

ORDER

22nd Sept, 2022

1. Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

2. Vide our detailed judgment of today placed in Service Appeal No. 7392/2021 titled "Majid Ali-vs- Provincial Police Officer, Khyber Pakhtunkhwa and others" (copy placed in this file), this appeal is also decided on the said terms. Costs shall follow the events. Consign.

3. *Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 22nd day of Sept, 2022*



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

(Fareeha Paul)
Member(Executive)
Camp Court Abbottabad

21th July 2022

Appellant present. Kabiruallah Khtak, Addl: AG and Mr. Noor Zaman Khattak, District Attorney for respondents present.

Appellant submitted an application for adjournment on the ground that his counsel is indisposed. Adjourned. To come up for arguments on 22.09.2022 before D.B at camp court Abbottabad.



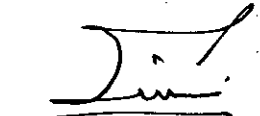
(Salah Ud Din)
Member (Judicial)



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

19.01.2022

Learned counsel for the appellant present. Mr. Shamraiz Khan, ASI alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and sought time for submission of written reply/comments. Adjourned. To come up for written reply/comments on 14.02.2022 before the S.B at Camp Court Abbottabad.



(Salah-ud-Din)
Member (J)
Camp Court A/Abad

17.05 2022

Counsel for the appellant present. Mr. Muhamad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Shamraiz, SI for the respondents present.

Written reply/comments on behalf of respondents submitted which is placed on filed. A copy of the same is handed over to the learned counsel for the appellant. To come up for rejoinder as well as arguments before D.B on 15.06.2022 at camp court Abbottabad.



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

15.06.2022


Appellant present through counsel.

Noor Zaman Khan Khattak, learned District Attorney alongwith Shamrazi ASI (Legal) for respondents present.

A request was made for adjournment on behalf of learned counsel for the appellant in order to produce relevant documents; granted. Learned DDA also requested for placing on file relevant record in respect of inquiry which is allowed and the entire record is placed on file. To come up for arguments on 21.07.2022 before D.B at Camp Court, Abbottabad.



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



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

01.11.2021

Appellant in person present. Preliminary arguments heard and case file perused.

Learned counsel for the appellant argued that the appellant is aggrieved of original impugned order dated 10.06.2021 whereby he was dismissed from service. The appellant preferred departmental appeal on 21.06.2021 which was filed vide appellate order dated 12.08.2021, hence, the instant service appeal instituted in Service Tribunal on 10.09.2021. Moreover, the ends of justice have not been met. Neither opportunity of personal hearing granted nor examination of any witnesses done. No proper procedure has been followed and no findings of any enquiry provided to the appellant and as such the appellant has been condemned unheard. The appeal is admitted for regular hearing subject to all just 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 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, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 10.01.2022 before the D.B at camp court Abbottabad.

Appellant Deposited
Security & Process Fee

(Mian Muhammad)
Member(E)

10.01.2022. Due to cancellation of fee, the case is adjourned to 19.01.2022.



Receiver

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7394 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/09/2021	<p>The appeal of Mr. Shahzad Shah presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for at Peshawar. Notice be issued to appellant/counsel for preliminary hearing to be put up there on <u>01/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

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

Case Title:

Shezad Shah vs KKR Pp/198 & others

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

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

Name:

Muhammad Aslam Tariqi
(Advocate)

Signature:

M. Aslam

Dated:

09-09-2021

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No...7394/21

Shahzad Shah (Ex-IHC No. 756 Police Abbottabad) R/O
Mohallah Loharan Havailian, District Abbott bad. (**Appellant**)

VERSUS

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

SERVICE APPEAL

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4.	Impugned Order dated 10-06-2021 of DPO	"E"	13
5.	Departure & Arrival report and FIR No.139	"F,G & H"	14-15 16
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7.	Appeal Rejection Order dated 12-08-2021.	"J"	22
9.	Wakalatnama		

Through


Appellant



(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: 10-08-2021

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....7394

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7538

Dated 10/9/2021

Shahzad Shah (Ex-IHC No. 756 Police Abbottabad) R/O
Mohallah Loharan Havailian, District Abbott bad. (**Appellant**)

VERSUS

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

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL
ACT 1974 AGAINST ORDER DATED 10-062021 OF THE DISTRICT
POLICE OFFICER ABBOTTABAD WHEREBY THE APPELLANT HAS
BEEN "DISMISSED FROM SERVICE" AND ORDER DATED 12-08-
2021 OF THE REGIONAL POLICE OFFICER HAZARA REGION
ABBOTTABAD WHEREBY APPELLANT'S DEPARTMENTAL APPEAL
HAS BEEN FILED.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH
THE IMPUGNED ORDERS DATED 10-06-2021 AND 12-08-2021 OF
THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND
APPELLANT BE RE-INSTATED IN SERVICE FROM THE DATE OF
DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.**

I

Respectfully Sheweth:

1. That appellant while posted as SHO Police Station Nawansher (Abbottabad) was served upon with a charge sheet dated 02-04-2021 by the District Police Officer Abbottabad which was replied on 12-04-2021 explaining all facts and circumstances of the matter and the allegations were denied. (**Copies charge sheet and its reply are attached as Annex-"A & B"**).

Filed to-day

Registrar

10/9/2021

2. That similarly thereafter the District Police Officer Abbottabad issued a final show cause notice dated 04-06-2021 with the same allegations which was also replied on 08-06-2021. The allegations were vehemently denied. **(Copies of final show cause notice and its reply are attached as Annex-"C & D")**.
3. That proper departmental enquiry was not conducted. No witness was called by the so-called inquiry officer in the presence of appellant nor was he afforded to cross examine such a witness if any. Neither documentary evidence was produced against the appellant before the enquiry officer nor was he confronted with such documentary evidence. Copy of enquiry findings, if any, was also not issued to the appellant before serving final show cause notice. Even opportunity of personal hearing was not provided to appellant and he was condemned unheard thus principle of natural justice was seriously violated in his case.
4. That the District Police Officer Abbottabad without giving any consideration to the stance taken by appellant in his reply dismissed him from service vide order dated 10-06-2021 in a whimsical and cursory manner and that too without any reason, justification and proof. **(Copy of dismissal order dated 10-06-2021 is as Annex-"E")**.
5. That in fact on 07-03-2021 at 18:55 hours, the appellant alongwith SHO & police party set out from Police Station Nawansher on his routine patrolling duty. When appellant alongwith police party present at Kund-Barrier- Road they

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noticed a person trying slipping away on seeing the police. The person being suspected one was arrested and his body search was made. During search a 30 bore pistol alongwith 10 live cortèges were recovered for which accused could not produced any license etc. He disclosed his name as Hazrat Gul S/O Bahadar Gul R/O Kotkay Sokari Bannu. Murasila etc were prepared by SHO on the spot and sent to Police Station for registration of FIR through appellant. FIR No.139 dated 07-03-2021 U/S-15AA was registered against the accused. Accused was brought to the Police Station and confined in Lock-up. After Completing necessary proceedings the next day accused was produced before the Judicial Magistrate from where he was sent to jail on judicial remand. **(Copies of Departure, Arrival reports and FIR are attached as Annex "F, G & H")**.

6. That it was not in the knowledge of police party that accused was also charged in a case u/s-302/34 dated 07-03-2021 at Bannu district. It is totally incorrect, false and fabricated that appellant alongwith Majid Ali Constable No. 351 reached Khokhar Maira Interchange to receive the accused in protocol under the direction of SHO. Accused was arrested from Kund-Barrier Road. It is totally incorrect that during preliminary inquiry planning of registration of bogus case or obtaining any illegal gratification/bribe was ever proved. Nothing wrong has been proved against him. Appellant did all that was actually happened. Appellant did not know the accused, and had no previous relation or enmity etc with accused.

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Allegations are baseless, false, fabricated and based on malafide having no nexus with truth.

7. That appellant has discharged his assigned duties with honesty. There is nothing wrong on his part. The extreme major punishment of dismissal from service awarded to the appellant is against the facts in whimsical and cursory manner, illegally and without lawful authority.
8. That above mentioned order of the DPO Abbottabad was appealed against on 21-06-2021 before the Regional Police Officer, Hazara Region, Abbottabad which was **filed** vide order dated 12-08-2021 and that too without giving any heed to the grounds taken by appellant in the memo of appeal. (**Copies of departmental Appeal dated 21-06-2021 and order 12-08-2021 are attached as Annex-"I & J"**), hence instant service appeal, inter alia, on the following amongst other:-

GROUND:

- A) That orders dated 10-06-2021 and 12-08-2021 of respondents are illegal, unlawful, against the facts, departmental rules & regulation, passed in a cursory, whimsical and arbitrary manner; hence are liable to be set aside.
- B) That proper departmental enquiry was not conducted. No witness was called by the so-called inquiry officer in presence of appellant nor was he afforded to cross examine such a witness. Neither documentary evidence

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was produced against the appellant nor was he confronted with such documentary evidence if any. Copy of enquiry findings, if any, was also not issued to the appellant before serving final show cause notice. Even opportunity of personal hearing was not provided to appellant and he was condemned unheard thus principle of natural justice was seriously violated in his case.

- C) That appellant had no knowledge that accused was also charged in a case u/s-302/34 dated 07-03-2021 at Bannu District. Appellant did only that which had actually happened and discharged his duty honestly. Appellant did not know the accused, and had no previous relation or enmity etc with accused. It is totally incorrect that during preliminary inquiry planning of registration of bogus case or obtaining any illegal gratification/bribe was ever proved against appellant. Nothing wrong on the part of appellant was proved. Allegations are quite baseless, false and based on malafide having no nexus with truth.
- D) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken in the memo of appeal. Thus the impugned order of appellate authority is contrary to the law as laid down in Police Rules read with section 24-A of General Clause Act 1897 and Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- F) That instant service appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain & adjudicate upon the lis.

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PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service appeal order dated 10-06-2021 and 12-08-2021 of respondents may graciously be set aside and the appellant be reinstated in his service from the date of dismissal with all consequential service back benefits. Any other relief which this Honorable Tribunal deems fit and proper in circumstances of the case may also be granted.

Through:


Appellant



(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 10-08-2021

VERIFICATION

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

Dated 10-08-2021


Appellant

7

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Shahzad Shah (Ex-IHC No. 756 Police Abbottabad) R/O
Mohallah Loharan Havailian, District Abbott bad. (**Appellant**)

VERSUS

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

SERVICE APPEAL

CERTIFICATE

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


APPELLANT

Dated: 10-08-2021



**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Shahzad Shah (Ex-IHC No. 756 Police Abbottabad) R/O
Mohallah Loharan Havailian, District Abbott bad. (**Appellant**)

VERSUS

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

SERVICE APPEAL

AFFIDAVIT:

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


Deponent/Appellant

Dated: 10-08-2021

Identified By:



Mohammad Aslam Tanoli.
Advocate High Court
At Haripur




Appellant

9


Annex A

DISCIPLINARY ACTION

I, Zahoor Babar Afridi (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you IHC Shahzad Shah No. 756 PS Nawansher rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975 (amended 2014).

