں صفائی کرنے وقت کرہ میں پڑی بندوق کے ساتھ ہاتھ لگنے سے فائر ہو کر زخمی ہوئی تھی۔ اگر نامزد ملزم زاہد کی ضمانت قبل از گرفتاری بی بی اے عدالت حضور سے کنفرم ہو جائے یا بعد میں بری ہو جائے تو من حالفہ کو کوئی اعتراض نہ ہے اور نہ رہے گا۔ بیان حلف لکھ دی تاکہ ہند رہے۔

المرقوم 13/11/2021



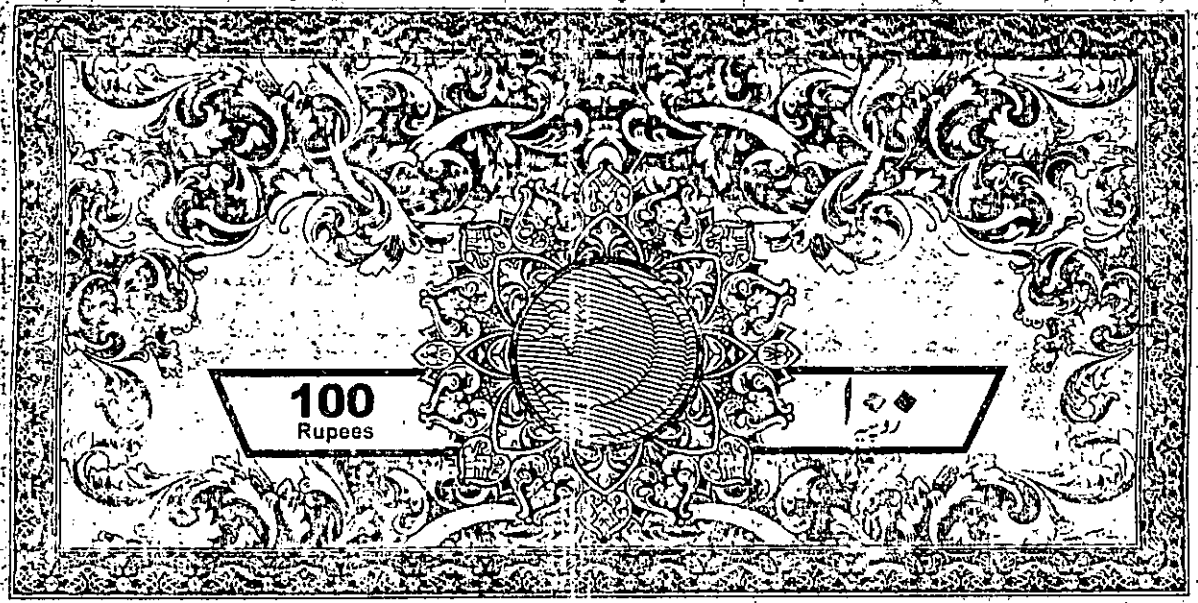
من حالفہ

محمد اسحاق ولد محمد اسماعیل

شہادت کارڈ نمبر 9-17301-7572470

ATTESTED

G059167



بیان حلفی

بسلسلہ مقدمہ علت 482 مورخہ 11/11/2020 جرم PPC 302/15AA تھانہ رحمان بابا

منکہ مسماة سعیدہ بی بی زوجہ محمد اسحاق ساکن شیخان چھرکے تحصیل و ضلع پشاور حلفاً بیان کرتی ہوں کہ منہ حالفہ کی دختر مورخہ 11/11/2020 اپنے مکان کے اندر واقع کمرہ میں زخمی ہوئی تھی جو کہ چند دن لیڈی ریڈنگ ہسپتال پشاور میں زیر علاج تھی جو مورخہ 05/12/2020 کو وفات پائی ہے۔ اس لئے مقدمہ میں جرم کی نوعیت PPC/324 سے تبدیل کر کے PPC 302 کی ایذا دہی کی گئی مقدمہ ہذا کی رپورٹ پراسس محمد زاہد نے کی تھی۔ مقدمہ ہذا کی رپورٹ پراسس محمد زاہد نے تھی جو کہ اصل واقعات سے لاعلمی کی وجہ سے غلطی سے اصل واقعات بیان نہیں کر سکے دوران تفتیش مقامی پولیس نے پراسس کو مقدمہ ہذا میں بطور ملزم: ملزم مذکورہ نے ہماری تسلی کرائی اور ہم نے اپنے طور بھی تسلی کی کہ ملزم مذکورہ مقدمہ ہذا میں بے گناہ ہے اس لئے ہم ملزم مذکورہ کے خلاف قانونی کارروائی کرنے کا خواہاں نہیں ہے اور نہ ہی مقدمہ میں کسی دیگر شخص کو نامزد کرتے ہیں ہم نے پوری تسلی کی ہے کہ میری بیٹی مسماة ربیما بی بی بھر 16/17 سال کمرہ میں صفائی کرتے وقت کمرہ میں پڑی پتول کے ساتھ ہاتھ لگنے سے فائر ہو کر زخمی ہوئی تھی۔ اگر نامزد ملزم زاہد کی ضمانت قبل از گرفتاری بی بی اے عدالت حضور سے کنفرم ہو جائے یا بعد میں بری ہو جائے تو منہ حالفہ کو کوئی اعتراض نہ ہے اور نہ رہے گا۔ بیان حلف لکھ دی تاکہ متاثر نہ رہے۔

