





Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 512 /2021 21


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/01/2021	<p>The appeal of Mr. Sane Gul resubmitted today by Mr. Naqibullah Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>22/02/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	22.02.2021	<p>The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 08.06.2021.</p> <p style="text-align: right;"> Reader</p>
	08.06.2021	<p>Counsel for the appellant present. He requested for withdrawal of instant appeal to approach proper forum.</p> <p>Request is accepted and the appeal is dismissed as withdrawn. The appellant may approach proper forum, if so advised. File be consigned to the record room.</p> <p style="text-align: right;"> Chairman</p> <p><u>ANNOUNCED</u> 08.06.2021</p>

The appeal of Mr. Sani Gul son of Speen Gul received today i.e. on 31/12/2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned dismissal order is not attached with the appeal which may be placed on it.
- 2- Appeal has not been flagged/ marked with annexures' marks.

No. 06 /S.T.

Dt. 04/01 /2021


REGISTRAR,
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Nageebullah Khan Khattak Adv. Pesh.

*Sir,
Needful done accordingly. Resubmitted please.*

*Nageebullah
Advocate Peshawar
02-01-2021*

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

Sani Gul

VERSUS

Government of Khyber Pakhtunkhwa through
Provincial Police Officer, (IGP), Peshawar and others

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9.	Photocopy of ASJ Judgment dated: 20-09-2017 <i>along with dismissed order 5-3-2012</i>	"D"	14-18 18A
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Dated: 31-12-2020

PETITIONER

Sami Gul

Through

Naqeeb Ullah Khattak
Advocate, High Court
Peshawar

شانی گل

Naqeeb Ullah Khattak

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

Service Appeal No. 512 /2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16979

With application for
Condonation of Delay

Dated 31/12/2020

Sani Gul S/o Speen Gul R/o Bachi Korona Sufaid
Sung, Tehsil and District Peshawar, Ex-Sepoy
Community Police, Peshawar (Ballut No. 1113).

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through
Provincial Police Officer, (IGP), Peshawar.
2. District Police Officer, Peshawar.

....Respondents

**SERVICE APPEAL UNDER SECTION 04 OF
SERVICE TRIBUNAL ACT 1974 FOR
REINSTATEMENT IN SERVICE AS SEPOY
DISMISSED FROM SERVICE ON ACCOUNT
OF UNAUTHORIZED ABSENCE FROM DUTY
ON ACCOUNT OF DANGER TO APPELLANT
LIFE BECAUSE OF SEVER ENMITY OF
QATAL IN HIS VILLAGE BACHI KORONA
SUFaid SUNG, PESHAWAR.**

Filed today

Registrar

31/12/2020

Re-submitted to day
and filed.

Registrar

21/1/2021

PRAYER:

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE APPELLANT MAY VERY KINDLY BE REINSTATEMENT IN SERVICE AS SEPOY WITH ALL BENEFITS OF PAY AND SERVICE.

Respectfully Sheweth;

Facts in brevity followed by grounds of the instant service appeal are submitted here under;

1. That the Appellant after test and interview the department selection committee was appointed as Sepoy in police Community Department and was referred to medical test to police service hospital on 29-09-2010, whose Medical Superintendent declared him fit for service. *(The medical fitness certificate is Annexure "A")*.
2. That on the same date: 29-09-2010, the respondents got affidavit on 30 rupees stamp paper an affidavit that if the appellant was found in illegal activities, his service could be dismissed without any notice during two years service. *(Copy of the affidavit is Annexure "B")*.

3. That since then the appellant was discharging his duty as Sepoy to the entire satisfaction of his seniors.
4. That serious enmity of appellant family arose with his near relatives who were financially and manly powerful and for fear of death, the appellant restrained himself to his house and without any information to his seniors in 2014 absented from duty after rendering 03 years service.
5. That our ill-wisher relatives registered a false and malafide FIR no. 135 dated: 04-03-2014 under section 324 - 148 - 149 PPC in Police Station Nasir Bagh involving 08 persons including appellant. *(Copy of FIR is enclosed as Annexure "C")*.
6. That this bogus FIR ran against us for 03 years and finally we were acquitted on 20-09-2017 under section 265-K by the court of Additional Session Judge, Peshawar (Mr. Jahangir Khan). *(Copy of the judgment is enclosed as Annexure "D")*.
7. That the appellant and his other male restricted themselves to his house for fear of death in the hands of our neighbors remained for years long till the situation became normal to some extent.