STATEMENT OF THE ALLEGATIONS


- I. As per preliminary enquiry conducted by Addl: SP Abbottabad vide his office memo: No. 1317/PA dated 01-04-2021, you HC Shahzad Shah No. 756 while posted as IHC at PS Nawansher, on 07-03-2021 at 19:35 hrs a fake/ bogus case vide FIR No. 139 dated 07-03-2021 u/s 15AA was registered at PS Nawansher while on the same day at 17:15 hrs the same accused namely Hazrat Gul s/o Bahadar Gul r/o Kotkah Sokari Bannu was also charged in murder case vide FIR No. 138 dated 07-03-2021 u/s 302/324/34 PPC PS Cantt district Bannu, how is it possible that the accused is charged in two FIRs at the same time and date in two very faraway districts. During cross examination it came to the surface that you alongwith FC Majid reached at Khokhar Maira Interchange to receive the accused in protocol under the direction of SHO while the interchange is out of the jurisdiction of PS Nawansher. Furthermore, the allegations of preplanning in registering bogus case and obtaining of illegal gratification/ bribe has been proved against you. All this shows your malafide intention, sever violation, a senior professional dishonesty and gross misconduct in term of police E&D Rules- 1975, hence charge sheeted.
- 2). For the purpose of scrutinizing your conduct with reference to the above allegations, SP, Inv: 422 is hereby appointed as Enquiry officer.
- 3). The Enquiry Officer shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to you, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against you.
- 4). You are hereby directed to attend the proceedings on the due date, time and place fixed by the Enquiry Officer.


 (Zahoor Babar Afridi) PSP
 District Police Officer
 Abbottabad

No. 128 /PA, Dated Abbottabad the 02/04/2021.
 Copy to:

1. Enquiry Officer for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975 (amended 2014) and submit findings within stipulated period.

IHC Shahzad Shah No. 756 PS Nawansher (delinquent officer/ official).


 Addl.
 Superintendent of
 Police Abbottabad

(11)

Amex - C

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

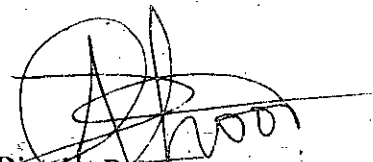
No: 211 /PA, Dated Abbottabad, the 04/06/2021.

FINAL SHOW CAUSE NOTICE

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

1. That you **IHC Shahzad Shah No. 756** rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) for following misconduct;
 - I. As per preliminary enquiry conducted by Addl: SP Abbottabad vide his office memo: No. 1317/PA dated 01-04-2021, you HC Shahzad Shah No. 756 while posted as IHC at PS Nawansher, on 07-03-2021 at 19:35 hrs a fake/ bogus case vide FIR No. 139 dated 07-03-2021 u/s 15AA was registered at PS Nawansher while on the same day at 17:15 hrs the same accused namely Hazrat Gul s/o Bahadar Gul r/o Kotkah Sokari Bannu was also charged in murder case vide FIR No. 178 dated 07-03-2021 u/s 302/324/34 PPC PS Cantt district Bannu, how is it possible that the accused is charged in two FIRs at the same time and date in two very faraway districts. During cross examination it came to the surface that you alongwith FC Majid reached at Khokhar Maira Interchange to receive the accused in protocol under the direction of SHO while the interchange is out of the jurisdiction of PS Nawansher. Furthermore, the allegations of preplanning in registering bogus case and obtaining of illegal gratification/ bribe has been proved against you. All this shows your malafide intention, sever violation, a senior professional dishonesty and gross misconduct in term of police E&D Rules- 1975:-
 - II. During proper departmental enquiry the allegations have been proved against you.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
6. You are, therefore, called upon to Final Show Cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975(amended 2014) for the misconduct referred to above.
7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not. Grounds of action are also enclosed with this notice.

Attested
Addl. SP
Superintendent of
Police Abbottabad


District Police Officer
Abbottabad

Received by _____

Dated ___ / ___ /2021

(12)

Annex-D

خدمت جناب D.P.O مہاب ضلع ایبٹ آباد

عنوان :- جواب فائنل شوکار ٹوٹس غری 2101PA

04.06.21

ضامہ علی گزشتہ ہیکہ فائنل شوکار ٹوٹس مندرجہ عنوان و معمول شدہ جیسے جواب میں ذیل معروضات خدمت ہوں۔

(1) - یہ کہ التزام عائد کردہ فائنل شوکار جے بنیاد غلط ہیں۔ اطلاع فراہم کردہ جو فائنل شوکار ٹوٹس کی بنیاد غلط نہیں اور ذاتی عمارت کا ساخسانہ ہے۔ جنکی تردید کی جاتی ہے۔

(2) یہ کہ من ملازم دیگر لوہیں پارٹی کے ہمراہ فورم 03/21 کو بوقت 18:55 بجے تھانہ نوان شہر سے روانہ ہو کر زیر نگرانی SHO مہابہ معمول گشت پر تھانہ علاقہ میں گشت کرتے ہوئے کنڈ بیئر پارٹی پر موجود تھے کہ ایک شخص لوہیں پارٹی کو دیکھ کر دس و دہیں ہونے لگا جسکو مشکوک جان کر SHO مہابہ کی ہدایت پر قابو کیا۔ جامع تلاش کے دوران ایک عدد پٹیل 30 بورا اور 15 عدد کارٹریجس مذکورہ شخص کے ہڈھا شلوار سے برآمد ہوئے۔ مذکورہ نے دریافت پر اپنا نام حضرت گل ولد بہادر گل سکندہ کوٹکے سوکری بنوں بتلایا۔ جسے SHO مہابہ نے حسب ضابطہ گرفتار کر کے در اسلہ بغرض قائم مقدمہ بدست کنسٹبل ماجد علی نمبر 351 تھانہ بھجوا یا۔

(3) یہ کہ FIR درج کرنے میں غیر اعلیٰ واسطہ نے اپنی اور نہ ہی مجھے یہ معلوم ہیکہ شخص مذکورہ کے خلاف دیگر کسی مقام پر بھی کوئی FIR درج ہے یہ بات قطعاً غلط ہیکہ SHO کی ہدایت پر من ملازم اور کنسٹبل ماجد 351 تھانہ میرا انٹرویو چیخ دا ملازم کو ریسو کرتے گئے اور نہ ہی کوئی لہ پوٹہ دیا۔ دیگر مقدمہ درج کرنے کے بارے میں من ملازم کو کسی قسم کی کوئی رشوت وصول کرنے کا کوئی علم نہ ہے اور نہ ہی دوران ابتدائی انٹرویو میں کوئی ایسی بات ثابت کی گئی ہے۔ جملہ الزامات تخطا اور بے بنیاد ہیں جنکی پر زور تردید کی جاتی ہے۔ من ملازم نے اپنے فرالقی حنت، تگن اور ایمانداری سے سراجیام دئے ہیں۔ کسی قسم کی تو تباہی نہ کی ہے۔ استدعا ہیکہ فائنل شوکار ٹوٹس کو داخل دفتر کیے جانے کی سفارش کی جاوے۔

08/06/21

الحرفا

شہزاد شاہ نمبر 756 حال لوہیں لائن ایبٹ آباد

Attest

Additional Superintendent of Police Abbottabad

**RY AGAINST HC SHAHZAD SHAH THE THEN IHC PS
DISTRICT ABBOTTABAD.**

ORDER

Annex - E

This office order will dispose off the departmental enquiry against HC Shahzad Shah No. 756. As per preliminary enquiry conducted by Addl: SP Abbottabad vide his office memo: No. 1317/PA dated 01-04-2021, He while posted as IHC at PS Nawansher, on 07-03-2021 at 19:35 hrs a fake/ bogus case vide FIR No. 139 dated 07-03-2021 u/s 15AA was registered at PS Nawansher while on the same day at 17:15 hrs the same accused namely Hazrat Gul s/o Bahadar Gul r/o Kotkah Sokari Bannu was also charged in murder case vide FIR No. 178 dated 07-03-2021 u/s 302/324/34 PPC PS Cantt district Bannu, how is it possible that the accused is charged in two FIRs at the same time and date in two very faraway districts. During cross examination it came to the surface that he alongwith FC Majid reached at Khokhar Maira Interchange to receive the accused in protocol under the direction of SHO while the interchange is out of the jurisdiction of PS Nawansher. Furthermore, the allegations of preplanning in registering bogus case and obtaining of illegal gratification/ bribe has been proved against him. All this shows his malafide intention, sever violation, a senior professional dishonesty and gross misconduct in term of police E&D Rules- 1975.

He was issued with Charge Sheet along with statement of allegations. SP Investigation Abbottabad was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein he reported that the allegations level against delinquent official are proved correct. He was issued with Final Show Notice. He was summoned to appear in Orderly Room on 09-06-2021. He was given a patient hearing but he had nothing plausible to state in his defence.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), 1, Zahoor Babar Afridi, PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of Dismissal form Service with immediate effect.

Order announced.

184

10-6-21

~~Addl
Superintendent of
Police Abbottabad~~

~~District Police Officer
Abbottabad~~

CC.

1. Pay Officer DPO Office.
2. SRC DPO Office.
3. OHC DPO Office alongwith Enquiry containing 39 pages for completion of record.

ضلع ایبٹ آباد

قائد اعظم ایئر

14

نقل ریسٹ ہاؤس روزنامہ 07/03/21

Annex-F

33
روانگی فصل شاہ 540 07/03 وقت 18:55 بجے اس وقت میں ہے
شہزاد شاہ 146- کپل ڈیپارٹمنٹ 740- شہزاد 1132- حاجہ 351 کے
درست باورڈ کا معاملہ بغرض ریسٹ گیسٹ دیگر کارسٹار روانہ حدود
قائد اعظم ایئر ہاؤس۔

اجناس عالی!

نقل بطریق احوال

MM-PS-NSP
07-03-21

38
آسٹریٹیب ہاؤس سبف الرحمنی ASI 07/03 وقت 20:40 بجے اس وقت
محمد ہیرا عبدالہ صہبہ فصل شاہ 540 بدست حاجہ 351 و کپل ڈیپارٹمنٹ
صرف علی 139 جیم 15AA کی چاکری کی روانگی عالی ہے۔

اجناس عالی!

نقل بطریق احوال

MM-PS-NSP
07-03-21

39
قائد اعظم ایئر ہاؤس ASI 07/03 وقت 20:50 بجے اس وقت شہزاد شاہ
آسٹریٹیب ہاؤس روفہ و الوہدہ - بالائی چاکری کی روانگی ہے اور کپل ڈیپارٹمنٹ سے مراد
بغرض ریسٹ گیسٹ شہزاد شاہ 146 و حاجہ 351 کے اساطیر ملزم کپل ڈیپارٹمنٹ
بغرض ریسٹ گیسٹ شہزاد شاہ 146 و حاجہ 351 کے اساطیر ملزم کپل ڈیپارٹمنٹ

اجناس عالی!

