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

Service Appeal No. 3871/2021

BEFORE: MRS. ROZINA REHMAN ... MEMBER (J)  
MISS FAREEHA PAUL ... MEMBER (E)

Naveed Khan son of Umar Khan, Contable Belt No. 5260 R/O Urmar Miana, Mohallah toheed Abad, Peshawar. .... (Appellant)

Versus

1. Inspector General of Police/PPO, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Senior Superintendent of Police, Peshawar.
4. Superintendent of Police (Headquarters), Peshawar.
5. Deputy Superintendent of Police (Security), Civil Secretariat, Peshawar. .... (Respondents)

Mr. Muhammad Saeed Khan,  
Advocate ... For appellant

Mr. Muhammad Riaz Khan Paindakhel, ... For respondents  
Assistant Advocate General

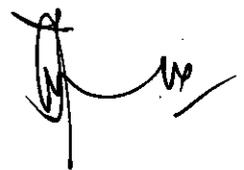
Date of Institution..... 16.03.2021

Date of Hearing..... 20.12.2022

Date of Decision..... 20.12.2022

**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 29.12.2020, against which departmental appeal dated 15.01.2021 was dismissed on 02.03.2021 by respondent No. 2. It has been prayed that on acceptance of the appeal, the impugned order dated 29.12.2020 might be set aside and the appellant be reinstated in service with all arrears and consequential back benefits.



2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Constable on 06.04.2011 in Police Department after the due process of the law. He was suspended from service vide order dated 08.04.2020 as a result of being charged in a murder case vide FIR No. 273 dated 02.04.2020 u/s 302/34 PPC P.S Urmar, District Peshawar. The appellant was placed under suspension by respondent No. 4 vide order dated 08.04.2020 due to involvement in the criminal case and absents himself from duty w.e.f.11.09.2019 till the issuance of suspension order. A charge sheet and statement of allegations was also served upon him on 08.04.2020 on the grounds of involvement in a criminal case and absents himself from duty w.e.f. 31.03.2020. On 28.04.2020, the appellant appeared in police lines and joined the duty once again. Departmental inquiry against the appellant was initiated in which he was recommended for major punishment. He was dismissed from service vide order dated 29.12.2020. The appellant, being aggrieved and dissatisfied from the impugned order dated 29.12.2020, preferred departmental appeal on 15.01.2021 before respondent No. 2 which was rejected on 02.03.2021; hence the present appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Additional Advocate General for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant after presenting the case in detail contended that no show cause notice was served upon the appellant which



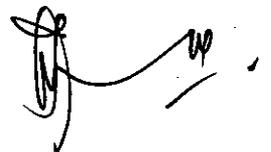
was not a formality but a mandatory provision of law and no opportunity of personal hearing was afforded to him before imposition of major penalty. He further contended that the competent authority was required to conduct a proper inquiry and provide opportunity of hearing, cross examination and defense to the appellant before imposition of major penalty which was not done. He further contended that the impugned order dated 29.12.2020 was violative of Section 24-A of General Clauses Act as the competent authority failed to pass a speaking order with sound reason and to substantiate allegation in the light of evidence on record. According to him, the appellant was falsely charged in the said FIR wherein the appellant was not convicted and the case was still pending before the competent court of law till the submission of the instant service appeal. Learned counsel presented the order of Additional Sessions Judge-XIII Peshawar dated 16.12.2022 vide which the appellant had been acquitted of the charges leveled against him.

5. Learned Assistant Advocate General, while rebutting the arguments of learned counsel for the appellant, contended that the appellant was proceeded against departmentally on the charge of his involvement in a criminal case and his prolonged willful absence from duty. He was suspended from service vide order dated 08.04.2020 and charge sheet alongwith statement of allegations was served upon him. He further contended that proper departmental inquiry was conducted against him, wherein he was given opportunity of defence but he failed to rebut the charges leveled against him and was found guilty beyond any shadow of doubt. Besides there were 27 bad entries and 03 minor punishments in his



service record. Learned AAG requested that the appeal might be dismissed with cost.

6. After hearing the arguments and going through the record present before us, it transpires that the appellant was charged in a murder case vide FIR dated 02.04.2020. He was put under suspension on 08.04.2020 by his competent authority. His appeal for bail before arrest was rejected on 07.09.2020 by the Additional Sessions Judge-IV, Peshawar and he was arrested on that date and put behind bar. He was granted bail by the august Supreme Court of Pakistan vide its judgment dated 05.11.2020. On 08.04.2020, when the appellant was suspended, an inquiry was initiated against him by issuing him a charge sheet and statement of allegations. The Inquiry Officer, a Deputy Superintendent of Police, submitted his report dated 29.12.2020 which consisted of proceedings of one sentence according to which, "the alleged official was summoned by the parwanas and on his mobile cell No. 0301-8808140 several times but he could not appear before the undersigned to attend the inquiry proceedings." It is difficult to understand that an officer of DSP rank had no idea of conducting inquiry in case of an accused who was behind the bar. Proceedings of inquiry indicate that it was not ensured whether the accused received the charge sheet and statement of allegations. As he was behind the bar, the Inquiry Officer had to go to him to conduct the inquiry, which was not done, despite the fact that he was bound under the rules to provide reasonable opportunity of hearing to the accused, as was clearly mentioned in the statement of allegations also. The competent authority also did not ascertain whether all the legal



formalities for conducting the inquiry were fulfilled or not. The inquiry report was, therefore, faulty and full of lacunas, but the competent authority of the appellant passed the order of dismissal based on the same report. The appellate authority (The CCPO Peshawar) rejected the departmental appeal of the appellant based on the same findings of the Inquiry Officer/report.

7. It would have been in the fitness of the matter that the appellant would have been kept under suspension till the outcome of the trial in the competent court of law. During the course of proceedings in this Tribunal, the appellant was acquitted of all the charges by the court of Additional Sessions Judge-XIII, Peshawar vide its judgment dated 16.12.2022.

8. In view of the above discussion, the appeal in hand is allowed as prayed for. Parties are left to bear their own costs. Consign.

9. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 20<sup>th</sup> day of December, 2022.*

  
(ROZINA REHMAN)  
Member (J)

  
(FARZHA PAUL)  
Member (E)

**Service Appeal No. 3871/2021**

20<sup>th</sup> Dec 2022 Mr. Muhammad Saeed Khan, Advocate for appellant present.  
present.

Mr. Muhammad Riaz Khan Painsakhel, Assistant Advocate  
General for the respondents present. Arguments heard and record  
perused.

2. Vide our detailed judgement containing 05 pages, the appeal  
in hand is allowed as prayed for. Parties are left to bear their own  
costs. Consign.

9. *Pronounced in open court at Peshawar and given under our  
hands and seal of the Tribunal this 20<sup>th</sup> day of December, 2022.*

  
(ROZINA REHMAN)  
Member (J)

  
(FAREEHA PAUL)  
Member (E)

14.09.2022

Miss Røeeda Khan Advocate present and submitted Wakalat Nama in favor of appellat.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Former requested for adjournment being freshly engaged. Adjourned. To come up for arguments on 31.10.2022 before D.B.