8. That on normalization of the state of affairs, I submitted department appeal to SP, Peshawar of Police Peshawar dated: 11-08-2020 followed by department appeal to provincial Chief of Police (IGP) dated: 09-09-2020 but no response as yet. (*The departmental appeal are Annexure "E" & "F" respectively*).
9. That in the facts stated above, the grounds are as under:

Grounds:

- A. That the act of non-reinstatement of appellant as Sepoy by the respondents is unlawful, whimsical, fanciful, hence not sustainable in the eye of law.
- B. That the appellant absence was never willful but under the pressing circumstances beyond appellant control.
- C. That there existed danger to his life which compelled the appellant for non-attendance to his duty.
- D. That every living creative when fell danger to his life tries his level best to save his life.

- E. That appellant has committed no illegality, misuse of power or dishonesty except absence from duty.
- F. That appellant work and conduct was satisfactory during his service.
- G. That appellant become overage and cannot get service in any other department.
- H. That according to appellant CNIC, his age is 48 years.
- I. That with prior approval of this Hon'ble Tribunal other grounds would be raised during arguments.

It is, therefore, most humbly prayed that appellant may kindly be reinstated in service as Sepoy with back benefits of service and pay.

Dated: 31-12-2020

PETITIONER

Sami Gul

Through

Naqeeb Ullah Khattak

Advocate, High Court

Peshawar

تانی

hasibullah

NOTE:-

No such like appeal on the same subject matter has earlier been filed by me before this Hon'ble Tribunal.

PETITIONER

CNIC No: 17301-7378051-1

تانی

- 6 -

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

Application in
Service Appeal No. _____/2020

Sani Gul S/o Speen Gul R/o Bachi Korona Sufaid
Sung, Tehsil and District Peshawar, Ex-Sepoy
Community Police, Peshawar.

(Petitioner)

VERSUS

1. Government of Khyber Pakhtunkhwa through
Provincial Police Officer, (IGP), Peshawar.
2. District Police Officer, Peshawar.

....Respondents

APPLICATION ON BEHALF OF APPELLANT
/ PETITIONER FOR CONDONATION OF
DELAY IN SUBMITTING THE ENCLOSED
SERVICE APPEAL.

Respectfully Sheweth;

1. That the Appellant had enmity with his
close relatives who were strong financially
and meanly.
2. That the said enemy lodged a false and
malafide FIR No. 135 dated: 04-03-2014,
which ran in the court for years and finally

the petitioner alongwith 03 others
acquitted dated on 20-09-2017.

3. That appellant / petitioner and other of his
family members remained inside house for
long time.
4. That now the petitioner state of affairs
have normalized.

*It is, therefore, most humbly prayed that
petitioner late coming may kindly be
condoned.*

Dated: 31-12-2020

PETITIONER

Sami Gul

Through

Naqeeb Ullah Khattak

Advocate, High Court

Peshawar

شامی گول

ناقیب اللہ

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

Sani Gul

VERSUS

Government of Khyber Pakhtunkhwa through
Provincial Police Officer, (IGP), Peshawar and others

AFFIDAVIT

I, *Sani Gul S/o Speen Gul R/o Bachi Korona Sufaid Sung, Tehsil and District Peshawar, Ex-Sepoy in Police, Peshawar*, do hereby solemnly affirm and declare on oath that contents of the instant service application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

سانی گل

CNIC No: 17301-7378051-1

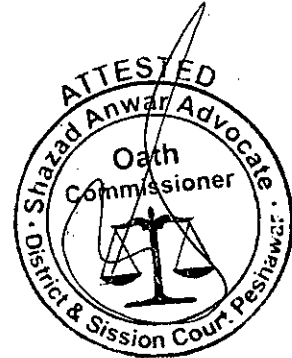
Identified by

ناقیب اللہ

Naqeeb Ullah Khattak

Advocate, High Court

Peshawar



31-12-2020

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

Sani Gul

VERSUS

Government of Khyber Pakhtunkhwa through
Provincial Police Officer, (IGP), Peshawar and others.