نقل بطریق احوال

MM-PS-NSP
07-03-21

Attested

ضلع اہلیہ آباد

(15)

ماہنامہ اہلیہ

نقل رپٹ 47 روزنامہ 08/03/03


Annex-9

47
 والیہ محل شاہ 5140 08/03 وقت 00:10 سے اس وقت میں ہے بعد اسیان
 کے رفقہ جو الہ 33 بلا بعد از گرفت گشت دیگر کارس کار حدود
 گمانہ سے واس آریہوں۔ گمانہ سے روانہ ہو کر مری روڈ۔ جہہ کارنیان
 15AA روڈ گمانہ یالی روڈ وغیرہ میں گشت کی گئی۔ دوران گشت
 01
 گشت پیر پیر روڈ پر موجود گمانہ ایک گمانہ صحت میں علاقہ
 پورہ جس کو فالو میں کرنا شکی کی بنا پر جانے ملاشی حسب ضابطہ عمل
 میں لائی۔ دوران ملاشی مذکورہ کے بدھ گمانہ اور اس کے بعد پورہ
 30 پورہ پیری - 276 2906 سے 10 ضرب کارٹوس میں کے پورہ
 پورہ - دریا وقت پر مذکورہ سے اپنا نام حضرت گل ولدہ بناد گل قوم
 پورہ سکتہ کو گلہ سواری بیوں بتلایا۔ اللہ ایوں سن پورہ فرید
 قبضہ پورہ سکتہ کے کو را کو سرنگب صبر بال کا پاکر حسب ضابطہ گرفتار
 کر کے مری پورہ اندر لائے۔ مریہ ارسال گمانہ سے لا بعدہ جلا بینگ
 یاد اور جو کیداران کو جیک کیا تاکر بلا یان ضابطہ پورہ میں۔ دیگر وقت
 گمانہ بعد اسیان سے اسلے ایوں سن دست طور پورہ داخل کر کے روایا گیا۔

15AA
 01
 پورہ
 01
 کارٹوس
 10

جناب عالی!

نقل بطریق اصل
 08-03-021
 MM-PS-1184

Attested


(17)

Amir J

BEFORE HONOURABLE REGIONAL POLICE OFFICER
HAZARA REGION ABBOTTABAD.

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 184 DATED 10-06-2021 OF THE DISTRICT POLICE OFFICER ABBOTTABAD WHEREBY APPELLANT HAS BEEN DISMISSED FROM SERVICE".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL ORDER DATED 10-06-2021 OF THE DPO ABBOTTAAD MAY KINDLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

The following few lines are submitted for your kind consideration and favorable order please:-

1. That appellant while posted as IHC at Police Station Nawansher (Abbottabad) was issued a charge sheet by the District Police Officer Abbott bad vide No. 128/PA dated 02-04-2021. **(Copy of charge sheet dated 02-04-2021 is attached as "A")**.
2. That the above mentioned charge sheet was duly replied on 04-04-2021 stating all facts and circumstances of the matter straightaway denying the allegations included therein. **(Copy of reply dated -04-2021 is attached as "B")**.
3. That thereafter appellant was issued with a final show cause notice dated 04-06-2021 by the District Police Officer Abbottabad with the same allegations as

Attested
[Signature]

(18)

previously. **(Copy of final show cause notice dated 04-06-2021 is attached as "C").**

4. That the said final show cause notice was replied on 08-06-2021 explaining all facts and circumstances and denying the allegations mentioned therein. **(Copy of reply dated 08-06-2021 is attached as "D").**
5. That no proper departmental enquiry was conducted. Neither any witness was called by the so-called inquiry officer in the presence of appellant nor was he afforded to cross examine such a witness if any. Neither any documentary evidence was produced before the so-called enquiry officer and nor was appellant confronted with such a document if any. Copy of enquiry findings, if any, was not issued to the appellant before serving upon him the final show cause notice which was mandatory under the law. Even opportunity of personal hearing was not provided to the appellant. He was condemned unheard thus principle of natural justice was seriously violated in the case of appellant.
6. That thereafter the District Police Officer Abbottabad without giving any consideration to the stance taken by appellant in his reply as referred above and without any reason, justification and proof in a whimsical and cursory manner awarded the appellant with major penalty of dismissal from service vide order dated 10-06-2021. **(Copy of dismissal order dated 10-06-2021 is attached as "E").**

Attested



11/10/2021

11/10/2021

That in fact on 07-03-2021 at 18:55 hours the appellant alongwith police party set out from Police Station Nawansheri on patrolling duty. When appellant alongwith police party present at Kund-Banier-Road it was noticed that a person to trying slip away on seeing the police. The person being suspected one was arrested and his body search was made. During search a 30 bore pistol alongwith 10 live cartridges were recovered but he could not produced any license etc. He disclosed his name as Hazrat Gul 2/0 Bahadar Gul R/O Kotkay Sokan Bannu. Murasila etc were prepared on the spot by SHO and sent to Police Station for registration of FR through Constable Majid Ali No. 321. FR No. 132 dated 07-03-2021 U/S-154A was registered against the accused. Accused was brought to the Police Station and confined in lock-up. After Completing necessary proceeding the next day on 08-03-2021 accused was produced before the Judicial Magistrate from where he was sent to jail on judicial remand. (Copies of Deputation, Arrival and FIR are attached as "F. G & H").


8.

That it was not in the knowledge of appellant that accused was also charged in a case U/S-32/34 dated 07-03-2021 at Bannu district. It is totally incorrect, false and fabricated that appellant alongwith Constable Majid Ali No. 321 reached Khokhar Maira Interchange to receive the accused in protocol under the direction of SHO. Accused was arrested from Kund-Banier Road

Attached


It is totally incorrect that during preliminary inquiry planning of registration of bogus case or obtaining any illegal gratification/bribe was ever proved. Nothing wrong has been proved against him. Appellant did all that actually happened. Appellant did not know the accused, and had no previous relation or enmity etc with accused. Allegations are baseless, false, fabricated and based on malafide having no nexus with truth.


- 9. That appellant has discharged his assigned duties with zeal, zest, devotion, dedication and honesty. There is nothing wrong on his part. The extreme major punishment of dismissal from service awarded to the appellant is wrong, against the facts in whimsical and cursory manner, illegally and without lawful authority hence liable to be set aside.
- 10. That appellant has rendered more than 23 years service and always performed his duties with devotion, dedication and honesty and never provided a chance of reprimand to his officers and having good service record at his credit.
- 11. That if the appellant is afforded with the opportunity of personal hearing she will really prove herself as innocent by adducing credible facts of the matter.

Attested

 AN

21

It is, therefore, requested that order dated 10-06-2021 of the District Police Officer Abbottabad may graciously be set aside and the appellant be re-instated in his service from the date of dismissal with all consequential service back benefits. The appellant shall pray for your long life and good health.

Your Obedient Servant


(Shahzad Shah)
Ex-IHC No.756

ADDRESS:

Mohallah: Loharan
Havailian, Distt: Abbottabad
Cell No. 0310-1879767

Dated: 21-06-2021

Attested




22

Annex J

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 18558 /PA DATED 12/08/2021

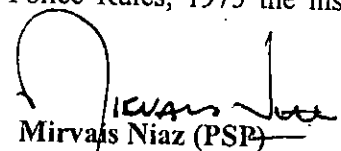
ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. Head Constable Shahzad Shah No.756 of District Abbottabad against the order of punishment i.e. *Dismissal from service* awarded by DPO Abbottabad vide OB No.184 dated 10.06.2021.

Brief facts leading to the punishment are that the appellant while posted as IHC at PS Nawansher registered a fake/bogus case vide FIR No.139 dated 07.03.2021 u/s 15AA PS Nawansher while on the same day the same accused namely Hazrat Gul s/o Bahadar Gul r/o Kotkha Sokari Bannu was also charged in murder case vide FIR No.178 dated 07.03.2021 u/s 302/324/34 PPC PS Cantt district Bannu, how is it possible that the accused is charged in two FIRs at the same time and date in two very faraway districts. During cross examination it came to the surface that the appellant along with FC Majid reached Kokhar Maira Interchange to receive the accused in protocol under the direction of SHO while the interchange is out of jurisdiction of PS Nawansher. Furthermore, the allegations of preplanning in registering bogus case and obtaining of illegal gratification/bribe was proved against him.

The appellant was issued charge sheet along with summary of allegations and SP Investigation, Abbottabad was deputed to conduct formal departmental enquiry. The EO after enquiry proceedings held him responsible of misconduct and recommended for major punishment. He was issued final show cause notice and heard in person by the competent authority; however he failed to advance any cogent reason in his defense. Consequently, DPO Abbottabad awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. The appellant contended that he went to Khokar Maira interchange to bring his nephew who was sick however, he could not bring forward any medical slip in this regard or any other plausible justification in his defense. Thus, the disciplinary action taken by the competent authority seems genuine and appeal liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed* with immediate effect.

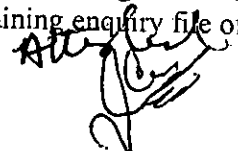

Mirvais Niaz (PSP)

REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 18559 /PA, dated Abbottabad the 12/08/2021.

CC.

1. DPO Abbottabad for information and necessary action with reference to his office Memo No 1645/Legal dated 12-07-2021. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.



وکالت نامہ

قیمتی

کورٹ فیس

بعدالت جناب چیمبرنہ ضلعی عدالت لاہور
شہزاد شاہ اسٹیٹ

شہزاد شاہ

دعویٰ یا جرم سرور اسٹیٹ باعث تحریر آنکہ اسٹیٹ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام اسٹیٹ آباد لاہور

حکمراہ کی ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوں۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقرر اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے پر یا بروز پکھری کے اوقات کے آگیا یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پر داختمہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپروٹا لشی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم انتہائی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا نیگی علیحدہ پیروی مختار نامہ کر نیکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا پیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سندر ہے مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

Accepted by
M. Aslam

2021ء - 10-08

مورخہ



ال... ال... ال... ال... ال... ال... ال... ال... ال... ال...

Name of Distt. _____

S.No. 2031

BC No. _____



Name of Advocate _____

وکالت نامہ

بعدالت صاحب محترم حاجی سرور کٹر بیونیک ک-پ
 عنوان: شہزاد حسین شاہ نام P-P-0 ویٹ
 منجانب: ایڈوائٹ نوعیت مقدمہ سرور کٹر بیونیک
 باعث تحریر آنکہ _____

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیرونی و جواہدی برائے پیشی یا تصفیہ مقدمہ مقام ایڈوائٹ کے لیے
شہزاد محمد خان ایڈوائٹ کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوں گا اور بروقت پکارا
 جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ
 سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے
 علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ
 سماعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے
 کسی معاوضہ کے ادا کرنے یا مختانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کھل ساختہ پرواختہ صاحب موصوف
 مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ذکر و نظر ثانی اپیل مگرانی و ہر قسم
 درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرنے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرنے
 اور ہر قسم کے بیان دینے اور اس پر ثالثی و رائی نامہ فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات
 از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا مقررہ درخواست ہم انتہائی یا قریبی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب
 موصوف کو بشرط ادا جنگی علیحدہ مختانہ بیرونی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے
 کسی جزو کی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں
 وہی اور ایسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جاننا اتواپنے گاہ صاحب موصوف
 کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ
 کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔
 دن _____ ماہ _____ سال _____

756
 شہزاد حسین شاہ ولد ریاض حسین
 13101-9853882-9
 0310-1879767
SHAD MUHAMMAD KHAN
 ADVOCATE
 SUPREME COURT OF PAKISTAN
 manshehra

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

SERVICE APPEAL No. 7394/2021

Shahzad Shah (Ex-Head Constable No. 756 Police, Abbottabad) R/O Mohallah Loharan
Havelian, District Abbottabad.

.....Appellant.