  
(Fareeha Paul)  
Member(E)

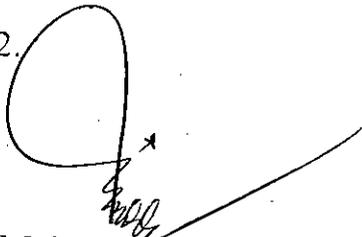
  
(Rozina Rehman)  
Member(J)

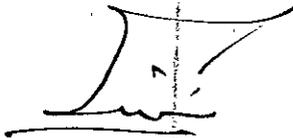
31.10.2022

Learned counsel for the appellat present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellat requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on

20.12.2022.

  
(Mian Muhammad)  
Member (E)

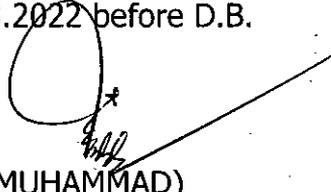
  
(Salah-ud-Din)  
Member (J)

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31.10.2022  
MEMBER

02.12.2021

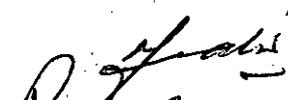
Appellant in person present. Mr. Kabirullah Khattak, Addl: AG  
alongwith Mr. Muhammad Raziq, H.C for respondents present.

Written reply/comments on behalf of respondents submitted  
which is placed. A copy of the same is also handed over to the  
appellant. To come up for arguments on 09.03.2022 before D.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

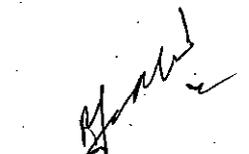
9-3-22

Due to Retirement of the Hon,ble  
chairman the case is adjourned to come  
up for the same as before on 5-5-22

  
Reader

9-5-2022

Due to Holidays of Eid Ul Fitar case  
is adjourned to come up for the same  
before on 14-07-2022

  
Reader

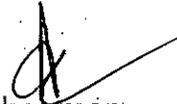
14-7-2022

Proper DB not available the case is  
adjourned to 14-9-2022

  
Reader

12.07.2021

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

  
Chairman

Stipulated period passed reply not submitted.

16.09.2021

Counsel for appellant present.

Muhammad Adeel Butt learned Additional A.G for respondents present.

Despite extension of time for submission to comments, the respondents have not been able to furnish written reply/comments. However, last opportunity is given for the needful within 10 days, failing which, right of the respondents for filing of written reply/comments shall be deemed as struck off. To come up for arguments on 02.12.2021 before D.B.

  
(Rozina Rehman)  
Member (J)

  
Chairman

27.05.2021

Appellant in person present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections available to the respondents. 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 of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is required to submit the file with a report of non-compliance. File to come up for arguments on 16.09.2021 before the D.B.

Appellant Deposited  
Security & Process Fee

  
Chairman

Form- A

# FORM OF ORDER SHEET

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

Case No.- 3871 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/03/2021	<p>The appeal of Mr. Naveed Khan presented today by Mr. Muhammad Saeed Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 16/3/2021</p>
2-	01/4/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/05/21</u></p> <p style="text-align: right;"> CHAIRMAN (for completion) (ex post facto)</p>

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. \_\_\_\_\_/2021

**Naveed Khan**..... Appellant

**Versus**

Inspector General of Police/ PPO, Peshawar & others

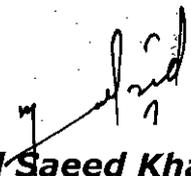
.....Respondents

**I N D E X**

S.No.	Description of documents.	Annexure	Pages.
1.	Grounds of appeal.		1-4
2.	Affidavit.		5
3.	Addresses of the parties.		6
4.	Copy of service card and impugned order	A-B	7-8
5.	Copy of FIR with better copy, suspension order 08.04.2020	C-D	9-11
6.	Copies of charge sheet, and statement of allegations	E-F	12-13
7.	Copies of DD No.57, 4 and 22	G,H,I	14-16
8.	Copy of departmental enquiry dated 29.12.2020	J	17
9.	Copy of departmental appeal and order dated 02.03.2021	K-L	18-20
10.	Wakalatnama.		21

Appellant

Through

  
**Muhammad Saeed Khan**

Advocate High Court

Cell: 0300-9020797

Dated: 16.03.2021

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.Service Appeal No. 3871 /2021Khyber Pakhtunkhwa  
Service TribunalDiary No. 3886Dated 16/3/2021

**Naveed Khan** son of Umar Khan  
Constable Belt No.5260  
R/O Umar Miana, Mohallah Toheed Abad, Peshawar

..... Appellant

**Versus**

- 1) Inspector General of Police/ PPO, Peshawar.
- 2) Capital City Police Officer, Peshawar.
- 3) Senior Superintendent of Police, Peshawar.
- 4) Superintendent of Police (Headquarters), Peshawar.
- 5) Deputy Superintendent of Police (Security), Civil Secretariat, Peshawar.

..... Respondents

Appeal u/s 4 of the N.W.F.P Service Tribunal Act, 1974 against the impugned order No.6368-74/PA/SP Peshawar dated 29.12.2020, against which departmental appeal dated 15.01.2021 has been dismissed vide order No.608-14/PA dated 02.03.2021 by the respondent No.2.

**Prayer:**

On acceptance of this appeal, the impugned order dated 29.12.2020 may kindly be set aside and the appellant may please be reinstated in service with all arrears and consequential back benefits.

**Filed to-day**

Registrar  
16/3/2021

**Respectfully Sheweth;**

Brief facts giving rise to the instant appeal are as under:-

- 1) That the appellant was appointed as Constable on 06.04.2011 in police department after the due process of the law. Moreover the appellant has good repute at his credit from the

last more than 09 years of his service at the time of imposition of major penalty vide order No.6368-74/PA/ SP dated 29.12.2020. (Copy of service card and impugned order are attached as Annex: "A and B").

- 2) That the appellant was suspended from his service vide order No.1025-32/PA/SP/ H.Qrs: dated 08.04.2020 due to charging in a murder case vide FIR No.273 dated 02.04.2020 u/s 302/34 PPC P.S. Urmar. (Copy of FIR, suspension order 08.04.2020 are attached as Annex: "C and D").
- 3) That the appellant was charged sheeted while respondent No.4 vide order dated 08.04.2020 placed the appellant under suspension and closed to police lines with immediate effect due to involvement in a criminal case and also absented from duty w.e.f. 11.09.2019. Charge Sheet and statement of allegations issued to the appellant. (Copies of charge sheet and statement of allegations are attached as Annexure "E and F").
- 4) That on 28.04.2020 the appellant appeared in police line and joined the duty once again and continued his duty upto dismissal from service. (Copies of DD No.57, 4 and 22 are attached as Annexure "G, H and I").
- 5) That departmental inquiry against the appellant was initiated in which he was recommended for major punishment. (Copy of departmental enquiry dated 29.12.2020 is attached as Annexure "J").
- 6) That the appellant being aggrieved and dissatisfied from the impugned order dated 29.12.2020 preferred his departmental appeal filed on dated 15.01.2021 before the respondent No.2 by refuting all the allegations contained in the impugned order, but the same was dismissed vide order dated 02.03.2021. (Copy of departmental appeal is attached as Annex: "K" and order dated 02.03.2021 is Annex: "L").