AFFIDAVIT

I, *Sani Gul S/o Speen Gul R/o Bachi Korona Sufaid Sung, Tehsil and District Peshawar, Ex-Sepoy in Police, Peshawar*, do hereby solemnly affirm and declare on oath that contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

سانی گل

CNIC No: 17301-7378051-1,

Identified by

Naqeeb Ullah Khattak
Naqeeb Ullah Khattak
Advocate, High Court
Peshawar



31.12.2020

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

Sani Gul

VERSUS

Government of Khyber Pakhtunkhwa through
Provincial Police Officer, (IGP), Peshawar and others.

ADDRESSES OF PARTIES

PETITIONER.

Sani Gul S/o Speen Gul R/o Prachi Korona Sufaid
Sung, Tehsil and District Peshawar, Ex-Deputy
Community Police, Peshawar.

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through
Provincial Police Officer, (IGP), Peshawar.
2. District Police Officer, Peshawar.

Dated: 31-12-2020

سانی گل

PETITIONER

Sani Gul

Through

Naqeeb Ullah Khattak

Advocate, High Court

Peshawar

Naqeeb Ullah Khattak

Amended
7/15

D *"A"*

MEDICAL CERTIFICATE

Name of official Mr. Sami Gul *فيلی*

Caste or race Muslim

Father's name Mr. S. P. Gul *ف. پ. گول*

Residence Walled area *سولہ اول سنگ دیوہ جیکو*

Date of birth 1972

Exact height by measurement 5-6

Personal mark of identification Muslim *مسلم*

Signature of the official *فیلہ*

Signature of head of office _____

Seal of office _____

I do hereby certify that I have examined Mr. Sam Gul a candidate
 for employment in the Office of the S. Police
 and cannot discover that he had any disease communicable or other constitutional affection or bodily
 infirmity except nil.

I do not consider this as disqualification for employment in the office of the S.P.
 His age according to his own statement 38 year and by appearance about
 year 38.