VERSUS

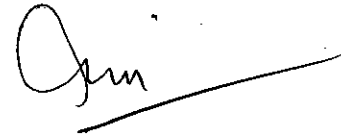
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

.....Respondents.

Para wise comments on behalf of Respondents.

INDEX.

S.No.	Detail of Documents	Annexure	Page No.
1	Reply	-	1 to 3
2	Affidavit	-	4
3	Charge sheet, statement of allegations.	"A&A-1"	5 & 6
4	Order No. 184 Dated 10.06.2021	"B"	7
5	Order No. 18558/ PA dated 12.08.2021	"C"	8
TOTAL		-	8 Pages



DSP Legal, Abbottabad.

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

SERVICE APPEAL No. 7394/2021.

Shahzad Shah (Ex-Head Constable No. 756 Police, Abbottabad) R/O Mohallah Loharan
Havelian, District Abbottabad.

.....Appellant.

VERSUS

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

.....Respondents.

Para-wise comments by respondents.

Respectfully Sheweth

PRELIMINARY OBJECTIONS:-

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

ON FACTS:-

1. In reply to this para it is submitted that the appellant while posted in Police Station Nawanshehr a fake case vide FIR No. 139 dated 07.03.2021 u/s 155 AA KPK, PS Nawanshehr was registered against the accused Hazrat Gul s/o Bahadar Gul r/o Kotkah Sokari, District Bannu, who was also charged in case FIR No. 178 dated 07.03.2021 u/s 302/324/34 PPC, PS Cantt, District Bannu. Reportedly, the appellant alongwith constable Majid Ali No. 351 reached at Khokhar Maira Interchange to receive the accused in protocol under the direction of SHO while the interchange is out of the jurisdiction of the PS Nawanshehr. Therefore, the appellant was issued charge sheet and statement of allegations vide District Police Officer, Abbottabad office No. 1207/PA Dated 02.04.2021. (Copies of charge sheet and statement of allegations are attached as Annexure "A & A-1").
2. In reply to this para, it is submitted that the appellant could not give satisfactory reply in response to the charge sheet.

3. In reply to this para, it is submitted that proper departmental enquiry was conducted. The appellant joined the enquiry proceedings and all legal requirements were fulfilled during the course of inquiry.
4. Incorrect, respondent No. 03 took into consideration all facts, circumstances and relevant evidence which proved the misconduct of the appellant. Consequently, the appellant was awarded major punishment of dismissal from Service vide OB No. 184 dated 10.06.2021. (Copy of order is attached as Annexure "B").
5. Incorrect. As explained in para No. 01 above.
6. In reply to this para, it is submitted that during fact finding inquiry conducted by the Addl: SP, Abbottabad upon the registration of fake case against the accused of heinous offence at District Abbottabad by the SHO, PS Nawanshehr, it came to the surface that appellant alongwith FC Majid Ali No. 351 reached at Khokhar Maira Interchange to receive the accused in protocol under the direction of SHO, while the interchange is out of the jurisdiction of the PS Nawanshehr. Therefore, upon charges of misconduct, appellant was awarded the major punishment of dismissal from Service.
7. Incorrect, as explained in preceding para.
8. Incorrect, the appellant filed departmental appeal against the order of punishment to the respondent No. 02, who considered the same and dismissed vide order No. 18558/PA dated 12.08.2021. (Copy of order is attached as the annexure "C").

ON GROUNDS:-


- a. Incorrect, both the orders are legal and in accordance with law/rules hence, liable to be remained intact.
- b. Incorrect, proper departmental inquiry was conducted by the respondents. The appellant joined the enquiry proceedings. He was given the right of personal hearing and self-defense. Having fulfilled all legal requirements the appellant was awarded the major punishment of dismissal from Service.
- c. Incorrect, that appellant alongwith FC Majid Ali No. 351 reached at Khokhar Maira Interchange to receive the accused already charged in criminal case at

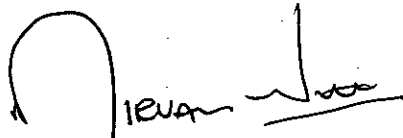
District Bannu in protocol under the direction of SHO who registered a fake case against the accused in this district. Therefore, the matter was thoroughly probed and appellant was held guilty of gross misconduct.

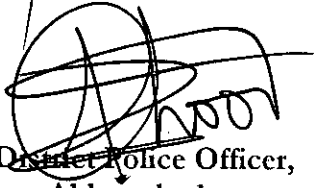
- d. In reply to this para, it is submitted that the appellate authority took into consideration all facts, circumstances and relevant evidence, while rejecting the departmental appeal of the appellant. Therefore, the order of punishment is lawful and maintainable.
- f. Incorrect, the instant service appeal is badly time barred and not maintainable under the law.

PRAYER.

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


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


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


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

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

SERVICE APPEAL No. 7394/2021

Shahzad Shah (Ex-Head Constable No. 756 Police, Abbottabad) R/O Mohallah Loharan Havelian, District Abbottabad.

.....Appellant.

VERSUS

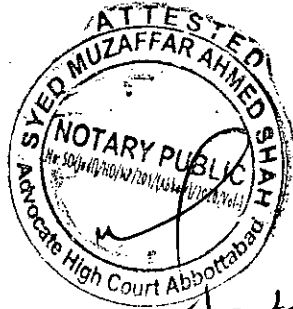
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

.....Respondents.

AFFIDAVIT.

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

Submitted please.



17/05/22

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

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

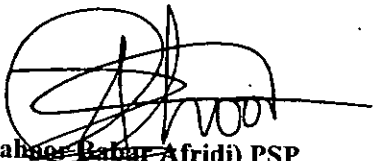
[Handwritten Signature]
 District Police Officer,
 Abbottabad.
 (Respondent No. 3)

5.

Annexure "A"

CHARGE SHEET

- 1). I, Zahoor Babar Afridi (PSP) District Police Officer Abbottabad as competent authority hereby charge you IHC Shahzad Shah No. 756 PS Nawansher as explained in the attached statement of allegations.
- 2). You appear to be guilty of misconduct under Police Disciplinary Rules 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet to the Enquiry Officer.
- 4). Your written defense, if any shall reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed.


(Zahoor Babar Afridi) PSP
District Police Officer
Abbottabad



Annex "A" 1

DISCIPLINARY ACTION

I, **Zahoor Babar Afridi (PSP) District Police Officer Abbottabad** as Competent Authority of the opinion that you **IHC Shahzad Shah No. 756 PS Nawansher** rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975 (amended 2014).


STATEMENT OF THE ALLEGATIONS


1. As per preliminary enquiry conducted by Addl: SP Abbottabad vide his office memo: No. 1317/PA dated 01-04-2021, you HC Shahzad Shah No. 756 while posted as IHC at PS Nawansher, on 07-03-2021 at 19:35 hrs a fake/bogus case vide FIR No. 139 dated 07-03-2021 u/s 15AA was registered at PS Nawansher while on the same day at 17:15 hrs the same accused namely Hazrat Gul s/o Bahadar Gul r/o Kotkah Sokari Bannu was also charged in murder case vide FIR No. 135 dated 07-03-2021 u/s 302/324/34 PPC PS Cantt district Bannu, how is it possible that the accused is charged in two FIRs at the same time and date in two very faraway districts. During cross examination it came to the surface that you alongwith FC Majid reached at Khokhar Maira Interchange to receive the accused in protocol under the direction of SHO while the interchange is out of the jurisdiction of PS Nawansher. Furthermore, the allegations of preplanning in registering bogus case and obtaining of illegal gratification/ bribe has been proved against you. All this shows your mala fide intention, sever violation, a senior professional dishonesty and gross misconduct in term of police E&D Rules- 1975, hence charge sheeted.

2). For the purpose of scrutinizing your conduct with reference to the above allegations, SP, Invt. A-2 is hereby appointed as Enquiry officer.

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

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


(Zahoor Babar Afridi) PSP
District Police Officer
Abbottabad


Addl.
Superintendent of
Police Abbottabad

No. 128 /PA, Dated Abbottabad the 02/04/2021.

Copy to:

1. Enquiry Officer for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975 (amended 2014) and submit findings within stipulated period.

IHC Shahzad Shah No. 756 PS Nawansher (delinquent officer/ official).

ORDER AGAINST HC SHAHZAD SHAH THE THEN IHC PS DISTRICT ABBOTTABAD.

(13)

Annex "B"

ORDER

This office order will dispose off the departmental enquiry against HC Shahzad Shah No. 756. As per preliminary enquiry conducted by Addl: SP Abbottabad vide his office memo: No. 1317/PA dated 01-04-2021, He while posted as IHC at PS Nawansher, on 07-03-2021 at 19:35 hrs a fake/ bogus case vide FIR No. 139 dated 07-03-2021 u/s 15AA was registered at PS Nawansher while on the same day at 17:15 hrs the same accused namely Hazrat Gul s/o Bahadar Gul r/o Kotkah Sokari Bannu was also charged in murder case vide FIR No. 178 dated 07-03-2021 u/s 302/324/34 PPC PS Cantt district Bannu, how is it possible that the accused is charged in two FIRs at the same time and date in two very faraway districts. During cross examination it came to the surface that he alongwith FC Majid reached at Khokhar Maira Interchange to receive the accused in protocol under the direction of SHO while the interchange is out of the jurisdiction of PS Nawansher. Furthermore, the allegations of preplanning in registering bogus case and obtaining of illegal gratification/ bribe has been proved against him. All this shows his malafide intention, sever violation, a senior professional dishonesty and gross misconduct in term of police E&D Rules- 1975.

He was issued with Charge Sheet along with statement of allegations. SP Investigation Abbottabad was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein he reported that the allegations level against delinquent official are proved correct. He was issued with Final Show Notice. He was summoned to appear in Orderly Room on 09-06-2021. He was given a patient hearing but he had nothing plausible to state in his defence.

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

Order announced.

Accepted
 Addl
 Superintendent of
 Police Abbottabad

OB No. 184
 Dated 10-6-21

Zahoor Babar Afridi
 District Police Officer
 Abbottabad

CC.

1. Pay Officer DPO Office.
2. SRC DPO Office.
3. OHC DPO Office alongwith Enquiry containing (39) pages for completion of record.



28

Annex - C

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpoliazara@gmail.com

0345-9560687

NO: 18558 /PA DATED 12/08/2021

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. Head Constable Shahzad Shah No.756 of District Abbottabad against the order of punishment i.e. *Dismissal from service* awarded by DPO Abbottabad vide OB No.184 dated 10.06.2021.

Brief facts leading to the punishment are that the appellant while posted as IHC at PS Nawansher registered a fake/bogus case vide FIR No.139 dated 07.03.2021 u/s 15AA PS Nawansher while on the same day the same accused namely Hazrat Gul s/o Bahadar Gul r/o Kotkha Sokari Bannu was also charged in murder case vide FIR No.178 dated 07.03.2021 u/s 302/324/34 PPC PS Cantt district Bannu, how is it possible that the accused is charged in two FIRs at the same time and date in two very faraway districts. During cross examination it came to the surface that the appellant along with FC Majid reached Kokhar Maira Interchange to receive the accused in protocol under the direction of SHO while the interchange is out of jurisdiction of PS Nawansher. Furthermore, the allegations of preplanning in registering bogus case and obtaining of illegal gratification/bribe was proved against him.