GROUNDS OF APPEAL:

That the appellant being aggrieved and dissatisfied from the impugned order dated 02.03.2021 referred above, prefers the instant service appeal on the following amongst other grounds for reinstatement in service with all consequential back benefits.

- a) That the impugned order is against the law, facts and material available on record.
- b) That the competent authority/ inquiry officer failed to serve mandatory "show cause notice" upon the appellant before imposition of major penalty, which is violative of the principles of natural justice and also offends the established norms of justice. The word "show cause" means to make clear or apparent, as by evidence, testimony, or reasoning to prove. Even on merit no credible evidence was brought on record to sustain the impugned order dated 02.03.2021 against the appellant. The competent authority failed to make out/ establish the alleged charges leveled in the impugned order, hence it is settled and mandatory provision and principle of law that show cause notice cannot be bartered away or contracted out. Section 5(4) Efficiency and Disciplinary Rules.

It is also pertinent to mention that even no opportunity of personal hearing was afforded to the appellant before imposition of major penalty.

- c) That the competent authority also failed to act in a judicial spirit and manner in conformity to well recognized principles of natural justice.
- d) That the competent authority was required to conduct a proper inquiry to provide an opportunity of hearing, cross examination and defense to the appellant before imposition of the major penalty.

- e) That the impugned order dated 29.12.2020 is also violative of section 24-A of General Clauses Act as the competent authority failed to pass a speaking order with sound reasoning and to substantiate allegation in the light of admissible evidence on record, there is no discussion at all to this effect.
- f) That the appellant has been falsely charged in the FIR mentioned above wherein the appellant is not convicted and the above mentioned case is still pending.
- g) That the appellant having a young official career and to discharge him in such a fashion alien to law would deprive him to built on his official career which would also adversely affects his family.

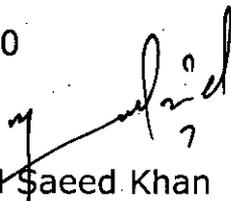
Keeping in view, what has been stated above, it is, therefore, humbly prayed that the impugned order dated 29.12.2020 may kindly be set aside and the appellant may please be reinstated in service with all arrears and consequential back benefits.

Any other relief, which has not been specifically asked for and to whom the appellant found entitled may also be granted.

Dated: 09.03.2021

  
Appellant  
**Naveed Khan**  
Constable  
Belt No-5260

Through

  
Muhammad Saeed Khan  
Advocate High Court

BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. \_\_\_\_\_/2021

Naveed Khan..... Appellant

**Versus**Inspector General of Police/ PPO, Peshawar & others  
..... Respondents**AFFIDAVIT**

I, **Naveed Khan** son of Umar Khan Constable Belt No.5260 R/O Urmar Miana, Mohallah Toheed Abad, Peshawar do hereby affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Deponent  
CNIC No. 17301-9120373-1

16 MAR 2021 0301-8808140



BEFORE THE PROVINCIAL SERVICE TRIBUNAL, KPK, PESHAWAR.

Service Appeal No. \_\_\_\_\_/2021.

**Naveed Khan**..... Appellant

**Versus**

Inspector General of Police/ PPO, Peshawar & others  
..... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

**Naveed Khan** son of Umar Khan  
Constable Belt No.5260  
R/O Umar Miana, Mohallah Toheed Abad, Peshawar

RESPONDENTS:

- 1) Inspector General of Police/ PPO, Peshawar.
- 2) Capital City Police Officer, Peshawar.
- 3) Senior Superintendent of Police, Peshawar.
- 4) Superintendent of Police (Headquarters), Peshawar.
- 5) Deputy Superintendent of Police (Security), Civil Secretariat, Peshawar.

Appellant

Through

  
Muhammad Saeed Khan  
Advocate High Court

Dated: 16.03.2021

ORDER

This office order relates to the disposal of formal departmental enquiry against LHC Naveed No.5260 of Capital City Police Peshawar on the allegations that he while posted at PS RMT, Peshawar involved in criminal case vide FIR No.273 dated 02.04.2020 u/s 302/34-PPC PS Urmar & also absented from duty w.e.f 31.03.2020 till date without taking permission or leave.

In this regard, he was placed under suspension & issued charge sheet & summary of allegation. DSP Civil Secretariat was appointed as E.O. He conducted the enquiry & submitted his report/findings that the alleged official found guilty vide Enquiry Report No.118/R dated 29.12.2020.

In the light of recommendations of E.O & other material available on record, the undersigned came to conclusion that he involved in criminal case & also remained absent from duty. Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect. Hence, the period he remained absent from 31.03.2020 till date is treated without pay.

Encl / (13)

**SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR**

OB. NO. 3536 / Dated 29/12 /2020

No. 6368-74 /PA/SP/dated Peshawar the 29/12/2020

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

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

**ATTESTED**



# ابتدائی اطلاعی رپورٹ

ضلع: پشاور

تھانہ: ارٹھ

تاریخ: 2/04/20 وقت 32: 11 بجے

علت نمبر: 273

1-	تاریخ وقت رپورٹ 2/04/20 وقت 40: 12 بجے جاگیدگی 50: 13 بجے
2-	نام و سکونت اطلاع دہندہ مستفیث مکرم خان ولد عبدالحمنان بچہ 7 سال سکنہ ارٹھ میانہ
3-	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو PPC 302-34
4-	جائے وقوع سے فاصلہ تھانہ اور سمت ارٹھ میانہ حملہ تو صید آباد
5-	نام و سکونت ملزم 1) و صید 2) گوئد پسران 3) عمر خان 4) عمر خان ولد عبدالحمنان ساکنان ارٹھ میانہ
6-	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو برسیدگی دراصلہ پر مقدمہ قائم کیا جاتا ہے۔
7-	تھانہ سے روائگی کی تاریخ بطور پیشگی رپورٹ

ابتدائی اطلاعی رپورٹ: بوقت صدر بجے ایک تحریری دراصلہ جنجا نب طاہر خان اسی بزدلت کنسٹیبل طارق 1198 حوصلوں ہو کر مضمون ذیل ہے۔

حضرت افسر اچارج تھانہ ارٹھ حسب اطلاع بچوٹی LRH پشاور آکر بیڈ پر نفس اذان سردار حسین ولد مکرم خان بچہ 72/23 سال سکنہ ارٹھ میانہ بڑی پاکر لعش کے ساتھ والد اش مکرم خان ولد عبدالحمنان بچہ 70 سال سکنہ دیہہ ارٹھ حملہ تو صید آباد موجود پا کر رپورٹ کرتا ہے کہ میں اراضیا خود میں موجود تھا کہ اطلاع ملی پسران سردار حسین کو مسیان 1) تو صید 2) گوئد پسران عمر خان 3) عمر خان ولد عبدالحمنان ساکنان دیہہ آنے اسلیہ آفتیش سے فائرنگ کر کے زخمی کیا ہے۔ جو کہ راہ روندگان نے بغرض علاج معالجہ کیلئے ہسپتال LRH لے گئے ہیں۔ میں فوری طور پر ہسپتال LRH آکر پسران جو زخموں کی تاب نہ لا کر راستے میں جان بحق ہو چکا ہے۔