Jawid
 Medical Superintendent
 Police/Services Hospital
 MEDICAL SUPERINTENDENT

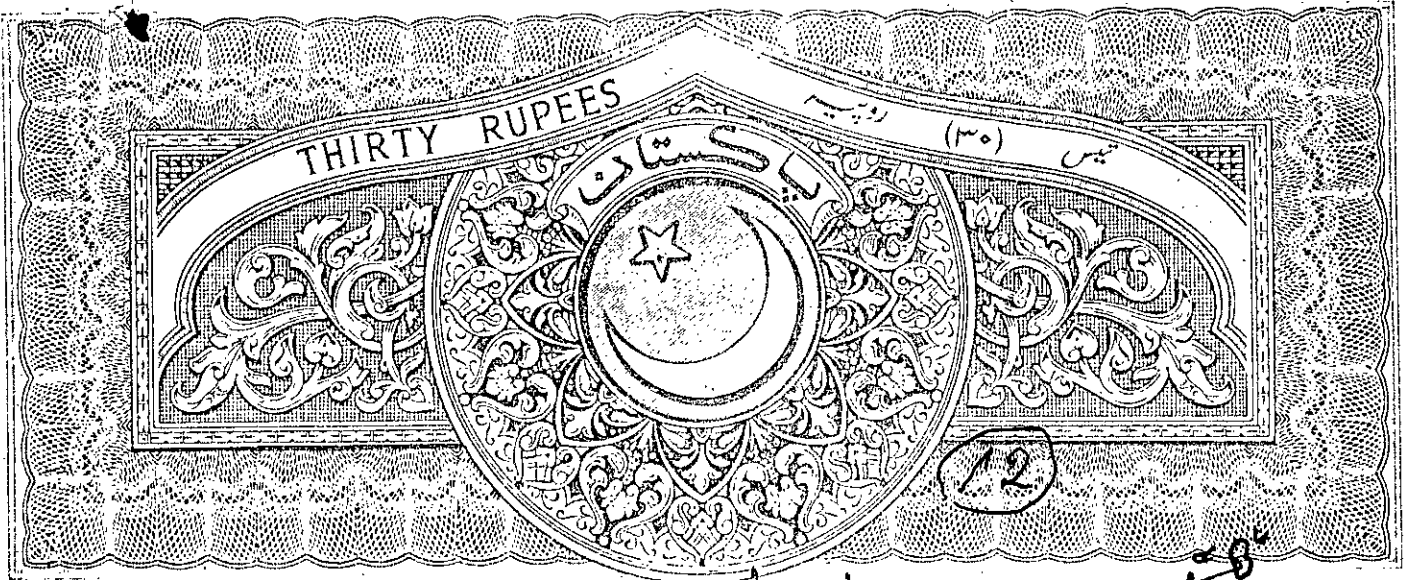
CIVIL HOSPITAL _____

SEP 10

Amended
22/11/10
Advocate
PSR

LEFT HAND THUMB AND FINGER IMPRESSIONS





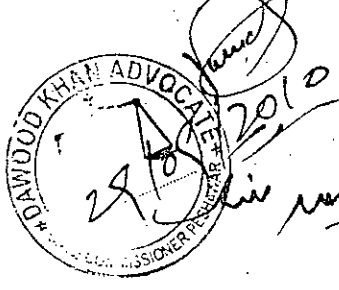
بیان نامہ

Announcement

میری ذاتی طور پر سینئر ایڈووکیٹ کی طور پر مندرجہ ذیل
 عملی و فائدہ بخش و حلالہ بیان کرنا ہوں کہ محلہ لوہیہ میں
 رہنے والی لوہیہ (علیہ السلام) نامہ نامہ صاحبہ نے دو سال تک
 رہتی رہی ہیں پھر وہیں سے اس کے ساتھ ساتھ
 رہنے والی ہیں وہیں سے اس کے ساتھ ساتھ
 رہنے والی ہیں وہیں سے اس کے ساتھ ساتھ
 رہنے والی ہیں وہیں سے اس کے ساتھ ساتھ

Attested

17301-737 8051-1



تاریخ

Attested
 Rasidullah
 Advocate
 FSR

23-02-2020

20.06.2011 (روزنامہ طور پر) قلمی کارروائی

موب : 0300, 5982424



فائل 13 Annexure

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردستی ۱۵۲ مجموعہ ضابطہ فوجداری

انعام

۱۳۵

قلم نمبر ۱۱۵
۱۶۹
۸

ضلع

تاریخ ۲۰۱۴ سال ۰۴ مہینے ۲۲ دن

تاریخ وقت رپورٹ	۲۰۱۴ سال ۰۵ مہینے ۰۷ دن ۰۷:۳۰
نام و سکونت اطلاع دہندہ مستغیث	زبانہ علی صاحبہ
تفصیر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	۱۴۹، ۱۴۸، ۳۲۴ کو روکنا
جائے وقوعہ فاصلہ تھانہ سے اور سمت	سید شہد محلی کورونہ
نام و سکونت ملزم	۱) سید شہد محلی ۲) سید شہد محلی ۳) سید شہد محلی ۴) سید شہد محلی ۵) سید شہد محلی ۶) سید شہد محلی ۷) سید شہد محلی ۸) سید شہد محلی ۹) سید شہد محلی ۱۰) سید شہد محلی
کارروائی جو تھانہ میں متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	۱) سید شہد محلی ۲) سید شہد محلی ۳) سید شہد محلی ۴) سید شہد محلی ۵) سید شہد محلی ۶) سید شہد محلی ۷) سید شہد محلی ۸) سید شہد محلی ۹) سید شہد محلی ۱۰) سید شہد محلی
تھانہ سے روانگی کی تاریخ وقت	۲۰۱۴ سال ۰۵ مہینے ۰۷ دن