The appellant was issued charge sheet along with summary of allegations and SP Investigation, Abbottabad was deputed to conduct formal departmental enquiry. The EO after enquiry proceedings held him responsible of misconduct and recommended for major punishment. He was issued final show cause notice and heard in person by the competent authority; however he failed to advance any cogent reason in his defense. Consequently, DPO Abbottabad awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. The appellant contended that he went to Khokar Maira interchange to bring his nephew who was sick however, he could not bring forward any medical slip in this regard or any other plausible justification in his defense. Thus, the disciplinary action taken by the competent authority seems genuine and appeal liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed* with immediate effect.

Mirvals Niaz (PSP)

REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 18559 /PA, dated Abbottabad the 12/08/2021.

CC.

1. DPO Abbottabad for information and necessary action with reference to his office Memo No 1645/Legal dated 12-07-2021. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

انکوائری رپورٹ شہزاد شاہ IHC

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 211 /PA, Dated Abbottabad, the 04/08/2021.

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

1. That you **IHC Shahzad Shah No. 756** rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) for following misconduct;

I. As per preliminary enquiry conducted by Addl: SP Abbottabad vide his office memo: No. 1317/PA dated 01-04-2021, you HC Shahzad Shah No. 756 while posted as IHC at PS Nawansher, on 07-03-2021 at 19:35 hrs a fake/ bogus case vide FIR No. 139 dated 07-03-2021 u/s 15AA was registered at PS Nawansher while on the same day at 17:15 hrs the same accused namely Hazrat Gul s/o Bahadar Gul r/o Kotkah Sokari Bannu was also charged in murder case vide FIR No. 178 dated 07-03-2021 u/s 302/324/34 PPC PS Cantt district Bannu, how is it possible that the accused is charged in two FIRs at the same time and date in two very faraway districts. During cross examination it came to the surface that you alongwith FC Majid reached at Khokhar Maira Interchange to receive the accused in protocol under the direction of SHO while the interchange is out of the jurisdiction of PS Nawansher. Furthermore, the allegations of preplanning in registering bogus case and obtaining of illegal gratification/ bribe has been proved against you. All this shows your malafide intention, sever violation, a senior professional dishonesty and gross misconduct in term of police E&D Rules- 1975:-

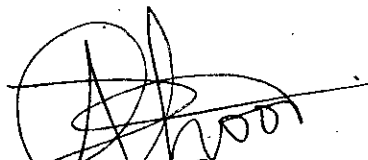
II. During proper departmental enquiry the allegations have been proved against you.

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

Received by



Dated 08/06/2021


District Police Officer
Abbottabad

PS

is
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9

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD (2)

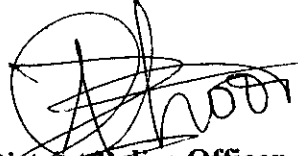
No: 211 /PA, Dated Abbottabad, the 04/08/2021.

GROUND OF ACTION

That you **IHC Shahzad Shah No. 756 PS**, committed following misconduct:-

- I. As per preliminary enquiry conducted by Addl: SP Abbottabad vide his office memo: No. 1317/PA dated 01-04-2021, you HC Shahzad Shah No. 756 while posted as IHC at PS Nawansher, on 07-03-2021 at 19:35 hrs a fake/ bogus case vide FIR No. 139 dated 07-03-2021 u/s 15AA was registered at PS Nawansher while on the same day at 17:15 hrs the same accused namely Hazrat Gul s/o Bahadar Gul r/o Kotkah Sokari Bannu was also charged in murder case vide FIR No. 178 dated 07-03-2021 u/s 302/324/34 PPC PS Cantt district Bannu, how is it possible that the accused is charged in two FIRs at the same time and date in two very faraway districts. During cross examination it came to the surface that you alongwith FC Majid reached at Khokhar Maira Interchange to receive the accused in protocol under the direction of SHO while the interchange is out of the jurisdiction of PS Nawansher. Furthermore, the allegations of preplanning in registering bogus case and obtaining of illegal gratification/ bribe has been proved against you. All this shows your malafide intention, sever violation, a senior professional dishonesty and gross misconduct in term of police E&D Rules- 1975:-
- II. During proper departmental enquiry the allegations have been proved against you.

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


District Police Officer
Abbottabad

3.

**DEPARTMENTAL ENQUIRY AGAINST HC SHAHZAD SHAH THE THEN IHC PS
NAWANSHER DISTRICT ABBOTTABAD.**

INDEX

S.No.	DETAIL OF PAPERS	PAGE NO.	REMARKS
1.	Enquiry report along with covering letter.	1-6	Certified that this Enquiry Report comprises of 29 pages having no cutting / over writing on this index.
2.	Charge Sheet & Summary of allegations issued by W/DPO ATD	7-8	
3.	Reply of Charge Sheet of delinquent official along with other documents.	09-11	
4.	Statements of MHC Waseem Ayub No. 1217, HC / AMHC Muhammad Niaz No. 1456, LHC/MM Nadeem Qadir No. 1267, FC Zeeshan No. 740, FC Sheraz No. 1132 and FC Nazar Muhammad No. 183 Control Room, Abbottabad.	12-27	
5.	Copy of FIRs PS Cantt District Bannu and PS Nawansher District Abbottabad.	28-29	
	Total	29	SP Investigation, Abbottabad.

Superintendent of Police
Investigation, Abbottabad



Phone: 0992-9310046
Fax: 0992-9310047

4

Office of the Superintendent of Police, Investigation Abbottabad.

No: 313/ PA/Inv: dated Abbottabad the, - 03 / 06 / 2021

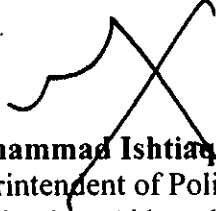
To: The District Police Officer,
Abbottabad.

Subject: **DEPARTMENTAL ENQUIRY AGAINST HC Shahzad
Shah No. 756 THE THEN IHC PS NAWANSHER
DISTRICT ABBOTTABAD.**

Memo:

Kindly refer to your good office Endst No: 128/PA
dated 02-04-2021 on the subject cited above.

Enclosed kindly find herewith departmental enquiry report
along with enclosures in respect of HC Shahzad Shah No. 756 the then IHC PS
Nawansher, for favour of kind perusal please.


(Muhammad Ishtiaq)
Superintendent of Police,
Investigation, Abbottabad.

5

**DEPARTMENTAL ENQUIRY AGAINST HC SHAHZAD SHAH NO. 756
THE THEN IHC PS NAWANSHER PRESENTLY POSTED IN POLICE
LINES DISTRICT ABBOTTABAD.**

ALLEGATIONS:-

Vide charge sheet & summary of allegations No: 128/PA dated 02-04-2021 issued by your good office for the purpose of scrutinizing the conduct of HC Shahzad Shah No. 756 with the allegations that "while he was posted as IHC PS Nawansher, on 07-03-2021 at 1935 hours a fake / bogus case vide FIR No. 139 dated: 07-03-2021 u/s 15-AA / KPK PS Nawansher. While on the same day at 1715 hours the same accused namely Hazrat Gul s/o Bahadur Gul r/o Kotkah Sokari Banu was also charged in murder case vide FIR No. 178 dated: 07-03-2021 u/s 302/324/34 PPC PS Cantt District Banu, how is it possible that the accused is charged in two FIRs at the same time and date in two very far away districts. During cross examination it came to the surface that you along with FC Majid reached at Kokhar Mera Interchange to receive the accused in protocol under the direction of SHO, while the interchange is out of the jurisdiction of PS Nawansher. During preliminary enquiry the allegation of pre-planning in registering bogus case and obtaining an illegal gratification / bribe has been proved, which tantamount to gross misconduct". The undersigned was appointed as enquiry officer.

PROCEEDINGS:-

After the receipt of enquiry papers the record was thoroughly examined and the delinquent officer was called upon / summoned, heard in person, ample opportunity was given to him and a session of cross question was also made. The statements of the following were recorded which are placed on file.

1. HC Waseem Ayub MHC PS Nawansher.
 2. LHC Nadeem Qadir MM PS Nawansher.
 3. HC Muhammad Niaz AMHC PS Nawansher.
 4. Constable Nazar Muhammad No. 183 Control Room Police Lines.
 5. Constable Zeeshan No. 740 GD PS Nawansher.
 6. Constable Sheraz No. 1132 GD PS Nawansher.
1. **STATEMENT OF DELINQUENT OFFICIAL HC SHAHZAD SHAH
NO. 756**

The delinquent official stated in his statement that on

(6)

routine patrolling near Kund barrier road, meanwhile on seeing police party a person tried to decamp from the spot. Being suspect police party arrest him and during his body search recovered one 30-bore pistol along with 10 cartridges from his possession. After arresting the accused SHO PS Nawansher sent Marasla to PS Nawansher through constable Majid Ali No. 351 for the registration of FIR. He further stated that the allegations leveled against him are based on personnel enmity, fake and baseless. He has no role / concern with the registration of said FIR, it is totally wrong to say that he along with FC Majid No. 351 went to Khokhar Mera interchange to received the said accused or giving him any protocol. He is totally unaware regarding taking bribe or any pre-paying. He has honestly performed his duties and has made no violation / dishonesty. He further prayed to file the charge Sheet.

2. STATEMENT OF HC WASEEM AYUB MHC PS NAWANSHER

He stated in his statement that on 07-03-2021 due to an emergency he went to his home on the permission of SHO. When he returned back a case vide FIR No. 139 dated: 07-03-2021 u/s 15-AA / KPK PS Nawansher was already registered. He did not know any information about the incident.

3. STATEMENT OF LHC NADEEM QADIR MM PS NAWANSHER.

He stated in his statement that on 07-03-221 he along with additional Moharrar HC Muhammad Niaz was present in the Moharrar office. SHO ordered him to keep pending the Roznamcha as he has to registered an FIR. On the order of SHO he kept the-Roznamcha pending. On 08-03-2021 at about 4:30am or 05:0am while he was sleeping SHO gave him a Marasla and directed to chalked the confinement of involved accused and also register the FIR. He brought into the notice of SHO that Control Room does not write daily progress after 12 O'clock. On this SHO personally informed the control room through his mobile phone that he has to register an FIR u/s 15-AA and asked him to add the said case in morning report. Operator Gulfam posted at Control Room informed the SHO that operator Nazar Shah has been slept, he will brought into his notice and he will add the said case in the morning. On the order of SHO he has chalked the FIR vide No. 139 dated: 07-03-2021 u/s 15-AA / KPK PS Nawansher.

4. STATEMENT OF HC MUHAMMAD NIAZ AMHC PS NAWANSHER

He stated in his statement that on 07-03-2021 while he was present in Moharrar office. At evening time SHO came to Moharrar office and asked him to keep the Roznamcha pending as he has to register an FIR. He present in the office of Moharrar office till 12:00am and after conveying

MM LHC Nadeem Qadir was present on duty in Moharrar office. The said case was not registered in his presence. (7)

5. STATEMENT OF CONSTABLE NAZAR MUHAMMAD NO. 183 CONTROL ROOM POLICE LINES.

He stated in his statement that on 07-03-2021 while he was receiving the information regarding registration of cases in different police station of District Abbottabad. At about 11:30 pm additional Moharrar PS Nawansher conveyed him the details of cases from FIR No. 135 to 138. On 08-03-2021 at 07:30am LHC Nadeem Qadir MM PS Nawansher conveyed the details of FIR No. 139 dated: 08-3-2021 u/s 15-AA /KPK PS Nawasher.