وقوعہ بڑا وہاں پر موجود گان کا چشم دید ہے۔ وجہ عناد جاہلاد کا تنازعہ اور سماجی قتل مقابلہ کی دشمنی ہے۔ میں پسران سردار حسین کا قتل کرنے کا بر خلاف بالا کسان دعویدار ہوں العیسیٰ انکو تھا کاروائی پولیس حسب گفتہ سدا ل کی رپورٹ درج بالا ہو کر پڑھ کر سناٹی جا کر درست تسلیم کرنے پر بیان خود انکو ثابت کیا۔ چلپی میں تصدیق کرتا ہوں۔ مقتول سردار حسین کے کاغذات مرگ تیار کر کے بغرض پوسٹ فارم رپورٹ نہر حفاظت کنسٹیبل برائش MC 3418 پشاور بھجوا گیا۔ مضمون رپورٹ سے جرم بالا کا پائی جا کر دراصلہ بغرض حتمی مقدمہ بوسنت کنسٹیبل طارق 1198 ارسال تھانہ ہے۔ انموان بالہ کو بطور پیشگی رپورٹ اطلاع دی جاتی ہے۔ پیر چہرہ دیا جا کر انکو لسی تفتیش مشاف کو ماحور تفتیش کیا جاوے

دستخط انگلہ منزی طاہر خان ازی تھانہ ارنٹ فورس

2020ء کا درانی تھانہ آفدہ قمری و اسلا صرف یہ صرف

درج بالا ہو کر پیریم ٹیم بالا چاک کتا جانے لگوں پر چاکت

بغیر منی گفتیش حوالہ شکہ غبات آڑہ کتا جاتا ہے۔ اصران

مالہ کو بطور اسپیشل رپورٹ اطلاع دی جاتی ہے۔ جو کہ

مقتول سردار حسین مقدم عدلت نمبر 272 فورم 20/04/02

جرم 34-324-302 تھانہ ارنٹ فورس میں نامزد ملزم تھا۔

جو کہ مقدمہ بڑا کا با مقابیل ہے۔ پیریم بطور اسپیشل

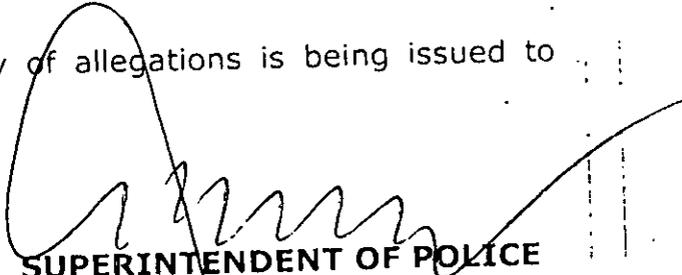
رپورٹ گزارا ہے۔

عمران مغل

ORDER

LHC Naveed No.5260 of Capital City Police Peshawar while posted at PS RMT, Peshawar is hereby placed under suspension & closed to Police Lines with immediate effect due to involvement in a criminal case vide FIR No:273 dated 02.04.2020 u/s 302/34-PPC PS Urmar & also absented from duty w.e.f 11.09.2019 till date.

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

  
SUPERINTENDENT OF POLICE  
HEADQUARTER PESHAWAR.

O.B No 956  
Dated 8/4 /2020

No. 1025-32 /PA/SP/H.Qrs: dated Peshawar, the 8/4 /2020

Copy to:

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

  
SUPERINTENDENT OF POLICE

"E"

12

13

**CHARGE SHEET**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that LHC Naveed No.5260 of Capital City Police Peshawar with the following irregularities.

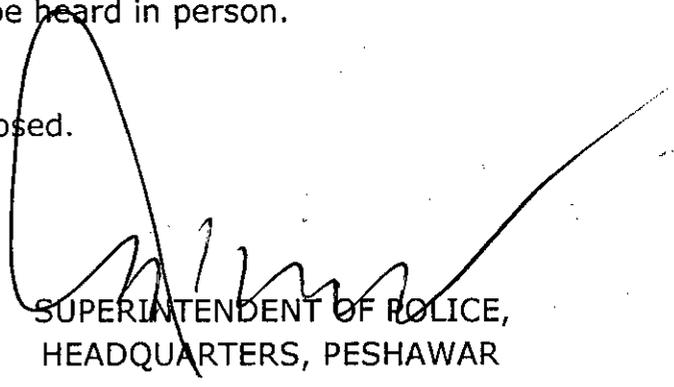
"That you LHC Naveed No.5260 while posted at PS RMT, Peshawar were involved in a criminal case vide FIR No.273 dated 02.04.2020 u/s 302/34-PPC PS Urmar & also absented from duty w.e.f 31.03.2020 till date. This amounts to gross misconduct on your part and is against the discipline of the force."

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

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

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.



SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

ATTACHED

F

(13)

**DISCIPLINARY ACTION**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that LHC Naveed No.5260 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

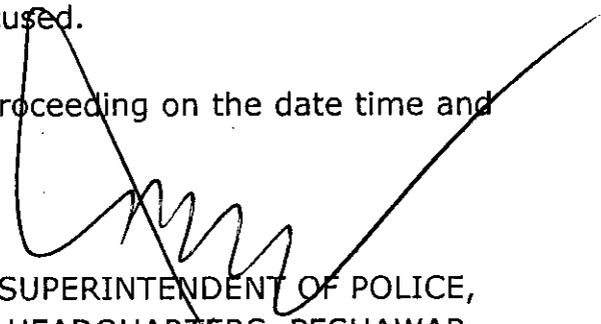
**STATEMENT OF ALLEGATION**

"That LHC Naveed No.5260 while posted at PS RMT, Peshawar was involved in a criminal case vide FIR No.273 dated 02.04.2020 u/s 302/34-PPC PS Urmar & also absented from duty w.e.f 31.03.2020 till date. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and DSP-Civil Secret is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 95 /E/PA, dated Peshawar the 8/4 /2020

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

2. Official concerned

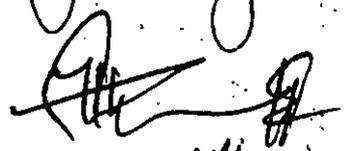
  
ATTESTED

نمبر 14

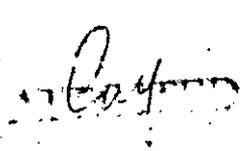
مد 75 سزا 3 28-04  
20

مد 75 حاضر اکبر صافٹ 10:50  
28/04/20  
بج ایسٹ لوئر 260  
مجلس محفل جمعہ رنگی حادثہ ٹاؤن سے لائن حلقہ آیا۔

ضامانہ  
مطلبی سہ

  
20/1/20

31/12/2020



فصلیہ

شمارہ ۱۱۱۱۱۱ ۲۷/۱۲/۲۰

مدیریت

۱۹۰۰ کی رقم ۲۷/۱۲/۲۰ میں  
تعمیرات کے لئے  
پولیس

صفا علی

تعمیرات

Handwritten signature

18/3/21  
Circular stamp

از دفتر محترم رسید  
تقریباً 22 روز 28/12/20  
فصلی

تقریباً 22 واریسی  
تقریباً 28/12/20  
اصلاً 20 روز 28/12/20  
در 20 روز 28/12/20

تقریباً 22 واریسی

28/12/20

Subject: DEPARTMENTAL INQUIRY AGAINST LHC NAVEED NO.5260 WHILE POSTED AT PS RMT PESHAWAR.