ابتدائی اطلاع نیچے درج کرو۔ وقت صدر بم حنیف صدر صبر جا رہے تھے۔ زمانہ گزراں سیکر آج رات تقریباً ۲۲:۳۰ بجے فوراً ۰۳:۰۵ بجے میں گورنمنٹ بائیر تقریر پورا تھا۔ سید شہد محلی ۱) سید شہد محلی ۲) سید شہد محلی ۳) سید شہد محلی ۴) سید شہد محلی ۵) سید شہد محلی ۶) سید شہد محلی ۷) سید شہد محلی ۸) سید شہد محلی ۹) سید شہد محلی ۱۰) سید شہد محلی

سید شہد محلی کورونہ میں اسلحہ آڑھیں کھڑے تھے۔ سید شہد محلی ۱) سید شہد محلی ۲) سید شہد محلی ۳) سید شہد محلی ۴) سید شہد محلی ۵) سید شہد محلی ۶) سید شہد محلی ۷) سید شہد محلی ۸) سید شہد محلی ۹) سید شہد محلی ۱۰) سید شہد محلی

میں دیکھا کہ وقت گزرا ہوا۔ سید شہد محلی ۱) سید شہد محلی ۲) سید شہد محلی ۳) سید شہد محلی ۴) سید شہد محلی ۵) سید شہد محلی ۶) سید شہد محلی ۷) سید شہد محلی ۸) سید شہد محلی ۹) سید شہد محلی ۱۰) سید شہد محلی

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Attested
 We Dilan Khan
 Advocate Peshawar
 23-12-2020

Better Copy

13A

Amnecure

Better Copy

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ فوجداری

ضلع: پشاور

تھانہ: ناصر باغ

تاریخ: 04-03-2014 وقت 22:30 بجے

حالت نمبر: 135

1-	تاریخ وقت رپورٹ	05-03-2014 وقت 07:30 بجے
2-	نام و سکونت اطلاع دہندہ مستفیث	0303-8290060
3-	مختصر کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو	324, 148, 149 PPC
4-	جائے وقوعہ سے فاصلہ تھانہ اور سمت	سفید سنگ بچی کورونہ
5-	نام و سکونت ملزم	1- ستوری گل، 2- سانی گل، 3- چنار گل، 4- صنم گل، 5- اشرف گل، 6- رحمان گل پسران سینی گل، 8- سینی گل ولد بانو خان ساکنان بچی کورونہ
6-	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو اور توجہ بیان کرو	تحریری درخواست پیش کرنے پر مقدمہ درج رجسٹر کیا گیا
7-	تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل عام

ابتدائی اطلاع نیچے درج کرو۔ بوقت صدر بچے مستفیث مندرجہ خانہ نمبر 2 بحاضری آکر تحریری

درخواست پیش کی جو ذیل ہے۔ بخدمت جناب SHO صاحب تھانہ ناصر باغ جناب عالی مؤدبانہ گزارش ہے کہ آج رات تقریباً 22:30 بجے مورخہ 04-03-2014 میں گھر سے باہر نکلا ہوا تھا۔ پیشاب تو اس دوران آہٹ کی آواز سن کر تو مسیماں 1- ستوری گل، 2- سانی گل، 3- چنار گل، 4- صنم گل، 5- اشرف گل، 6- نظام گل، 7- رحمان گل پسران سینی گل، 8- سینی گل ولد بانو خان ساکنان سفید سنگ بچی کورونہ مسلح بہ اسلحہ آتشیں کھڑے تھے جھکو میں نے بجلی بلب کی روشنی میں پہچان لئے تو متذکرہ بالا کسان نے مجھ پر بارادہ قتل فائرنگ شروع کی جسکی فائرنگ سے میں بال بال بچ گیا وجہ عناد سابقہ قتل مقابلہ کی دشمنی ہے رپورٹ کے لئے آیا ہوں میں اپنے آپ پر بارادہ قتل فائرنگ کرنے کے برخلاف متذکرہ بالا کسان دعویدار ہوں قانونی کارروائی کی جاوے دستخط اردو زیارت گل ولد صاحب گل ساکن سفید سنگ بچی کورونہ مورخہ 04-03-2014 کارروائی تھانہ پیش کردہ تحریری درخواست حرف بحرف درج بالا ہو کر مضمون رپورٹ سے صورت جرم بالا کاپائی جا کر پرچہ جرم بالا چاک ہو کر نقل پرچہ جات بحق درخواست بغرض تفتیش حوالہ انوسٹی گیشن سٹاف کو واحد زمان خان ASI کیا جاتا ہے۔ پرچہ گزارش ہے۔

Attested
Dr. Zubair
Advocate Peshawar

23-12-2020

Annexure

IN THE COURT OF JEHANGIR KHAN,
ADDITIONAL SESSIONS JUDGE-II, PESHAWAR.