المرقوم 13/01/2021

منہ حالفہ

مسماة سعیدہ بی بی زوجہ محمد اسحاق

شناختی کارڈ نمبر 9-31828854-17301

ATTESTED

(17)

CHARGE SHEET

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Zahid Khan No.4668 of Capital City Police Peshawar with the following irregularities.

"That you Constable Zahid Khan No.4668 while posted at PS Shah Qabool, Peshawar were involved in a criminal case vide FIR No.482 dated 11.11.2020 u/s 302/15-AA PS Rahman Baba. This amounts to gross misconduct on your part and is against the discipline of the force."

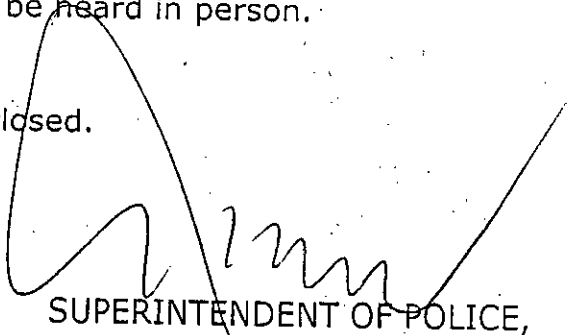
You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

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 ex-parte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

ATTESTED


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Zahid Khan No.4668 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

STATEMENT OF ALLEGATION

"That Constable Zahid Khan No.4668 while posted at PS Shah Qabool, Peshawar was involved in a criminal case vide FIR No.482 dated 11.11.2020 u/s 302/15-AA PS Rahman Baba. This amounts to gross misconduct on his 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 DSP CIVIL SECT is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, 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. 308 /E/PA, dated Peshawar the 29/12 /2020

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

ATTESTED

حوالہ ڈائری نمبر 26 R مہرول عدت بھوانی مہرول 2020 H کنسٹبل زاہد 4668
 نے ہسپتال RH کی پھونک میں رپورٹ کی کہ ہسپتال میں مسلمانانہ ریکارڈ ختم کر کے ڈائری میں
 صرف تھی کہ نامعلوم مسلمانانہ ریکارڈ ختم کر کے ڈائری میں مسلمانانہ ریکارڈ ختم کر کے ڈائری میں
 تیس گھنٹوں تک کی جھگڑا جس سے ہسپتال آگ لگ کر تھیں جس کو ہم اہل ذمہ داری ہسپتال داران
 کنسٹبل علاج مہرول ہسپتال نے آج قدرہ دیکھا ہسپتال میں تقریباً 26 جولہ لایا گیا ہے
 علاج تھی حال کچھ لیچر مقدمہ ہذا میں الزامی نہیں اور ان کو سب سے ہسپتال
 رپورٹ اطلاع دی اور ایس و اینڈ ایس کے ذریعہ متعلقہ حکام کو مطلع کیا گیا اور اطلاع دی گئی
 دوران گفتگو فریڈ کو اور کنسٹبل نے گفتگو کے بعد BRBA کی اور بعد میں معلوم ہوا ہے
 مشن میں مسلمانانہ ریکارڈ میں اسٹیک کے ساتھ جو ڈھانچا کر رہی تھی غفلت ہے احتیاطی سے فائرنگ
 ہو کر گت کے مقدمہ ہذا میں 18-01-2021 BRBA کے مقدمہ کے مقدمہ ہذا میں دیکھ کر
 وائس ختم ہے ڈائری اور دیگر اہل علم کو اسٹیک کے مسلمانانہ ریکارڈ میں غفلت اور
 احتیاطی سے فائرنگ کے مقدمہ ہذا میں اور بعد میں ہسپتال RH میں حال کچھ ہے
 رپورٹ ختم ہے