Memo:

Please refer to your office Dy: No.95/E/PA, dated 08.04.2020 on the subject cited above.

**Allegations:-**

The LHC Naveed No.5260 while posted at PS RMT, Peshawar was involved in a criminal case vide FIR No.273 dated 02.04.2020 u/s 302/34-PPC PS Urmar & also absented from duty w.e.f 31.03.2020 till date. This amounts to gross misconduct on his part and is against the discipline of the force.

**Proceedings:-**

To dig out the real fact the alleged official summoned by the parwanas and on his Mobile Cell No.0301-8808140 several time but he could not appear before the undersigned to attend the inquiry proceeding.

**FINDING:-**

After going through the inquiry papers and other material available on record the undersigned came to conclusion that his action is against the discipline force, it is therefore in light of the above discussion that the alleged official found guilty.

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

No. 118 /R, Dated 29 / 12 / 2020

Encl. (09)

ATTACHED

Approved  
Superintendent of Police  
Peshawar

W/SP/Hqs

31-3-2020  
to 29-12-2020

absent

7-9-2020 → arrested  
5-11-2020 → Bail

28/4/2020  
2/12/20

محکمہ جاتیسی سی۔ پی۔ او ہاٹ لہنا اور حنیہر محو خواہ

اپیل پر خلاف پتلا از دفتر می ہڈا کو اریہر لپٹاند

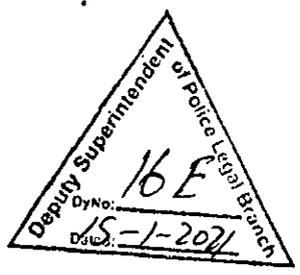
درو است در بارہ بحال فرمانے سائل

Dy: No. 57 PA-CCPO  
Dt: 15-1-2021  
Encl:

"k" (18)

جناب عالی! سائل حسب ذیل عرض کرتا ہے۔

یہ کہ سائل مورخہ 06.04.2011 کو محکمہ پولیس میں  
جسٹس کنسٹیبل بلیٹ نمبر 265 کی گھرنی ہوا۔  
اور اپنے فریق پوری تضحی و ایمانداری سے سہرا انجام  
دیئے ہیں۔



Signature

یہ کہ سائل کو لغیر کوئی چارج شدہ ملے اور لغیر  
کوئی شوکا زولٹس سے ایک جوئے مقدمہ کو  
سے ملازمت سے برخاستہ کیا گیا۔

(قتل آرڈر لف ہے) FIR لی لف ہے۔  
جس میں سائل سپریم کورٹ سے برہمنان ہے۔

یہ کہ سائل چونکہ مقدمہ بالادیں نافذ ملزم تھا۔ اسلئے  
کچھ عرصہ تک ڈیوٹی سے منہر حاضر رہا تھا۔ مگر پھر  
جلد ہی مورخہ 28.04.2020 کو دوبارہ جائن  
کیا۔ جو کہ الیکارڈ پر موجود ہے۔ اور قتل ملد  
اس درو است کیسا کو لف ہے۔

F.M.O  
put up record pl

Dy. Supdt: Police  
Legal, CCP/Peshawar

یہ کہ مقدمہ مذکورہ بالادیں سائل کو سہرا نہیں سنائی

(4)

گئی ہے اور نا حال ٹرائل ہو نا باقی ہے جس میں میں سائل کے برہا ہونے کے قوی امکانات ہو جو دھریں

(5)

یہ کہ سائل ایک بال بچہ دار آدمی ہے اور آمدن کا کوئی دیگر ذریعہ نہیں ہے۔ سائل نے نہ تو لیلے اپنے مجاز افسران کو کبھی رشکابٹ کا موقع دیا ہے اور نہ ہی آئندہ کتبہ کبھی رشکابٹ کا موقع دے گا۔

(6)

یہ کہ سائل کو مقدمہ بالا کے ٹرائل سے نہ تک ملازمت پھر بحال کر نیوا حکم صادر فرمائیں۔ جبکہ تنخواہ بھی ریٹائرمنٹ فرماتے کا حکم صادر فرمائیں۔

سائل تاحیات دغا گورے گا۔

*[Signature]*

15/01/2021  
المقوم  
سائل

وزلا (LHC)

(سلاٹ نمبر 5260)

0301-8808140  
0333-0966643



**OFFICE OF THE  
CAPITAL CITY POLICE OFFICER  
PESHAWAR**

Phone No. 091-9210989

Fax No. 091-9212597

"L" (20)

**ORDER**

This order will dispose of departmental appeal preferred by Ex-LHC Naveed Khan No.5260 who was awarded the major punishment of "Dismissal from Service" under PR-1975 by SP/HQrs Peshawar vide OB No.3536, dated 29-12-2020.

2- He was proceeded against departmentally for involvement on the charges of his involvement in a criminal case FIR No.273, dated 02-04-2020 u/s 302/34-PPC Police Station Umar Peshawar and also absented himself from his lawful duty w.e.f 31.03.2020 till the date of dismissal i.e 29.12.2020 total absence (08 months and 28 days) without any leave or prior permission from his superiors officers

3- He was issued proper Charge Sheet and Summary of Allegations by SP/HQrs Peshawar and DSP/Civil Secretariat Peshawar was appointed as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer during the course of enquiry summoned the accused official for enquiry proceedings time and again but he failed to attend the enquiry proceedings and was found guilty of the charges leveled against him. After completion of codal formalities the competent authority awarded the appellant major punishment of dismissal from service.

4- He was heard in person in O.R. and the relevant record along with his explanation perused. IO of the case was also summoned to this office alongwith case file. The IO has stated that the accused official has been directly charged in the FIR by the accused. Moreover, there are no evidence or eye witnesses to show his innocence in the case. Therefore his appeal for setting aside the punishment awarded to him by SP/HQrs Peshawar vide OB No.3536, dated 29-12-2020 is hereby rejected/filed.

  
(ABBAS AHSAN) PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 608-14 /PA dated Peshawar the 09-03-2021

Copies for information and n/a to the:-

1. SP/HQrs Peshawar
2. DSP/Civil Secretariat Peshawar
3. OSI/ Pay Officer/ CRC
- ✓ 4. FMC along with Fouji Missal.
5. Official concerned.