Case No. 32/SC of 2015

State...Vs...Stori Gul.

Or.....22.
20.09.2017.

1. The accused facing trial Spin Gul on bail present while the exempted co-accused namely Sani Gul, Chinar Gul and Ashraf through counsel present. Sr.PP for the state present. Arguments on the application u/s 265-K Cr.P.C heard and record perused.
2. According to the contents of case FIR 135 dated 04.03.2014 registered under sections 324/148/149 of PPC at PS Cantt Nasir Bagh, the complainant Ziarat Gul submitted a written application to the effect that on the night of occurrence i.e on 04.03.2014 at about 22:30 hours he came out of his house for the purpose of call of nature, in the meanwhile he heard a noise and saw accused facing trial standing while duly armed with firearms who stated firing at him which proved ineffective, hence the instant case was registered against the accused facing trial for the commission of offence.
3. After registration of the case and completion of investigation complete challan against the accused facing trial was submitted in the court on 19.02.2015. DFC Arshad Iqbal appeared before the court on 18.06.2016 and recorded his statement in respect of absconding co-accused namely Stori Gul, Sanam Gul, Nizam Gul and Rehman Gul, in light of such statement proceedings u/s 512 Cr.PC initiated against them and prosecution was directed to produce evidence in their

Attested
P. A. Rehman
Advocate Peshawar
23-12-2020

*Amended
"S"*

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On 22
20.09.2017
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absentia. On 31.03.2015 the accused facing trial Shan Gul, Ashraf Gul and Chinar Gul and on 02.01.2016 accused facing trial Spin Gul appeared in the court on bail, relevant copies were handed over to him while charge against the accused was framed on 25.06.2016 to which they pleaded not guilty and claimed trial. Thereafter, the prosecution was directed to produce its witnesses in support of its case. The prosecution has so far produced and examined two PWs while the charge was framed on 25.06.2016 meaning thereby that the trial of the accused facing trial remained continued for more one year but the prosecution has miserably failed to produce its entire witnesses in the witness box in support of its case. From the same fact it can be inferred that the prosecution has got no material evidence to produce it in support of its case and hence it can be further observed that the prosecution is least interested in its case while the accused facing trial could not be left at the mercy of the prosecution as they have been facing the trial and its agonies for more than one year. It was, therefore, the accused facing trial submitted an application under section 265-K Cr.P.C for their acquittal, therefore, the learned counsel requested to argue the same application and therefore, notice was given to the prosecution and the learned counsel for the accused facing trial while learned Sr.PP on behalf of state were heard.

4. After having thoroughly perusing and scrutinizing the entire record on the file, this court has arrived at the conclusion that the present case of prosecution against the accused facing trial suffers from various material infirmities and doubts which goes against the

*Attested
by
Advocate PR
23-12-2020*

Amesure

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prosecution as the same creates reasonable doubts in the mind of a reasonable and prudent person. If the entire facts and circumstances are closely scrutinized it can be observed that the alleged occurrence has not taken place in the alleged manner and mode as claimed by the complainant and therefore, in the opinion of this court it is not established well that the accused facing trial had committed the offence and hence the conviction of the accused facing trial could not be safely recorded even if the remaining witnesses are examined.