6. STATEMENT OF CONSTABLE ZEESHAN NO. 740 GD PS NAWANSHER.

He stated in his statement that on the day of occurrence he was present at Ghari Phana Chowk Nawansher on routine patrolling along with SHO PS Nawansher, IHC Shahzad Shah, FC Majid and FC Sheraz No. 1332. In the meanwhile he received a mobile call from his brother that his father was ill and his brother brought him to hospital. He brought the said information into the notice of SHO and after obtaining permission proceeded towards the hospital.

7. STATEMENT OF CONSTABLE SHERAZ NO. 1132 GD PS NAWANSHER.

He stated in his statement that at the day of occurrence he was present at Ghari Phana Chowk Nawansher on routine patrolling along with SHO PS Nawansher, IHC Shahzad Shah, FC Majid No. 351 and FC Zeeshan No. 740. Due to an emergency after obtaining permission from SHO he went to his home.

OBSERVATIONS

During the course of enquiry the undersigned has observed the following facts: -

1. During cross question session the witness of the "Fard" Constable Sheraz No. 1132 stated that his name was included in the "Fard" but neither he was present on the spot nor he has signed on the "Fard".
2. The witnesses of the "Fard" did not verify their presence in the Marasla.
3. CDR of all the relevant person was collected in previous preliminary enquiry which revealed that IHC Shahzad Shah,

(8)

Constable Majid, Gunner SHO Faisal Shah reached to the Kokhar Maira Interchange as indicated in the CDR, which clearly indicates that he received the accused in protocol under the direction of SHO from Kokhar Maira Interchange (out of jurisdiction of PS Nawansher). Similarly, several suspect numbers are also found in the CDR of SHO Faisal Shah and his gunner.

4. Similarly, During the proceeding of previous preliminary enquiry in cross questioning IHC Shahzad Shah confessed that he has visited to Kokhar Maira Interchange at the day of occurrence on 08-03-2021 which is also found suspicious and proves that IHC Shahzad Shah and Constable Majid (Gunner) received accused from Muslimabad Interchange.
5. As the accused Hazrat Gul s/o Bahadur Gul belongs to a far away district Bannu and his sudden arrival in District Abbottabad is also a question mark
6. The arrest point of the accused was showed in FIR is Kund Barrier, Thandiani Road which was cross checked with CDR of all Police personnel including SHO, which is not found correct.
7. The arrival / departure of SHO Faisal Ali Shah in Daily Roznamcha were check and found that although SHO has mentioned about the incident i.e. recovery of Arms & Ammunition etc but he did not mentioned to whom he handed over the recovered arm & ammunition. Similarly, Moharrar was also unaware about the entire episode.
8. It is also astonishing that initially a person made confined himself in PS lockup u/s 15 AA/KPK, as the said offence is bail able the accused despite of making arrangements for guarantors in respect of his bail, he preferred to go in judicial remand. It is also a question mark.
9. Statement of LHC Nadeem Qaider No.1267 (Muharrir staff) revealed that SHO told them to keep the Roznamcha pending and after it he was directed to register case on Murasala report on 08-03-2021 at round about 04:00/05:00 Am. Meant by case was not registered at till 08:40 Pm as incorporated in the FIR. This statement also speaks that case was registered on bogus grounds with malafide intentions.
10. It is also surprising that how two different FIRs are lodged against the same accused on the same date and time in two far

RECOMMENDATION: -

9

Keeping in view of above facts & circumstances and as per statements of concerned officials all the allegations leveled against IHC Shahzad Shah, the then IHC PS Nawansher are stand proved. As on the direction of SHO he with the help of Constable Majid are directly found guilty in pre-planning the matter with accused Hazrat Gul, who was charged in Murder case in FIR No.178 dated 07-03-2021 u/s 302/324/34 PPC PS Cantt District Bannu and the accused Hazrat Gul s/o Bahadur Gul tried to established alibi with the help of SHO, IHC Shahzad Shah and Constable Majid in registering bogus case vide FIR No.139 u/s 15AA dated 07-03-2021 PS Nawansher by some unknown means in order to damage the Murder case registered in District Bannu. Hence as per the statements of the officials, CDR analysis, record of the police station and cancellation of the case proved him guilty. Therefore, keeping in view of above IHC Shahzad Shah No. 756 (delinquent Official) is hereby recommended for **Major Punishment** for creating embracement for the Department for some ulterior motives.

Submitted please.

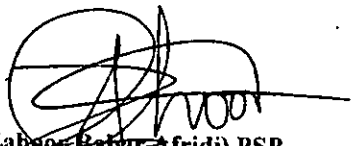
(MUHAMMAD ISHTIAQ)
Superintendent of Police,
Investigation, Abbottabad.

PA

Issue
ESGIV
PPO Attd

CHARGE SHEET

- 1). I, **Zahoor Babar Afridi (PSP) District Police Officer Abbottabad** as competent authority hereby charge you **IHC Shahzad Shah No. 756 PS Nawansher** as explained in the attached statement of allegations.
- 2). You appear to be guilty of misconduct under Police Disciplinary Rules 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet to the Enquiry Officer.
- 4). Your written defense, if any shall reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed.


(Zahoor Babar Afridi) PSP
District Police Officer
Abbottabad

(11)

DISCIPLINARY ACTION

I, Zahoor Babar Afridi (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you IHC Shahzad Shah No. 756 PS Nawansher rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975 (amended 2014).


STATEMENT OF THE ALLEGATIONS

1. As per preliminary enquiry conducted by Addl: SP Abbottabad vide his office memo: No. 1317/PA dated 01-04-2021, you HC Shahzad Shah No. 756 while posted as IHC at PS Nawansher, on 07-03-2021 at 19:35 hrs a fake/ bogus case vide FIR No. 139 dated 07-03-2021 u/s 15AA was registered at PS Nawansher while on the same day at 17:15 hrs the same accused namely Hazrat Gul s/o Bahadar Gul r/o Kotkah Sokari Bannu was also charged in murder case vide FIR No. 176 dated 07-03-2021 u/s 302/324/34 PPC PS Cantt district Bannu, how is it possible that the accused is charged in two FIRs at the same time and date in two very faraway districts. During cross examination it came to the surface that you alongwith FC Majid reached at Khokhar Maira Interchange to receive the accused in protocol under the direction of SHO while the interchange is out of the jurisdiction of PS Nawansher. Furthermore, the allegations of preplanning in registering bogus case and obtaining of illegal gratification/ bribe has been proved against you. All this shows your malafide intention, sever violation, a senior professional dishonesty and gross misconduct in term of police E&D Rules- 1975, hence charge sheeted.

2). For the purpose of scrutinizing your conduct with reference to the above allegations, SP, Inv. A-2 is hereby appointed as Enquiry officer.

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

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


(Zahoor Babar Afridi) PSP
District Police Officer
Abbottabad

No: 128 /PA, Dated Abbottabad the 02/04/2021.

Copy to:

1. Enquiry Officer for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975 (amended 2014) and submit findings within stipulated period.
2. IHC Shahzad Shah No. 756 PS Nawansher (delinquent officer/ official).

وقت FIR نمبر 139 اور ہوتی آ۔ اس وقت اس وقت 9

جواب: حدیث معنی تھا۔ سیراہ سٹیشن میں کونسا گھر ہے۔

حدیث حضرت نوکل کو اس کے گھر سے لیا گیا 9

جواب: کنڈر سیر سٹیشن پر اور

حدیث کی طرح تھوڑی سے حدیث سے کون کون سی اشیاء برآمد ہو سکتی ہیں

جواب: ایسی 30 فور 10 عدد کارٹونس 20/25 ہزار روپے سے برآمد ہوتی ہیں

ATTESTED
Superintendent of Police
Investigation, Abbottabad

اس کو اس وقت دایں کر دئے گئے
سیراہ وقوع آئیے مابین کون سے گاڑی تھی؟

جواب: S.H.O. کی سیراہ ٹریک گاڑی تھی

سیراہ وقوع آئیے زیر اسمت کون سے وہاں سے لے گئے؟

جواب: حیدر مابین ریکر سے نمبر 0310-1879769 تھا

جانب میں ازام ملے گا کیا تم آئیے اور ایسی مابین 351 کے

سیراہ سٹیشن S.H.O. حدیث کو جسم آباد انٹر چینج سیراہ لے گیا ہے

جواب: سیراہ سٹیشن پر ہے۔ اس سٹیشن سہارا ٹورنٹن ہڈیو CDR دیکھی جا سکتی

ہے۔ یہ چل جائیگا سیراہ سٹیشن آگیا ہے۔ وقت وقوع کے وقت

ٹورنٹن چیک کی جائے گا کہ بعد کی جو حدیث گتہ کے بعد آئیے گھر چلے

گئے جانے والے اور سیراہ وقوع حدیث لیا گیا ہے

سیراہ کا وقوع سے قبل حدیث حضرت صل سے کہی تھی۔ گاڑی راپٹ وغیرہ

جواب: حیدر گاڑی راپٹ نہ تھا اور وقوع کے بعد بھی نہیں ہے

سیراہ کو جمع کیا گیا کہ حدیث حضرت صل کے حذوف تھا، سٹیشن میں

گئے سیراہ وقوع سے روڑ ہوا ہے 9 ایک ٹرکب علم ہوا

جواب: چھٹی گاڑی علم نہ تھا۔ بنیوں وقوع کی نسبت چھٹی 4/5 یوم بعد ہوا

بجٹ ہفت روزہ سے حوالہ دیا گیا ہے۔
بجٹ ہفت روزہ سے حوالہ دیا گیا ہے۔

آئی اور ۱۱۱۰ فیصلہ کیا گیا ہے۔
بجٹ ہفت روزہ سے حوالہ دیا گیا ہے۔
بجٹ ہفت روزہ سے حوالہ دیا گیا ہے۔

بجٹ ہفت روزہ سے حوالہ دیا گیا ہے۔
بجٹ ہفت روزہ سے حوالہ دیا گیا ہے۔
بجٹ ہفت روزہ سے حوالہ دیا گیا ہے۔

بجٹ ہفت روزہ سے حوالہ دیا گیا ہے۔
بجٹ ہفت روزہ سے حوالہ دیا گیا ہے۔
بجٹ ہفت روزہ سے حوالہ دیا گیا ہے۔

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۲۵۶
۲۷-۴-۲۱



۳۱۰۸۷۹۷۶۷

ATTESTED

Superintendent of Police
Investigation, Abbottabad

بیان و سیم ایف بی 1217 حال مرتبہ قضاہ قوالی 140

و لفظ بیانی پر نام فرقہ 03/07 کو جو کہ گھریلو امر دینی حسب اجازت صاحب 15000 گھر فوراً 15000
 جب دہلی پر قضاہ آیا تو قضاہ عدالت 139 فرقہ 03/07 جس کا ریکارڈ 15000 قضاہ قوالی 15000
 FIR درج شدہ ہے۔ مجسٹریٹ زبردستی کوئی عمل نہیں ہے۔ وہی فرقہ 03/07 کی قضاہ سے ملے ہوئے ہوگی
 جس کو سرسٹاف اور نوزاد قضاہ قضاہ قوالی 15000 ہے۔ قضاہ قضاہ قوالی کے تعلق سے ملے ہوئے
 لاہور کے فرقہ 03/07 FIR عدالتی ریکارڈ پر درج ہے جو کہ حیرانی بنا ہے۔ درجہ
 ملے ہوئے قضاہ قوالی 15000 بیازام AMIT قضاہ میں ملے ہوئے تھا۔

mm
 28.04.2021
 nsl
 28.04.2021

ATTESTED
 Superintendent of Police
 Investigation, Abbottabad

ادارہ
 16
 برتہ
 20
 16

مدان اطلاعاتی رپورٹ

پرمکھل دست اندازی پولیس رپورٹ شدہ برآمدہ ۱۵۴ مجموعہ سابقہ بھاری

میں

وقت وقوع: ۱۷:۰۰ بجے

(178)

وقت رپورٹ: ۱۷:۰۰ بجے ۱۷:۰۰ بجے

مقام: ...