# وکالت نامہ

(21)

بعدالت جناب: سرور ٹریبونل پشاور

<p>Appellant</p> <p>منجانب:</p> <p>کونیر خان</p> <p>بنام</p> <p>1-G.P. KPK and others</p>	<p>علت نمبر:</p> <p>جرم:</p> <p>مورخہ:</p> <p>تھانہ:</p>
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## بیعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے محمد سعید خان ایڈووکیٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہونگے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہونگے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

المرقوم 16-03-2021

الع بد گواہ شد الع بد

مقام پشاور کے لئے منظور ہے۔

محمد سعید خان ایڈووکیٹ پشاور

موبائل نمبر: 0300-9020797

بار کونسل نمبر: BC-10-8020

کونیر خان ولد محمد خان سکنہ ایم سمن سٹوار (سابقہ ڈپٹی ایفان)

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

**Service Appeal No.3871/2021.**

Ex- Constable Naveed Khan No.5260 of CCP of Peshawar..... **Appellant.**

**VERSUS**

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

**REPLY BY RESPONDENTS NO. 1, 2,3,4 &5.**

**Respectfully Sheweth:-**

**PRELIMINARY OBJECTIONS:-**

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

**REPLY ON FACTS:-**

- (1) Correct to the extent that the appellant was appointed as constable in the year 2011 in the respondent department. But it is worth to mention here that he has not a clean service record on his credit as he contains 27 bad entries and 03 minor punishments in his service. The appellant was proceeded departmentally on the charges of his involvement in a criminal case and his prolong willful absence period.(copy of bad entries list annexure as "A")
- (2) Correct to the extent that the appellant was suspended from his service vide order dated 08.04.2020 on the allegations that the appellant involved himself in a criminal case vide FIR No.273 dated 05.04.2020 u/s 302/34-PPC PS Urmar. But he also absented from lawful duty w.e.from 31.03.2020 till the date of dismissal i.e 29.12.2020 without taking leave/permission.
- (3) Incorrect. The appellant was placed under suspension and issued him charge sheet with statement of allegations. Proper departmental enquiry was conducted against him, wherein the allegations leveled against him were proved beyond any shadow of doubt. The appellant committed a gross misconduct by involving himself in a criminal case and also absented himself from his lawful duty.
- (4) Para pertains to record, hence needs no comments.
- (5) Correct to the extent that proper departmental enquiry was conducted against him. During the course of enquiry, the appellant failed to rebut the charges and the

enquiry officer conducted thorough probe into the matter and found the appellant guilty of the charges.

- (6) Correct that the appellant filed departmental appeal, which was thoroughly processed and an ample opportunity of hearing was provided to appellant by appellate authority but appellant failed to defend himself with plausible/justifiable grounds, but his appeal was found unsatisfactory and meritless, hence rejected and filed.

**REPLY ON GROUNDS:**

- a) Incorrect. The punishment order passed by the competent authority is in accordance with law/rules and liable to be upheld.
- b) Incorrect. Proper opportunity of defense was provided to appellant. He failed to defend the charges leveled against him. The enquiry officer after detail probe reported that the charges were proved. Proper opportunity of defense was provided to the appellant, but he failed to defend himself. After completion of all codal formalities he was awarded the major punishment of dismissal from service.
- c) Incorrect. The appellant being a member of a disciplined force committed gross misconduct. The appellant was dismissed from service on criminal charges as well as willful absence from duty without leave/permission, which falls under moral turpitude offence; hence he was awarded the major punishment.
- d) Incorrect. The competent authority before imposing the major punishment had completed all codal formalities and an ample opportunity of self defense was provided, but the appellant failed to rebut the charges leveled against him. Proper departmental enquiry was conducted against him, wherein he was found guilty by the enquiry officer.
- e) Incorrect. The appellant was treated as per law/rules and no provisions of law have been violated by the respondent department. As per record the appellant has been directly charged in the FIR and also absented himself from his lawful duty. The punishment order passed by the competent authority as per law/rules.
- f) Incorrect. Para already explain in detail in the above para. Furthermore, the appellant was involved in a murder case and also remained absent from lawful duty.
- g) Incorrect. The appellant himself is responsible for the situation by committing gross misconduct.

**Prayers:-**

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

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

  
**Capital City Police Officer,  
Peshawar.**

  
**Senior Superintendent of Police,  
Operations, Peshawar.**

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

  
**Deputy Superintendent of Police,  
Civil Secretariat Peshawar.**

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

**Service Appeal No.3871/2021**

Ex- Constable Naveed Khan No.5260 of CCP of Peshawar..... **Appellant.**

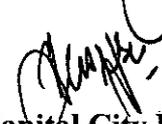
**VERSUS**

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

**AFFIDAVIT.**

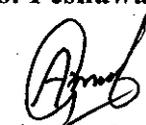
We respondents 1, 2,3,4 and 5 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.

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

  
**Capital City Police Officer,  
Peshawar.**

  
**Senior Superintendent of Police,  
Operations, Peshawar.**

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

  
**Deputy Superintendent of Police,  
Civil Secretariat Peshawar.**

1. Name of Official **NAVEED KHAN NO 5260 S/O UMAR KHAN**  
 R/O Moliano Ghari Umar Abad Urmar Miana PS Urmar Distt. Peshawar.
2. Date of Birth **18-04-1990**
3. Date of enlistment **05-04-2011**
4. Education **FA**
5. Courses Passed **Recruit**
6. Total qualifying service **09 years, 05 Months & 30 days.**
7. Good Entries **Nil**

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

1. 02 days Extra Drill vide OB No 2116 dt:29-05-2012
2. 01 day Extra Drill vide OB No.2774 dt;19-07-2012
3. 01 day Extra Drill vide OB No.234 dt;13-06-2012
4. 01 day Extra Drill vide OB No.3235 dt:03-09-2012
5. 01 day Extra Drill vide OB No.3897 dt.14-09-2012
6. 01 day Extra Drill vide OB No.3215 dt.31-02-2012
7. 15 days leave without pay vide OB No.3297.dt.06-09-2012
8. 04 days leave without pay vide OB No.639.dt;14-02-2013
9. 02 days Extra Drill vide OB No.2321.dt;02-07-2013
10. 01 day E/drill vide OB No.3633 dt: 28.10.2013
11. 02 days Extra Drill vide OB No.3014 dt;30-08-2013
12. 02 days Extra Drill vide OB No.3779 dt;11-11-2013
13. 01 day E/drill vide OB No.3897 dt: 22.01.2013
14. 01 day Extra Drill vide OB No.3215 dt;31-08-2012
15. 10 days leave without pay vide OB No.1389 dt;25-04-2014
16. 03 days leave without pay vide OB No.4574 dt;28-12-2012
17. 01 day Extra Drill vide OB No.3633 dt;28-10-2013
18. 01 day Extra Drill vide Ob No.3897 dt;27-11-2013
19. 18 days leave without pay vide OB No.3480 dt; 08-10-2013
20. 03 days leave without pay vide OB No.3576 dt;02-10-2012
21. 02 days leave without pay vide OB No.3776 dt;11-11-2013
22. 04 days leave without pay vide OB No.3952 dt; 28-11-2013
23. 03 days leave without pay vide OB No. 244 dt: 21.01.2014
24. 01 day Extra Drill vide OB No.395 dt;29-01-2018
25. 02 day Extra Drill vide OB No. 396 dt;29-01-2018
26. 01 day Extra Drill vide OB No.1492 dt;25-04-2018
27. 04 day Extra Drill vide Ob No.1619 dt;10-05-2018

**Minor Punishment**

1. 04 days leave without pay & Censured vide OB No.3271 dt;20-09-2013
2. 35 days leave without pay & one year annual increment vide OB No.1249 dt: 16.04.2014
3. 44 days leave without pay & one year annual increment vide OB No.4632 dt: 21.12.2017

**Major Punishment**

Nil

08. **Punishment (Current)**

**Awarded major punishment of dismissed from service vide OB No.3536 dated 29.12.2020 by SP/HQr Peshawar.**

09. **Leave Account**

Total leave at his credit

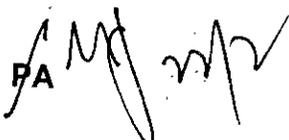
452 days

Availed leaves

45

Balance

407 Days

FA 

  
GRC 15/02

W/CCPO

50 روپے

38926



ایڈویکٹ: P  
بار کونسل/ایسوسی ایشن نمبر: 09-2519  
رابطہ نمبر: 03330206900

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: محمد عبداللہ

منجانب: <u>محمد عبداللہ</u>	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

**باعث تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ  
آن مقام محمد عبداللہ کے ایسوسی ایشن کے مقرر  
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
دائرہ کے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سختہ پر واضح منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب یا ہندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

الموقع: محمد عبداللہ  
PESHAWAR BAR ASSOCIATION  
KHYBER PAKHTUNKHWA

الموقع: محمد عبداللہ  
الموقع: محمد عبداللہ  
الموقع: محمد عبداللہ

Accepted  
BY  
P

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Naved Khan vs police d/o

= B.B.A application has been  
submitted on 20-4-20.