INSPT-0-II-RB
 25-01-2021

ATTESTED

الذمہ داری

جناح عالی

حوالہ مشمولہ چارج شیٹ سے عرض خدمت ہوں کہ سائیں کے خلاف

مقدمہ عدالت 4668/2020 مورخہ 11/7/2020 AA-15/30 خانہ رحمان نامی سے عرض خدمت ہوں۔

کہ میں سائل کے خلاف بے جا اور بے بنیاد طور پر مقدمہ عنوان بالا درج رجسٹر کیلیج ہے

سائیں رحمتا عرض گزار ہے کہ وہ جو ہم بصورت مقدمہ بالا سے سائل یا الٹا سائل لا رہی ہے

اور اس میں مکمل بے گناہ ہے۔ کیونکہ سائل کے ساتھ ونڈ کیوں ہے جو کہ سائل کی بے گناہی کی پوری کرتی ہے

سائل نے مقدمہ میں نامزدگی کے بعد فوراً اپنے ایک قانون کے حوالہ کر کے عدالت سے

BBA کرائی جا کر حکم عدالت بحوالہ فیصلہ مورخہ 18/01/2021 کنوینٹ ہونے (نقل مافی بہرہ لے ہے)

سائل نے کسی قسم کی غیر قانونی فعلیت کی ہے۔ اور نہ ہی کسی مجرمانہ سرگرمی

میں ملوث رہا ہے۔ سائل نے حکم پولیس میں تقریباً 13/11 سال بے دماغ بلڈرز

انجام دی ہے۔

سائل ایک غریب اور شہر نشین ملذم اور ڈسپینسری کا پانڈ ہے

مقدمہ عنوان بالا میں مکمل بے گناہ ہے۔ اس لیے مجاز عدالت نے BBA کنوینٹ کرنے کی

رعایت کی ہے۔ اس لیے درخواست منظور ہو رہی ہے کہ سائل کو جملہ انوائٹمنٹوں میں

الزامات سے بری الزم قرار دیا جائے اور کو داخل دفتر کرنے اور پشمن

بھال کرنے کا حکم صادر فرمائیں۔ مگر جو دہا گور ہونگا

الٹا سائل

26/01/2021

ایک ایڈووکیٹ شیشی محمد زاہد نمبر 4668/2020 جہاں پولیس اسٹیشن پشاور

ATTESTED

Contact no. 0312-5683030

308/PA مورخہ 22-0-2021ء کا رپورٹ جناب انسپکٹریٹ کے لئے

پیشا ور مصروفین بیرون کہ مسائل پر ایس آر ڈی کے لئے جواب دہی کے لئے

جالیہ لکھنؤئی مشافہول کو دوبارہ نوادیل سے مورخہ 20-11-2020ء کو سوال پر جواب دہی ہوئی

کہ یہ فائنل اور سپر کے لئے سے بالکل الگ ہے اور اس کے لئے اس کے لئے اس کے لئے

جالیہ سے بگ کر ختمی اور ختمی کو اس کے لئے اس کے لئے اس کے لئے اس کے لئے

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بالا اور ہذا کی روٹس میں عرض رسالہ لکھنؤئی کہ اس طرح ایک بھائی مہم جو اور لکھنؤئی سے
سارے کے ساتھ تہمت سے واضح ہے کہ اپنے اختلاف اور بے اضیالی سے لکھنؤئی جان لکھنؤئی

ATTESTED
2-2-2021

ORDER

(22)

This office order relates to the disposal of formal departmental enquiry against Constable Zahid Khan No.4668 of Capital City Police Peshawar on the allegations that he involved in criminal case vide FIR No.482 dated 11.11.2020 u/s 302/15-AA PS Rahman Baba.

In this regard, he was placed under suspension and issued charge sheet and summary of allegations. DSP Civil Secretariat was appointed as E.O. He conducted the enquiry and submitted report/finding that action of alleged official is against the disciplined force. The E.O further recommended suitable punishment for the alleged official vide Enquiry Report No.137/R dated 26.01.2021.