... (34-38-39) ...

ابتدائی اطلاع ...

ATTESTED
Superintendent of P. Investigation, Abbottabad

۱۷۸۰-۱۷۰۰-۱۷۰۰-۱۷۰۰



تھانہ کھانہ کھانہ

فصل اول

نقل ریل گاڑی 33
روزنامہ 07/03
021

روانگی فصل شاہ 540 07/03 وقت 18:55 بجے اس وقت میں سے
شہزاد شاہ 14C - کپٹن ذیشان 740 - سپراڈ 1132 - حاجہ 351 کے
درست باوردی باصلہ بغرض ارنہ گنت دیگر کارسٹار روانہ حدود
تھانہ کھانہ کھانہ

جناب عالی!

نقل بطاقتی اصل
MM-PS-NSR
07-03-021

38
آفسر ٹیب ہرچ سنیف الرجنل ASI 07/03 وقت 20:40 بجے اس وقت
تھانہ کھانہ کھانہ فصل شاہ 540 بدست حاجہ 351 و سول ہوکر
مقرر علیہ 139 جیمز 15AA/NSR کی چاکری شروع کی جاتی ہے۔

جناب عالی!

نقل بطاقتی اصل
MM-PS-NSR
07-03-021

ATTESTED

Superintendent of Police
Investigation, Abbottabad

39
فائلڈ ٹیب ہرچ ASI 07/03 وقت 20:50 بجے اس وقت شروع
ٹیب ہرچ رفته ہوکر وہ - بالائی چاکری ہوکر نقل ہرچ مع مدار
بغرض تفتیش عقب شہزاد شاہ 111C ہو کر باصا ہے۔ اسی طرح ملزم حضرت محل
بندش ملزم کی بعد لینا مکررہ جافع لا اسی بند حوالہ تھانہ کھانہ کھانہ
نقل بطاقتی اصل
MM-PS-NSR

قائم نوان شہر

نقل ریٹ نمبر 33 روزنامہ 07/03/021

ضلع ایبٹ آباد

عد 33 روزنامہ عدیل شاہ SHO 07/03/021 وقت 18:55 سے اس وقت میں صبح شہزاد شاہ ع
نیشنل ڈیشیاں 740، شیراز 1132، فاصلہ 351 سے درست باوردی باسنگ لائنوں
نرس گشت و دیگر کارکنوں کو روکنا اور جانچنا ہوں۔

صنادید عالی نقل عطا لیا اصل سے

MM-PS-NSR
07-03-021



ATTESTED

[Signature]

Superintendent of Police
Investigation, Abbottabad

قائم نوان شہر

نقل ریٹ نمبر 47 روزنامہ 08/03/021

ضلع ایبٹ آباد

عد 47 واہسی عدیل شاہ SHO 08/03/021 وقت 00:10 بجے میں صبح ممبر ایان سے (بقت محوالہ
33 بالا بعد غراغت گشت و دیگر کارکنوں کو روکنا اور جانچنا ہوں۔
روانہ کوئی مریا دوڑے گا، مالواریات وغیرہ PMA روڈ ٹھنڈے پانی اوڈ وغیرہ میں گشت
کی گئی دوران گشت لنگر پیر 77 روڈ سرحد تھا کہ ایک شخص مشتبہ حالت میں ہلاقی
ہوا جسکو فالو میں کر کے شہر کی بنیاد پر حاضر تلاشی حسب ضابطہ عمل میں لائی۔
10 زندہ کار توڑی ضرورہ سے بڑھا اسکو اسے ایڈیشن 30 پور پٹری 29062264 مع
پیشوں سلز کوڈر سولہ کی سول بتلایا اسکو ایڈیشن سے متعلق مدکورہ کوئی (انتہی یا
احادث ناصر پیش نہ ہو سکا اسکو ایڈیشن سے متعلق مدکورہ کوئی (انتہی یا
صدم بالا جا پار حسب ضابطہ کوڈر سولہ کی سول بتلایا اسکو ایڈیشن سے متعلق مدکورہ کوئی (انتہی یا
عبد بنیک بازار جو کہ دران کو جدید لیا جا کر مدایات ضابطہ کوڈر سولہ کی سول بتلایا اسکو ایڈیشن سے متعلق مدکورہ کوئی (انتہی یا
ممبر ایان سے اسکو ایڈیشن درست طور پر مد اصل کت فرمایا گیا۔

صناد عالی

نقل عطا لیا اصل سے

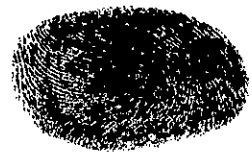
MM-PS-NSR
08-03-021



بیان اذان محمد نیاز 1456 قید
H C
تقاضی نمبر AMHC

بیان میں قمر علیہ السلام کو درپناہ کے طور پر 03/07/021 کو میں علیہ السلام سے
رہنما میں باور کا عارضہ میں معروف تھا شام 5 بجے قیام SHO
میں خود دفتر روزانہ میں آکر بعد 12 بجے تھا دفتر میں جو وقت اور پتوں میں
FIR دوں گا میں 12 بجے تھا دفتر میں جو وقت اور پتوں میں
ایسے آ کر جو FIR ہو پتوں میں لکھا ہے اس میں وردی و تار
کو سولیا اور پتوں بعد 12 بجے دفتر میں جو وقت اور پتوں میں لکھا ہے
واقعات سے آگاہ کرنا ہے بعد اور جملہ روزانہ کے متعلق بتوڑا میں
جو وقت میں ایسا کوئی واقعہ پیش نہ آیا میرا ہی بیان ہے جو کہ درمیان
اور علیہ قید 08:00 بجے دفتر میں آ کر پتوں میں لکھا ہے FIR کو نہ
پہ آگاہ ہوا کہ دفتر میں 139 کو 03/07/021 ISAA/HPK
میں پتوں میں لکھا ہے کہ تفتیشی حوالہ نمبر 1456 H C میں میرا ہی بیان ہے

M
Abb
PS NSR
1456
04 - 05 - 021



ATTESTED
Superintendent of Police
Investigation, Abbottabad

سوال 5 - جب دفعہ FIR علی 139/21 جی. ایچ. 15AA/KPK کے تحت درج کیا گیا تھا

جواب - جی ہاں نہیں بلکہ میں سوچا ہوا تھا۔

سوال 6 - آپ نے اپنے مندرجہ ذیل کے گھر آیا تھا اور گم کیا تھا

جواب - جی ہاں نہیں بلکہ میں سوچا ہوا تھا۔

سوال 7 - کیا آپ کو SHO صاحب نے گم کیا تھا اور ناچھو پھانسی چھڑائی

جواب - جی ہاں SHO صاحب نے مجھے خورد رشتہ اور ناچھو پھانسی میں گم کیا ہے اور ناچھو پھانسی چھڑائی میں FIR دوں گا

سوال 8 - کیا آپ اس کے لیے مندرجہ ذیل کے سوال علی 139/21 جی. ایچ. 15AA/KPK کے تحت درج کیا گیا تھا

جواب - جی نہیں میں نہیں جانتا تھا اور نہ ہی راہ لیتا تھا

سوال 9 - اور ناچھو پھانسی کے گم پور پھانسی اور FIR کے علم سے باخبر

جواب - اور ناچھو پھانسی SHO صاحب نے گم پور پھانسی چھڑائی میں اور FIR کے علم سے نہیں

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ATTESTED
Superintendent of Police
Investigation, Abbottabad

بیان شہید قادر اللہ 1267 قسٹم تھان ٹوارٹھو وفا بیانی ہوئے

- (i) فورم 3/21 کو میں دفتر شہید علی فتح نیٹار ANHC کو جوڑنے کے وقت 340 بجے واقعہ کے روزنامہ پبلشر نے فورم کے میں FIR دی ہے جس کے تحت 340 بجے روزنامہ پبلشر نے فورم کے
- (ii) نیٹار علی ANHC پورٹ قریب 12 بجے رات فورم 3/21 کو حکم رکھائی جس کے جاگیر ہو گیا اور میں دفتر شہید علی ہو گیا
- (iii) میں دفتر شہید علی کو ایڈھ کھانے پورٹ قریب صبح سبھار کے چار پانچ بجے فورم 3/21 کو نیٹار 340 بجے صبح سبھار کے چار پانچ جاگیر کر کے صبح کی بندش ہو گیا ہے اس کے واسطے میں
- (iv) میں نے 340 بجے فورم کے فورم میں رکھایا ہے کنٹرول روم ڈپٹی کی طرف سے رات پانچ بجے کے بعد میں نے کھاتا تو 340 بجے اسی وقت اپنے ذاتی فون پر کھانا کنٹرول روم کو کال کر کے آپریشن کھانا کنٹرول روم میں رکھایا ہے جس کے 15AA کی FIR کے تحت میں ایڈھ کر کے آپریشن فورم کے (نڈر شاہ) آپریشن ہو گیا ہے جس کے واسطے میں ایڈھ کر کے میں لگا دیسوں وہ صبح کے اندر لگا دیا گیا
- (v) دفتر میں نے صبح کے تحت نیٹار 340 بجے صبح پورٹ پانچ بجے فورم 3/21 کو علی 139 قسٹم 15AA کی FIR چاوتی ہے
- (vi) روزنامہ پبلشر FIR نیٹار 340 بجے واقعہ کے مطابق چاوتی ہے

میں نے یہ بیان ہے وفا کے ساتھ وہاں کے ضروریات یہ ہے

ATTESTED

(Signature)

Superintendent of Police
Investigation, Abbottabad

(Signature)
04/05/2021

سوال I: من وقت FIR عدل 139 اور سب ڈسپوزیٹی آپ کہاں پر ہے اور ٹائم کیا تھا؟

جواب: عدل دفتر حیدرآباد میں موجود تھا اور ٹائم غالباً صبح 10 بجے کے قریب تھا۔

سوال II: آپ کے پاس حراسہ کون لے کر آیا ہے اور ٹائم کیا تھا؟

جواب: مجھے SHO محلہ کے حراسہ دیا تھا جسے اس پر FIR کی کاپی دی اور ٹائم صبح 10 بجے کے قریب تھا۔

سوال III: کیا آپ کو SHO کے نام پر حکم دیا تھا کہ روزانہ سنٹرنگ ٹھوس

جواب: عدل سے حکم دیا کہ روزانہ سنٹرنگ ٹھوس کر کے عدل کے پاس لائے جائیں۔

سوال IV: کیا آپ اس سے قبل حکم دیا تھا کہ روزانہ سنٹرنگ ٹھوس کر کے عدل پر FIR کی کاپی