= B.B.A was rejected on 7/9/20.

= revised on 10/12/22.

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اندریکس  
 ایڈیشنل ڈائریکٹر اینڈ سیشن جج ایف بی آر  
 ایڈالت 26، سندھ

نمبر	نوعیت کاغذات	تقدمات	نمبر	نوعیت کاغذات	تقدمات
33	27-8-2020	20-04-2020	11-7-2020	351/BBA	
33 کی تقدمات کے بارے میں					
نوعیت کاغذات		تقدمات	نمبر	نوعیت کاغذات	
بسته "A"			191		
1	اورٹھارڈ ریفرنس -	5	14		
2	ایجوکیشنل ٹریڈ	2	20		
3	فروٹ - FR	2	9		
4	وٹلنگ نام -	01	10		
5	اورٹھارڈ ریفرنس کے	09	10		
6	سینا -	2	20		
7	ٹریڈ سٹامپ 16	12	33		
8					
9					
10					
11					
بسته "B"					
			12		
			13		
			14		
			15		
			16		

(Examiner)  
 District Court Peshawar

Kindly Three Refs

کی تقدمات 33 کے بارے میں

ایڈیشنل ڈائریکٹر اینڈ سیشن جج ایف بی آر

Handwritten signature

بعدالت جناب سید جعفر علی

محمد خان ولد عبدالحق خان 2 - نوید خان 3 - وصید خان پسران  
محمد خان سنان ولد علیان محمد آباد ارمہ میاں تحصیل قلعہ  
سائیلون

اسکندرم خان ولد عبدالحق خان سکنا ارمہ میاں تحصیل قلعہ  
سائیلون

مقدمہ نمبر 273 صفحہ 2020-2-4

تھانہ ارمہ میاں زمین دفعہ 302-34

دفعہ 2 لبراد رسال سائیلون اعلیٰ عدالت  
پہلے از ترقی شدہ  
پہلے حاضر نمائندہ - الفتنہ مقدمہ

2014/2020

22  
District Court Peshawar

سائیلون قریب ذیل عرضہ رسال میں

1. یہ کہ سائیلون مقدمہ عنوان بالا میں ملنے مان میں بہ علاقہ پولیس  
ڈسٹرکٹ قلعہ میں لا جا جائی ہے۔ مقدمہ نقل ابتدائی رپورٹ لکھی  
2. یہ کہ سائیلون بالکل آٹھ ہے۔ اکثر فلاؤز قسم کی عین یا واقعات  
تعدادت موجود نہ ہے

3. یہ کہ ملزمان اس سائیلون کی فلاؤ مقدمہ ادعوی میں برہنہ پیش و سازشی ہے۔  
4. یہ کہ سائیلون ایک معزز ہے باہر قلعہ خانہ ان سے تعلق رکھتے ہیں۔ لہذا  
تعدادت میں اس کی شہرت و منزلت کو قابل تلافی نقصان رسال کا احتمال ہے  
5. سب سے پولیس کے حلقوں و قلعہ جہاں از پیش رسال کی قومی اہمیت

5. یہ کہ وقوعہ کی کوئی حکم دیا جائے گا اور یہ کہ یہ زمینہ نقشہ متعلق  
نہ ہو اور اس میں رپورٹ و حکومتی اس کی نقل کرتی ہے۔

6. یہ کہ وقوعہ بعد ازیں حکومتی اس میں مقدمہ عدالت کے 272 میں (ارٹیکل  
302-304-305 = 4-2020 کے تحت داخل کرنا لکھی گئی ہے۔ جس میں  
سائیدان کا قریب رشتہ قتل کیا گیا ہے۔ جس میں مقتول سے دیگر باغی  
رہنما اس کے قتل کے بارے میں مقدمہ قتل کے بارے میں ہے۔

7. یہ کہ یہ کہ یہ سائیدان کا مقدمہ مذکورہ تفتیشی کا نتیجہ ہے۔

2020/4/20

لینڈ اسٹریٹجی کے لیے سائیدان کے لیے  
میر حاضرت قتل از تفتیشی کے لیے  
میر حاضرت

محمد خان دین لوہانست استغفر اللہ  
محمد خان دین لوہانست استغفر اللہ  
محمد خان دین لوہانست استغفر اللہ  
محمد خان دین لوہانست استغفر اللہ

ADMINISTRATIVE  
District Court

بیان حلقہ 1

محمد خان دین لوہانست استغفر اللہ  
محمد خان دین لوہانست استغفر اللہ  
محمد خان دین لوہانست استغفر اللہ  
محمد خان دین لوہانست استغفر اللہ



17301-0480476-1

17301-0480476-1

**IN THE COURT OF MUHAMMAD FAISAL**  
**ADDITIONAL SESSIONS JUDGE-IV, PESHAWAR**  
**Umar Khan etc... Versus... The State etc**

Order...  
07/09/2020

Accused/ petitioners Umar Khan and Naveed Khan on ad-interim bail alongwith counsel and APP for the state present. Record already received.

Accused/petitioners Umar Khan S/o Abdul Hanan and Naveed Khan S/o Umar Khan seek confirmation of their pre-arrest bail in case vide FIR No.273, dated 02/04/2020 registered U/S 302/34 PPC of Police Station Urmar, Peshawar.

Arguments of learned counsel for the accused/ petitioner and APP for the state heard.

After having heard the arguments and having gone through the record it has been reveal that the accused/ petitioners alongwith co accused Waheed Khan were directly charged in the FIR by the complainant namely Mukarma khan for the commission of offence of capital punishment. The accused/petitioners have failed to highlight the malafide and ulterior motive on the part of prosecution.

*Umar Khan*  
*07/9/20*

**ATTESTED**

20/09/2022

(Examiner)  
District Court Peshawar

In view of the above, the accused/  
petitioners are not entitled for the extra ordinary  
concession of pre arrest bail, therefore, the  
application in hand stands dismissed and the  
pre-arrest bail already granted to  
accused/petitioners on 20/04/2020 is hereby  
recalled.

File be consigned to the record room after  
necessary completion.