Upon the finding of E.O, he was issued final show cause notice to which he received & replied but his explanation found unsatisfactory.

From perusal of enquiry papers & other material available on record, the undersigned came to conclusion that the alleged official found guilty being involved in criminal case. Therefore, FC Zahid Khan No.4668 is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect.


SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

OB. NO. 469 / Dated 8 / 2 / 2021

No. 794-800 /PA/SP/dated Peshawar the 08 / 02 / 2021

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

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


ATTESTED

**BEFORE THE CHIEF CAPITAL CITY POLICE
OFFICER, PESHAWAR.**

Department appeal against the impugned Office Order dated: 08.02.2021 of Hon'ble SP Head Quarter vide which the services of the appellant were terminated with out considering the actual / factual position of the case.

Respected Sir!

The appellant most humbly submits as under:

1. That due to a mishap the appellant's sister got fire arm injury on 11.11.2020 and the matter was reported by the appellant to the police and in this regard FIR No.482 dated: 11/11/2020 has been registered.
2. That the appellant was in stressed condition and busy in hospital of his sister medication because his sister was admitted in ICU and later on she died to the sad injury.
3. That due to that incident the appellant's family were in great stress and the local police increased their miseries and on the direction of IO the appellant got BBA from the court of law and by this way the appellant was involved in the instant case.
4. That the BBA was confirmed by the concerned court of law but during this time the departmental proceedings has been initiated. The appellant joined the departmental proceedings and the reality has been given through written replies that I am innocent and I am not involved in the murder of my younger sister but the local police and the enquiry officer did not consider my submission and passed the impugned order by awarding major penalty i.e dismissal from service.
5. That the appellant is the only source of bread & butter of his family and how being the elder son of the family would murdered the younger sister, the inquiry officer & respected SP Headquarter did not

ATTACHED
VS

consider this thing and passed the dismissal order from service besides the fact that the appellant have served for long 12 years.

- 6. That there is no complaint in the whole service nor from the Officers / officials neither from the public at large against the appellant.
- 7. That the appellant's family (old age parents & tender age siblings) firstly suffered mentally by the sudden death of the fairy of their family and secondly due to the attitude of the local police and thirdly due to the unlawful / unconstitutional departmental proceedings.
- 8. That dismissal order dated:08.02.2021 is against the law and reality, and merits reversal.
- 9. That the dismissal order is passed in hast and jumbled manner and the iota of evidence available on record is not considered, hence, the impugned order may be set-aside and the appellant may be reinstated in service from the date of dismissal.
- 10. That the there is no legal embargo in allowing in the instant appeal.

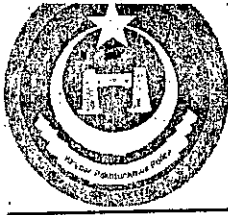
It is, therefore, most humbly prayed that on acceptance of this appeal the impugned order of dismissal order dated: 08.02.2021 may kindly be set-aside and the appellant may kindly be reinstated in service with all back benefits.

Gratitude
Ex. Constable
Zahid Khan
No.4668

Dated:12.02.2021

(Copies of relevant documents are attached)

ATTACHED
[Handwritten signature]



**CAPITAL CITY POLICE OFFICER
PESHAWAR**


Phone No. 091-9210989
Fax No. 091-9212597

(25)

ORDER

This order will dispose of the departmental appeal preferred by Ex- Constable Muhammad Zahid No.4668 who was awarded the major punishment of "Dismissal from Service" under PR-1975 by SP/HQrs Peshawar vide OB No.469, dated 08-02-2021.

- 2- He was proceeded against departmentally for involvement in criminal case vide FIR No.482, dated 11-11-2020 u/s 302/15 AA Police Station Rahman Baba Peshawar.
- 3- He was issued proper Charge Sheet and Summary of Allegations by SP/HQrs Peshawar and DSP/Civil Secretariat Peshawar was appointed as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer after conducting proper enquiry submitted his findings recommended the accused official for suitable punishment. The competent authority in light of the findings of the enquiry officer, issued him Final Show Cause Notice but his reply to the Final Show Cause Notice was also found unsatisfactory. Hence, the competent authority in light of the findings of the enquiry officer awarded him the above major punishment.
- 4- He was heard in person in O.R. and the relevant record along with his explanation perused. IO of the case was also summoned to this office alongwith case file. The IO has stated that the accused official has been bail out from the court that his parents do not wants to prosecute him further. Moreover, there are no evidence or eye witnesses to show his innocence in the case. Therefore, his appeal for reinstatement in service is hereby rejected/filed.