5. As per record, the FIR has been lodged with sufficient delay of about 23/24 hours while there exist no plausible explanation for the same delay. Secondly the alleged occurrence is night occurrence which has allegedly taken place in the dark hours of the night and therefore the correct identity of real culprits is highly doubtful. Thirdly the complainant has thrown a wide net of charge against the accused facing trial by implicating as many as 8 persons in the instant case of one of the same family. Fourthly admittedly it is a case of ineffective firing and it does not stand to reason that if 8 person resorted to have open indiscriminate firing from their fire arms (Kalashnikovs etc) upon the complainant from a close range while complainant completely escaped unhurt. Had eight person have open firing upon the complainant from a close distance of 5/6 paces definitely the complainant could have sustained a single injury. Fifthly it also apparently appears that the complainant has implicated the accused facing trial in the instant case with malafide and ulterior

Attested
M. Z. Shabbir
Advocate
23-12-2020

Ord. No. 22
20.09.2017.
Contd....

Answered
15/9/20

(4)

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motive for the reason that previously case FIR No.91 dated 22.02.2012 u/e 302-324 PPC has been registered against the present complainant and others by the accused party. Hence an inference can be drawn that the instant case FIR was nothing else but counterblast of the previous case FIR.

6. It is therefore, while keeping in view the above discussed facts and circumstances, this court holds the opinion that there exists material doubts regarding the genuineness of the prosecution version and entire story of the prosecution/complainant seems to be fictitious one which is not supported by any cogent, convincing and trustworthy confidence inspiring evidence and therefore, the benefit of doubt should be extended in favour of an accused person. While arriving at this opinion, guidance is being taken from the judgment of the august Peshawar High, Court, Peshawar which has been reported in "PLD 2003 Peshawar-84 wherein it has been held by their Lordships that:-

"For the purpose of giving benefit of doubt to an accused person more than one infirmity is not required, a single infirmity creating reasonable doubt in the mind of a reasonable and prudent person regarding the truth of charge makes the whole case doubtful."

Similarly, vide judgment reported in "P. Cr. LJ 1999-595 [Karachi]" It has been observed that:-

"Single circumstance creating a reasonable doubt as to the guilt of the accused entitles him to such benefit"

Attested
Razibullah
Advocate for
23-12-2020

Announced
"B"

(5)



(18)



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0.09.2017
Contd....

7. Hence, in the light of above discussed facts and circumstances, this court holds the view that there is no probability of the conviction of the accused facing trial. Hence, in the given circumstances if prosecution is provided with further opportunity to produce and examine the remaining PWs, even then the prosecution would not be able to prove its case against the accused facing trial. Hence, to keep continue proceedings/trial, it would amount to wastage of precious time on one hand and yet on the other hand would be a futile exercise.

8. Resultantly, while extending the benefit of doubt, the application being filed by the accused facing trial for ~~their~~ ^{their} acquittal u/s 265-K Cr.P.C is accepted and the accused facing trial namely Spin Gul, Sani Gul, Chinar Gul and Ashraf are hereby acquitted of the charges leveled against them in the present case. They are on bail, their sureties are discharged from the liabilities of bail bonds.

9. As far as the case of the case of the absconding accused namely Stori Gul, Sanam Gul, Nizam Gul and Rahman Gul is concerned, they are still absconder and a prima facie case does exist against them, hence they are declared as PO and their name be entered enlisted in the register of POs. Case property be kept intact till the expiry period fixed for appeal/revision till intact the arrest and trial of the same above mentioned absconding accused. File be consigned to the record room after its completion and compilation.

Announced
20.09.2017

Attended
Haji Anwar
Advt + Psn

Sd
(Jehangir Khan)
ASJ-II, Peshawar.

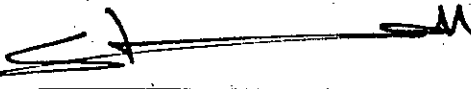
23-12-2020

18-A

ORDER

As per the attached report of SP/Cantt: vide letter No.71/R dated 22.02.2013, that the SPO Constable Sani Gul No.1113 of PS Nasir Bagh, is absented himself from his lawful duty w.e.f 03.12.2012 till to date, Moreover, he is not willing for duty in Special Police Force.

Therefore, his name is hereby dismissed from Special Police Force w.e.f 03.12.2012.


(SHABIH HUSSAIN)
SP HEADQUARTERS

No. ⁷⁴2868- OSI

O. B No: 854
Date: 5-3-2013

DATED 6-3-13

Copy:

1. Superintendent of Police Cantt: Peshawar.
2. DSP/Town /SHO Nasir Bagh.
3. Pay Officer/CRC/FMC
4. Incharge Clothing Godown.