جواب: جی ہاں عدل سے حکم دیا تھا کہ روزانہ سنٹرنگ ٹھوس کر کے عدل پر FIR کی کاپی لائے جائیں۔

سوال V: روزانہ کس نام پر سنٹرنگ ٹھوس کر کے عدل پر لائے جاتے تھے؟

جواب: روزانہ حکم دیا تھا کہ سنٹرنگ ٹھوس کر کے عدل پر لائے جائیں۔

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04/05/21

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ATTESTED


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Superintendent of Police
Investigation, Abbottabad

بیان اذیل کنیشن ڈیشیاں نمبر 740 عنایتہ نقانہ نواں شہر حال نقانہ نوہ
 کنیشن ڈیشیاں نمبر 740 سلسلہ انکوائری بیان نمونہ بروز وقوع میں
 شہزاد شاہ 911 صاحبہ 351 شہزادہ 1132 کے دفعتہ بعد عدالتہ زیر نظر
 S110 صاحبہ نقانہ نواں شہر سلسلہ گشت و دہرہ ہاگسٹریٹیفیکیشن
 سے روانہ ہوں اسی اثناء میں گزریں جینہ چوک کے پاس موجود خطہ
 صبریہ ذاتی موٹار بنج پر عبائی کی کمال آئی کہ والد صاحب کی طبیعت خراب ہے
 اور سیکورٹی فورسز علی عدلہ 8 صاحبہ نقانہ نواں شہر سے کر جارہے ہیں جس کے بعد میں
 نے S140 صاحبہ کو صورت حال کے بارے میں بتلایا اور اجازت سے
 گھر پہنچا اور وہ بیوی کے ہمراہی بیان سے جو کہ درست ہے۔

ATTESTED

 Superintendent of Police
 Investigation, Abbotabad


 کنیشن ڈیشیاں نمبر 740
 نقانہ نواں شہر

XXV پتھر: بدروزو جو ہم گرفت و جو ہم آئی کیا لوڑ نشین تھی؟
 جواب: بدروزو جو ہم S140 صاحبہ کے ہمراہ گشت پر تھا اسی اثناء گوریلہ والد صاحب کی بیماری
 کی اطلاع پر اسی فوراً معافی نے ری جو میں مسائل حسب اجازت یا سیکرٹری جلائی

XXV پتھر: کیا آپ گواہ ضرور ہیں؟
 جواب: جی نہیں

XXV پتھر: کیا آپ کے فوڈ کے اوپر دستخط موجود ہیں؟
 جواب: نہیں میں گواہ ضرور نہیں اور نہیں ہیں میرے دستخط ہیں۔

XXV پتھر: و جو ہم کی نسبت آپ کو علم ہے حضرت عمل کے خلاف مقدمہ رجسٹر ہو آیا ہے؟
 جواب: نہیں میں موجود تھا اور نہیں ہیں میرے علم میں ہے۔

XXV پتھر: کیا و جو ہم کی نسبت S140 صاحبہ یا ضرور مشاف نے گواہی کی نسبت آپ کو کوئی اطلاع دی؟
 جواب: جی نہیں

سیان اڈان کینسل سٹیشن 1132 صفیہ فقار نوان سید صاحبہ جلی جویا
 کینسل سٹیشن 1134 سیدہ انگلاری نوان ہے در بروز وقوع میں
 سٹیشن سٹاؤن 440-450-350، ڈیپان 740 کے دفتر پر لاوہ
 سٹیشن سٹاؤن 440 سیدہ فقار نوان سید صاحبہ کے دفتر پر لاوہ
 ایجنٹ فقار سے روانہ ہوئے تو سب سے سوال کیا کہ کیا وہ سید صاحبہ
 صاحبہ سے اجازت سے کمر گھڑی لینے چوکی سے گھر خود روانہ ہو گیا ہے
 یہ ایسی بات ہے جو کہ دراصل ہے۔



کینسل سٹیشن 1132 صفیہ فقار
 سیدہ فقار نوان

ATTESTED
 Superintendent of Police
 Investigation, Abbottabad

28/04/21

- XXV. سیدہ فقار نوان کو کمر گھڑی لینے کی اجازت تھی؟
 جواب:۔ سیدہ فقار نوان کو کمر گھڑی لینے کی اجازت تھی اور وہ کمر گھڑی لینے کے بعد گھر چلی گئی تھی۔
- XXVI. کیا سیدہ فقار نوان کو کمر گھڑی لینے کی اجازت تھی؟
 جواب:۔ جی ہاں، سیدہ فقار نوان کو کمر گھڑی لینے کی اجازت تھی اور وہ کمر گھڑی لینے کے بعد گھر چلی گئی تھی۔
- XXVII. کیا سیدہ فقار نوان کو کمر گھڑی لینے کی اجازت تھی؟
 جواب:۔ جی ہاں، سیدہ فقار نوان کو کمر گھڑی لینے کی اجازت تھی اور وہ کمر گھڑی لینے کے بعد گھر چلی گئی تھی۔
- XXVIII. کیا سیدہ فقار نوان کو کمر گھڑی لینے کی اجازت تھی؟
 جواب:۔ جی ہاں، سیدہ فقار نوان کو کمر گھڑی لینے کی اجازت تھی اور وہ کمر گھڑی لینے کے بعد گھر چلی گئی تھی۔



نیشنل ندرنگ مسٹر 183 سینٹرل کنٹرول روم پولیس اسٹیشن آبار
 نے پروان ریفرنس بیان کیا ہے جس مورخہ 7/3/21 کو
 کنٹرول روم میں تحائف کے مفردات راجہ شہری لکھنؤ
 لکھنؤ ریفرنس۔ لاکھ فربہ 11:30 پم نیاز انڈسٹریل مورخہ 7/3/21
 نے مفردات سلسلہ 135 تا 138 کی تفصیل لکھنؤ ایچ و پ
 07:30 بجے مورخہ 8/3/21 کو ندرنگ مورخہ 7/3/21 سے فون کر کے مفرد
 سلسلہ 139 مورخہ 8/3/21 جڑ 15AA کی تفصیل لکھنؤ ایچ و پ
 میرا ہی بیان ہے جو درست ہے

نیشنل ندرنگ مسٹر 183 سینٹرل کنٹرول روم پولیس اسٹیشن
ATTESTED
 Superintendent of Police
 Investigation, Abbottabad
 0346-9561350
 05-21-05

سوال 1) وقوع کے روز آپ کنٹرول روم پر موجود تھے
 جواب ٹھیک پر موجود تھا۔

سوال 2) مفردات سلسلہ 139 جڑ 15AA کی تفصیل لکھنؤ ایچ و پ
 جواب۔ ایچ ٹریبیا 07:30 پم ندرنگ مورخہ 7/3/21 سے فون کر کے لکھنؤ ایچ و پ

ندرننگ مسٹر 183
 21

Learned counsel for the accused present. Learned SPP Miss. Tasleem Shahid Advocate also present.

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The instant cancellation report is submitted in case FIR # 139, dated 07.03.2021, u/s 15AA KPK, PS Nawansher, Abbottabad. The local police have sought for cancellation of the FIR on the ground that the FIR is fake, fictitious and was preplanned to benefit the accused namely Hazrat Gul S/o Bahadar Gul R/o Bannu in a murder case registered against him on the same day at District Bannu vide FIR # 178, dated 07.03.2021, u/s 302/324/34 PPC PS Cantt, District Bannu.

59/ISA

17-011-21

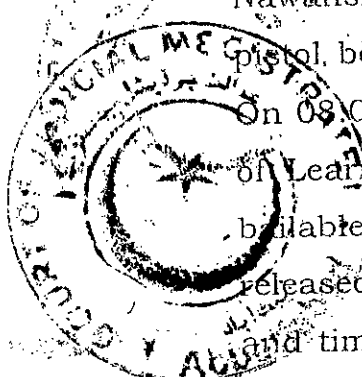
During course of proceedings, the accused appeared before the court and contested the instant cancellation report by supporting the FIR to be true and correct.

24-02-22

Arguments heard and record perused.

Perusal of record reveals that the through FIR # 139, the accused namely Hazrat Gul was charged for commission of offence u/s 15AA KPK. As per the story narrated in the FIR, while on gusht, the SHO PS Nawansher, on suspicion searched accused and 30 bore pistol, bearing # 29C6264 was found in his possession. On 08.03.2021, accused was produced before the court of Learned JM-III, Abbottabad/MOD, the offence was available therefore, the accused was ordered to be released on bail. Later on, it surfaced that, on same day and time accused was also charged in case FIR # 178, dated 07.03.2021, u/s 302/324/34 PPC, PS Cantt, District Bannu and the present FIR was preplanned so as to favour the accused in FIR No. 178. Accordingly, departmental inquiry was initiated against the SHO namely Faisal Shah of PS Nawansher, Abbottabad

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(complainant in the instant case) and other police officials involved in the matter. During the inquiry, the accused SHO and other officials were found guilty of the charges leveled against them and they were dismissed from service vide order dated 10.06.2021. Upon directions of this court, the fact finding as well as final inquiry reports are produced before the court today and are placed on file. Perusal of the same revealed that the officials of the concerned police station in their statements before inquiry admitted that the FIR was registered at about 04:30 AM or 05:00 AM in the morning time on 08.03.2021 and in this respect one day prior i.e. on 07.03.2021, the SHO called the Muharrir to keep pending the Roznamcha of 07.03.2021 as he has to register an FIR and on the order of the SHO, the Muharrir kept the Roznamcha of 07.03.2021, pending till 08.03.2021 (morning) while in the FIR the time of lodging the FIR was mentioned as 20:40 hours (08:40 PM). Meaning thereby the FIR was registered in back date. Similarly, one constable Sheraz No. 1132 also admitted before the inquiry that his name was included in the Fard as witness, but neither he was present on the spot nor he has signed on the Fard. Since, in the department inquiry it is proved that the FIR was fake, bogus and preplanned therefore, this cancellation report was filed. As the prosecution does not want to proceed with the instant FIR and has requested for its cancellation, therefore, in view of the above while agreeing with the prosecution this case in hand stands cancelled. File be consigned to record room after its necessary completion and compilation.

8817



Sajid Amin
JM-I/Magistrate Sec.30
Abbottabad

17/05/22

احمدیہ خلیفہ تیسرے میں صاحب سروس ٹریڈنگ کمپنی کے
نیمپ کوٹ ایڈیٹ آباد۔

شہزاد حسین شاہ نیام DPo ویزہ

سروس ایڈیٹ

درخواست تبدیلی تاریخ پیشگی ویزہ

جناب عالی!

(1) یہ کہ مقدمہ عنوان بالا میں آج کی تاریخ پیشگی
بہ نام مقدمہ۔

(2) یہ کہ روپل ایڈیٹ شاد محمد خان ایڈیٹ
بہ نام مقدمہ۔

(3) یہ کہ آج حاضر عدالت میں روپل پیشگی مقدمہ
بہ نام مقدمہ۔

اس کے بعد کہ آج کی تاریخ پیشگی تبدیلی ویزہ
الموقع 21-7-22

شہزاد حسین شاہ - ایڈیٹ

بزرگ بھنگو وکیل خود