(ABBAS AHSAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 1065-70 /PA dated Peshawar the 06-04-2021

Copies for information and n/a to the:-

1. SP/HQs Peshawar
2. CSI/Pay Officer/ CRC
3. FMC along with Fouji Missal.
4. Official concerned.

ATTESTED


Subject: INQUIRY AGAINST CONSTABLE ZAHID KHAN NO.4668 WHILE POSTED AT PS SHAHQABOOL.

25-A

Memo:

Please refer to your office Endst: No.308/E/PA, dated 29.12.2020 on the subject cited above.

Allegations:-

13


That Constable Zahid Khan No.4668 while posted at PS Shahqabool, Peshawar was involved in a criminal case vide FIR No.482 dated 11.11.2020 u/s 302/15-AA PS Rahman Baba. This amounts to gross misconduct on his part and is against the discipline of the force.

Proceedings:-

To dig out the real fact the alleged official contact by his mobile phone No.0312-5683030 he appears before the undersigned and recorded his statement. He stated in his statement that all the allegation are baseless and he is innocent and he has a video recording which shows his innocence after the FIR he surrender himself and confirm the BBA from honorable court on 18.01.2021 (copy enclosed). He further stated that he is not involved in any crime case and he performed his duty from since 13/14 years very honestly and requested file his inquiry and re-instate in service. Furthermore Inspector Shaheen Shah OII Rehman Baba also summoned he appear before the undersigned and stated his statement (Copy enclosed).

FINDING:-

Keeping in the view the alleged official BBA is confirm in the view of the statement of the deceased father and mother which is given by his parent in the honorable court and the parents of the deceased do not want to further prosecute the instant case against accused (Muhammad Zahid) as he is innocent and falsely been charged by the Police party. Since the accused is innocent therefore, we all the legal heirs (being sole legal heirs/parents of the deceased) have patched up the matter with the accused facing trial and have pardoned him unconditionally in the name of Allah almighty. Police is a discipline force in the alleged official is involved FIR No.482, dated 11.11.202 u/s 324 after the death of decease it is converted in 302 his this action is against the discipline force, it is therefore in light of the above discussion that the alleged official is recommended for suitable punishment.


(Gul Arif Khan)
Deputy Superintendent of Police
(Security), Civil Secretariat,
Peshawar.

No. 137 /R, Dated 26 / 01 / 2021

Encl (20)

ATTESTED

Issue Final
Show cause notice

Superintendent of Police
HQrs: C&P Peshawar

W/SP/Hqrs

25-B

FINAL SHOW CAUSE NOTICE

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 Zahid Khan No.4668 the final show cause notice.

The Enquiry Officer, DSP Civil Secretariat, after completion of departmental proceedings, has recommended you for suitable punishment for the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you Constable Zahid Khan No.4668 deserve the punishment in the light of the above said enquiry report.

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. 308 /PA, SP/HQrs: dated Peshawar the 28/1 /2021.

Copy to official concerned

ATTESTED


وکالت نامہ

بعدالت سروس ٹرگنوبیل خیر بخشون فوہ لٹیاور

محمد زاہد نام حکومت

منجانب دعویٰ اجرم سروس ایپیل

تھانہ ایف آئی آر تاریخ

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیرونی وجود ہی بہ مقام لٹیاور کے لئے
حسین اللہ خان ٹرگنوبیل ایڈووکیٹ ہائی کورٹ

آصف علی شاہ ایڈووکیٹ ہائی کورٹ فیڈرل شریعت کورٹ آف پاکستان

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظہر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ جگہ کوکل ساختہ پرداخت صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو غرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی ایپل وغیر انی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد تاشی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت ایپل و برآمدگی مقدمہ یا مستوجی ڈگری یکطرفہ درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از اجراء ڈگری یا اس کے جزیو کی کارروائی کے واسطے یا بصورت ایپل، ایپل کے واسطے سکا دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جان التواء پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ سند رہے مورخہ 21/04/21 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ATTESTED & ACCEPTED:

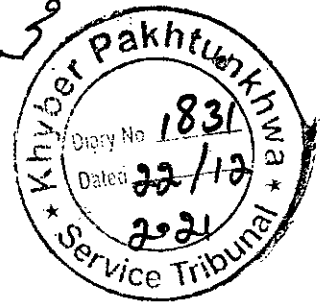
Accepted
 ATTESTED
 آصف علی شاہ

ایڈووکیٹ ہائی کورٹ، پشاور
 ایڈووکیٹ آئی ڈی نمبر:
 موبائل نمبر 0333-90068

آفس: 3-A، ہارون منشن، نزد شجہ چوک، خیر بازار پشاور
 be-10-7418
 17101-5438364-3
 headvocate.asif@gmail.com

بعدالت عنہ۔ غیر منصف سرورس ٹریبونل قبیلہ خٹواؤں

محمد زاہد ولد محمد ایف ایف سن درہ بشار، گھڑ شاہ



Put up to the worthy chair-man with relevant appeal

Reach

IGP قبیلہ خٹواؤں س۔ ر۔ ا۔ 22/12/2021

NFA

23/12/2021

درخواست برائے فٹنہ ٹرنٹ ایلڈیڈی
مترجموں کی بارہ درجہ اولیٰ

صفا بیکال

1/ یہ کہ سید نائکس اور اہل خانہ میں زیر محرمہ
آئندہ تاریخ 22/12/2021 کو

2/ یہ کہ سید نائکس خیر مندرہ سے اور گورنمنٹ
قانون کی نوٹس آئی ہے اور سید نائکس
اپنے بیویوں اور بچوں کے ساتھ فریب خورانہ مندرہ
میں گورنمنٹ خیر مندرہ سے

3/ یہ کہ محمد محمد خیر مندرہ سے گورنمنٹ
نمائندہ نائکس خیر مندرہ سے اور سید نائکس
سے ان کی گھڑ شاہ میں ہے

4/ یہ کہ سید نائکس اور اہل خانہ میں
گورنمنٹ خیر مندرہ سے

22/12/21
محمد زاہد
گھڑ شاہ

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.5185 /2021.

Ex- Constable Muhammad Zahid No.4668 of CCP Peshawar..... **Appellant.**

VERSUS

Chief Secretary Govt: of Khyber Pakhtunkhwa Peshawar and others..... **Respondents.**

REPLY BY RESPONDENTS NO. 1, 2,3&4.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary-
3. That the appellant has not come to Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-


1. Incorrect. The appellant was appointed as constable in the year 2007 in the respondent department. The appellant has not a clean service record and contains 20 bad entries on different occasions in his service. (copy of list as annexure A)
2. Incorrect. In fact the appellant was involved himself in a criminal case vide FIR No.482 dated 11.11.2020 u/s 302/15-AA PS Rehman Baba Peshawar. In this regard, he was issued Charge Sheet with Statement of Allegations. DSP Civil Secretariat was appointed as Enquiry Officer. Upon the findings of enquiry officer he was issued final show cause notice, which he received but his reply was found unsatisfactory. After fulfilling all of codal formalities, he was awarded major punishment of dismissal from service by SP/HQrs: Peshawar. (Copy of charge sheet, statement of allegations and enquiry report, are annexed as annexure "B" "C" "D").
3. Incorrect. Para not related to answering respondents record. Furthermore, the appellant involved himself in a criminal case.
4. Incorrect. Proper departmental enquiry was conducted against the appellant. During the course of enquiry, the appellant failed to rebut the charges and the enquiry officer conducted thorough probe into the matter and recommended for suitable punishment.
5. Incorrect. The appellant was provided full opportunity of defense, but he failed to defend himself. After fulfilling of all the codal formalities, he was awarded the appropriate punishment under the ibid Rules.
6. Incorrect. In fact the appellant filed departmental appeal which was properly processed and an ample opportunity of hearing was provided to appellant by appellate authority but appellant failed to defend himself with plausible/justifiable grounds, hence his appeal was rejected /filed.
7. That appeal of the appellant being devoid of merits and limitation may be dismissed on the following grounds.