Attested
Usmanullah
Advocate Peshawar

(19)

1567

R/S.P/11/149
Date... 11-8-20

درخواست برادر کے جانے بحال سائل

مسمیٰ نانی گل دلہ سپین گل بطور پوسٹ

کانسٹیبل، سابقہ بوجھات ذیل

جناب عالی: سائل حسب ذیل عرض رساں ہے۔

نمبر 1: یہ کہ سائل 2004ء میں پوسٹ میں بطور کانسٹیبل تعینات ہوا۔ (اور سائل کا بیلٹ نمبر 1113 تھا)۔

نمبر 2: یہ کہ سائل اپنی ڈیوٹی بخوبی سرانجام دے رہا تھا۔ مگر بد قسمتی سے سائل اور سائل کے گھروالوں کا اپنے ہی چچا زاد بھائیوں کے ساتھ راستہ کی بندش کی وجہ سے تنازعہ 2010ء میں پیدا ہوا۔ جسکی وجہ سے بارہ دشمنی ٹک جا رہی ہے۔

نمبر 3: یہ کہ سائل اور اپنے چچا زاد بھائیوں کی وجہ سے بہت تکلیف کا سامنا کرنا پڑا، کیونکہ وہ سائل کو جان سے مارنے کی دھمکیاں دیتے تھے۔ اس طرح وقت گزرنا لگا اور سائل روز مرہ اور روز جینا، افرکار اپنی زندگی کو بہت خطرہ میں دیکھ کر سائل نے بالآخر 2014ء میں پوسٹ کی نوکری کو بغیر کسی درخواست کے چھوڑ دی۔ کیونکہ سب سے پہلے جان ہے تو جہاں ہے۔

نمبر 4: یہ کہ سائل نے جو بھی نوکری چھوڑ دی، تو ان بد بختوں نے سائل پر جھوٹا F.I.R نمبر 135، تاریخ 03/04/2014

تھانہ ناہر باغ، زیر دفعہ 324، کیا۔ جسکی بابت سائل نے مقدمہ حذا میں باقاعدہ پیشگی، اور تقریباً تین سال مقدمہ چلنے کے بعد سائل پر کوئی الزام ثابت نہ ہو سکا اور سائل کو عدالت صفورت بری کر دیا۔ اس دوران جب ایک دن سائل عدالت صفورت میں تاریخ پیشگی کیے آ رہا تھا تو عقب انماں میں بیٹھے ان کے غنڈوں نے ہم پر حملہ کرنے کی کوشش کی، مگر فرض قسمتی سے سائل اور دیگر کئی رشتہ دار بچ گئے۔

نمبر 5: یہ کہ اب چونکہ سائل عام الزامات سے بری ہو چکا ہے اور ان لوگوں نے سائل کے بھائی مسمیٰ رحمان گل پر زیر دفعہ 302، 324 F.I.R درج کی، جسکی وجہ سے سائل کا بھائی پابند سلاسل ہے۔ اور اس

دن کے بعد جب سے سائل کا بھائی قید میں ہے، ان لوگوں کے گھلوں میں کمی آئی ہے۔

Handwritten signature and notes at the bottom right.

لہذا آپ صاحب سے التجا کی جاتی ہے کہ سائل کو اپنی ڈیوٹی پر دوبارہ
 بحال کرنے کے احکامات جاری کر دئے جائیں، کیونکہ سائل جب اپنی ڈیوٹی
 پر تھا تو اُس وقت بھی اپنی ڈیوٹی ملنے سے کر رہا تھا۔ مگر مجبوری کے تحت نوکری چھوڑنی
 پڑی۔ بیلٹ نمبر 1113
 عین نواز شمس پوری

تحریر: 11-08-2020

العرض

سائل ثانی گل ولد سپین گل ساکنی بچی کورونہ سفید سنگ

تعمیر و صلح پشاور

دائیم غ
 0308-5562903

0315-9955681

17301-7378051-1

ثانی گل