REPLY ON GROUNDS:

- a) Incorrect. The competent authority before imposing the major punishment had completed all codal formalities and an ample opportunity of self defense was provided, but he failed to defend himself. The appellant was rightly awarded the major punishment under the rules.
- b) Incorrect. The whole enquiry was conducted purely on merit and in accordance with law/rules. Furthermore, the appellant being a member of a disciplined force, committed gross misconduct, hence the punishment orders are just legal and have been passed in accordance with law/rules.
- c) Incorrect. Charge sheet with statement of allegations was served upon him. Regular inquiry was conducted and thereafter he was issued a final show cause notice hence after fulfilling of all the codal formalities he was awarded the major punishment of dismissal from service as per law/rules and liable to be upheld.
- d) Incorrect. After observing all the codal formalities, appellant was awarded major punishment of dismissal from service as per law/rules.
- e) Incorrect. The competent authority before imposing the major punishment had completed all codal formalities, hence he was awarded major punishment as per law/rules and liable to be upheld.
- f) Incorrect. The appellant being a member of a disciplined force, committed gross misconduct. The appellant involved himself in the criminal case. Therefore, he was awarded the major punishment under the rules.
- g) Incorrect. Acquittal in a criminal case would not lead to exoneration of a civil servant in departmental proceedings. The punishment order passed by the competent authority is in accordance with law/rules.

PRAYER.

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merits and legal footing, may kindly be dismissed with costs please.


17/12/2024

**Chief Secretary,
Govt: of Khyber Pakhtunkhwa,
Peshawar.**


**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.**


**Capital City Police Officer,
Peshawar.**


**Superintendent of Police,
HQrs, Peshawar.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.5185 /2021.

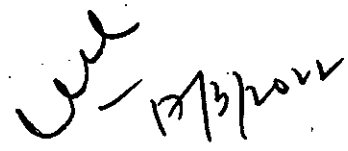
Ex- Constable Muhammad Zahid No.4668 of CCP Peshawar..... Appellant.

VERSUS

Chief Secretary Govt: of Khyber Pakhtunkhwa Peshawar and others..... Respondents.


AFFIDAVIT.

We respondents 1, 2, 3 and 4 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.



**Chief Secretary,
Govt: of Khyber Pakhtunkhwa,
Peshawar.**


**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.**


**Capital City Police Officer,
Peshawar.**


**Superintendent of Police,
HQrs, Peshawar.**

1. Name of Official Muhammad zahid No.4668 S/O Muhammad Ishaq
R/O Moh: Acher-Deh Bahadar PS Banamari Distt: Peshawar
2. Date of Birth 25-02-1987
3. Date of enlistment 25-07-2007
4. Education 10th
5. Courses Passed Recruit
6. Total qualifying service 13 years, 05 Months & 14 days.
7. Good Entries Nil

Bad Entries (L.W.O Pay, E/Drill & Warning)

01. 05 days leave without pay vide OB No.3793 dt: 12-11-2013
02. 01 day leave without pay vide OB No.81 dt: 25-3-2016
03. 01 day leave without pay vide OB No. 88 dt: 04-04-2016
04. 01 day leave without pay vide OB No. 97 dt: 15-04-2016
05. 02 days leave without pay vide OB No. 116 dt: 04-05-2016
06. 01 day leave without pay vide OB No.125 dt: 17-05-2016
07. 01 day leave without pay vide OB No.142 dt: 09-06-2016
08. 01 day leave without pay vide OB No.179 dt: 02-08-2016
09. 02 days leave without pay vide OB No.181 dt: 03-08-2016
10. 01 day leave without pay vide OB No. 211 dt: 31-08-2016
11. 01 day leave without pay vide OB No. 228 dt: 22-09-2016
12. 01 day leave without pay vide OB No. 240 dt: 14-10-2016
13. 01 day leave without pay vide OB No. 246 dt: 20-10-2016
14. 04 days leave without pay vide OB No. 251 dt: 21-10-2016
15. 02 days leave without pay vide OB No. 266 dt: 11-11-2016
16. 01 day leave without pay vide OB No. 288 dt: 13-12-2016
17. 01 day leave without pay vide OB No. 27 dt: 31-01-2017
18. 01 day leave without pay vide OB No. 30 dt: 03-01-2017
19. 01 day leave without pay vide OB No.43 dt: 17-02-2017
20. 01 day leave without pay vide OB No.57 dt: 07-03-2017

Minor Punishment

Major Punishment

Nil

8. Punishment (previous)

Nil

09. Punishment (Current)

- Awarded punishment of dismissal from service on the charges of involvement in a criminal case vide FIR No.482 dated 11.11.2020 U/S 302/15-AA PS Rahman Baba vide OB No.469 dt: 08-02-2021 by DSP/HQrs Peshawar.

10. Leave Account

<u>Total leave at his credit</u>	<u>Availed leaves</u>	<u>Balance</u>
644 days	Nil	644 Days

PA 


CRC 31/03

W/C CPO

15

2

CHARGE SHEET

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Zahid Khan No.4668 of Capital City Police Peshawar with the following irregularities.

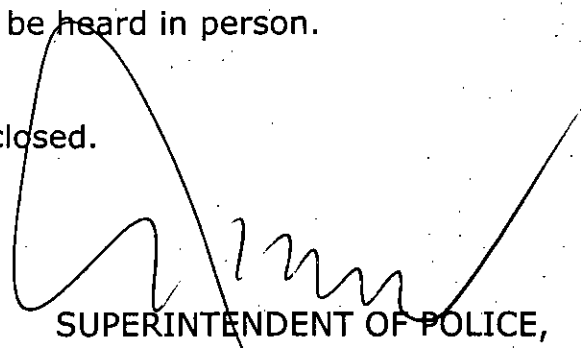
"That you Constable Zahid Khan No.4668 while posted at PS Shah Qabool, Peshawar were involved in a criminal case vide FIR No.482 dated 11.11.2020 u/s 302/15-AA PS Rahman Baba. This amounts to gross misconduct on your part and is against the discipline of the force."

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 you have no defence to put in and in that case ex-parte 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

14

1

DISCIPLINARY ACTION

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Zahid Khan No.4668 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

STATEMENT OF ALLEGATION

"That Constable Zahid Khan No.4668 while posted at PS Shah Qabool, Peshawar was involved in a criminal case vide FIR No.482 dated 11.11.2020 u/s 302/15-AA PS Rahman Baba. This amounts to gross misconduct on his 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 DSP CIVIL SECT is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, 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. 308 /E/PA, dated Peshawar the 29/12 /2020

1. DSP CIVIL SECT is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned

یہ فیصلہ ریٹائرمنٹ اور اسٹیٹس
فوری طور پر
26/01/2021

Subject: INQUIRY AGAINST CONSTABLE ZAHID KHAN NO.4668 WHILE POSTED AT PS SHAHQABOOL.

Memo: •

Please refer to your office Endst: No.308/E/PA, dated 29.12.2020 on the subject cited above.

Allegations:-

That Constable Zahid Khan No.4668 while posted at PS Shahqabool, Peshawar was involved in a criminal case vide FIR No.482 dated 11.11.2020 u/s 302/15-AA PS Rahman Baba. This amounts to gross misconduct on his part and is against the discipline of the force.

Proceedings:-

To dig out the real fact the alleged official contact by his mobile phone No.0312-5683030 he appears before the undersigned and recorded his statement. He stated in his statement that all the allegation are baseless and he is innocent and he has a video recording which shows his innocence after the FIR he surrender himself and confirm the BBA from honorable court on 18.01.2021 (copy enclosed). He further stated that he is not involved in any crime case and he performed his duty from since 13/14 years very honestly and requested file his inquiry and re-instate in service. Furthermore Inspector Shaheen Shah OII Rehman Baba also summoned he appear before the undersigned and stated his statement (Copy enclosed).

FINDING:-

Keeping in the view the alleged official BBA is confirm in the view of the statement of the deceased father and mother which is given by his parent in the honorable court and the parents of the deceased do not want to further prosecute the instant case against accused (Muhammad Zahid) as he is innocent and falsely been charged by the Police party. Since the accused is innocent therefore, we all the legal heirs (being sole legal heirs/parents of the deceased) have patched up the matter with the accused facing trial and have pardoned him unconditionally in the name of Allah almighty. Police is a discipline force in the alleged official is involved FIR No.482, dated 11.11.202 u/s 324 after the death of decease it is converted in 302 his this action is against the discipline force, it is therefore in light of the above discussion that the alleged official is recommended for suitable punishment.

(Gul Arif Khan)

Deputy Superintendent of Police
(Security), Civil Secretariat,
Peshawar.

No. 137 /R, Dated 26 / 01 / 2021

Encl (20)

Issue Final
Show cause notice

Superintendent of Police
HQrs: CC Peshawar.

W/SP/Hqrs

FINAL SHOW CAUSE NOTICE

12

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 Zahid Khan No.4668 the final show cause notice.

The Enquiry Officer, DSP Civil Secretariat, after completion of departmental proceedings, has recommended you for suitable punishment for the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you Constable Zahid Khan No.4668 deserve the punishment in the light of the above said enquiry report.

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. 308 /PA, SP/HQrs: dated Peshawar the 28/1 /2021.

Copy to official concerned

M. Zahid

2/2/21