**Announced**  
07/09/2020

  
Muhammad Faisal  
Additional Sessions Judge-IV  
Peshawar

No. 69259  
Date 20-12-2020  
Sub. P.S  
F. P.S  
Signe [Signature]  
Dated 20-12-2020  
Dated of Delivery 20-12-2020

CERTI

Copy in. [Signature] per

انڈس

ایڈوائس جناب محکمہ انڈس، A.D. & SJ-XIII، پشاور

نمبر مقدمہ	رجسٹر	اصل رجسٹر	تاریخ	تفصیلات
69/50	10/7/21	—	16/11/22	96

~~ALLEGED~~

20 DEC 2022

نمبر شمارہ	قطعہ نمبر	تعداد اوقطعات	نوعیت کاغذات	(Examiner) District Court Peshawar
D	1/15	15	اداریہ / کتب / دستاویزی	
E	16/36	81	اداریہ / کتب / دستاویزی	

96

Checked & Found Correct

*[Signature]*

ASJ-XIII, Peshawar

96 — 2  
12 — 0

~~ALLEGED~~

20 DEC 2022

(Examiner)  
District Court Peshawar

**IN THE COURT OF MUHAMMAD SAJID**  
**AD&SJ-XIII, PESHAWAR**

**CHARGE**

*The State ...VS... Waheed Khan*

FIR No. 273

Dated: 02.04.2020

Police Station: Urmar

Under sections 302/34 PPC

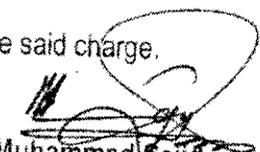
I, Muhammad Sajid, Additional Sessions Judge- XIII, Peshawar, do hereby charge you accused:

1. Waheed S/O Umar Khan
2. Umra Khan S/O Abdul Manan
3. Naveed S/o Umra Khan

All R/O Urmar Miana, Peshawar, as follows:

That on 02.04.2020 at 11:32 hours at Urmar Miana Mohallah Toheed Abad, Peshawar, falling within the criminal jurisdiction of PS Urmar, Peshawar, you accused named above in furtherance of your common intention, while duly armed with firearms committed the Qatl-i-Amd of Sardar Hussain (son of complainant) by firing at him and thus you accused thereby committed an offence punishable U/S 302/34 PPC and within the cognizance of this Court.

And I hereby direct that you be tried by this court on the said charge.

  
Muhammad Sajid  
AD&SJ-XIII, Peshawar.

- Q. Have you heard and understood the charge?  
A. Yes.  
Q. Do you plead guilty or wish to claim trial?  
A. No, we do not plead guilty and claim trial.

R.O. & A.C.  
07/10/2021

ACCUSED Waheed

ACCUSED Umra Khan

ACCUSED Naveed

  
Muhammad Sajid  
AD&SJ-XIII, Peshawar.

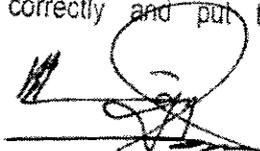
**CERTIFICATE**

Certified u/s 364(2) Cr.PC that the charge was read over and explained to the accused in their native language and they understand the same correctly and put their thumb impression/signature as a token of correctness.

**ATTESTED**

20 DEC 2021

(Examiner)  
District Court Peshawar

  
Muhammad Sajid  
AD&SJ-XIII, Peshawar.

16

1.

**IN THE COURT OF BAKHT ALAM,**  
**ADDITIONAL SESSIONS JUDGE-XIII PESHAWAR**

Session Case No. 69/SC of 2021  
State... VS.... Waheed Khan etc

Summary Judgment  
16/12/2022

1. Accused facing trial Umar Khan on bail present while accused Naveed Khan and Waheed Khan are exempted from their personal appearance through counsel present. Dy.PP for the State present. Jamshaid Khan (son of complainant and brother of deceased) appeared before the court and recorded his statement, wherein he categorically stated that the complainant has died due to his natural death and accused party have satisfied him as well as their other inmates of the house about their innocence with respect to the murder of deceased Sardar Hussain, therefore, he as well as his other family members have got no objection on the acquittal of the accused facing trial in the instant case. Meanwhile notice U/S 265-K Cr.PC was given to the prosecution for today. Arguments heard and record gone through.

2. Accused was charged vide FIR No. 273 dated 02.04.2020 u/s 302/34 of PPC was registered at police station Urmer of district Peshawar.

**ATTESTED**  
20 DEC 2022  
(Examiner)  
District Court Peshawar

  
**BAKHT ALAM**  
Additional District & Sessions  
Judge-XIII, Peshawar

12

3. Allegations against accused facing trial are that they have committed the qatal-i-amd of deceased namely Sardar Hussain by firing at him, hence the instant case FIR.
4. After completion of investigation, the prosecution submitted challan against the accused facing trial. Accused were summoned, they appeared before the court and thereafter, documents were supplied to the accused on trial per mandate of Section 265-C Cr.PC. Today accused facing trial alongwith son of the complainant and brother of deceased Sardar Hussain appeared before court and recorded his statement, wherein he categorically stated that the complainant has died due to his natural death and accused party have satisfied him as well as their other inmates of the house about their innocence with respect to the murder of deceased Sardar Hussain, therefore, he as well as his other family members have got no objection on the acquittal of the accused facing trial in the instant case. Now while diverting to the merits of the case, if the entire record available before the court is thoroughly examined and scrutinized, it can be observed that there is no eye witness of the occurrence. Furthermore no incriminating



**BAKHTALAM**  
Additional District & Sessions  
Judge-XIII, Peshawar

13

TESTED  
20/5/22  
(Examiner)  
District Court Peshawar

articles/crime weapon whatsoever has been recovered from personal possession of accused facing trial or upon their pointation. Furthermore, there is no confession on part of the accused facing trial despite of police custody. Needless to mention here that, it is well settled principle of administration of criminal justice which is being observed by the superior courts in its numerous judgments that even the benefit of a single reasonable doubt should be extended in favour of an accused person. In this regard reliance was placed on the judgment being reported in PLD 2003 Peshawar-84.

5. Hence, in the light of above discussed facts and circumstances coupled with statement of son of the complainant and brother of deceased, this court has arrived at the conclusion that if prosecution is directed to produce and examine the entire PWs, even then the prosecution would not be able to prove its case against the accused facing trial and to bring home charge against the accused facing trial without any shadow of doubt. 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.

  
**BAKHT ALAM**  
 Additional District & Sessions  
 Judge-XIII, Peshawar

14

**RECEIVED**  
 26 DEC 2022  
 (Examiner)  
 District Court Peshawar

6. In view of the above, facts of the present case, keep pending the case in hand would serve no useful purpose, therefore, I while invoking the provisions of section 265-K Cr.PC acquit the accused facing trial from the charges levelled against them. Accused are on bail their sureties are discharged from the liabilities of bail bonds. Case property, if any, be disposed of in accordance with law after expiry of period for appeal/revision. Police record alongwith copy of instant order/judgment be returned to the quarter concerned while file of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED

16/12/2022



(BAKHT ALAM)

Additional Sessions Judge-XIII

PESHAWAR

**BAKHT ALAM**  
Additional District & Sessions  
Judge-XIII, Peshawar

CERTIFICATE

It is hereby certified that this judgment consists of four (04) pages, each page read corrected and signed by me.



(BAKHT ALAM)

Additional Sessions Judge-XIII

PESHAWAR

**BAKHT ALAM**  
Additional District & Sessions  
Judge-XIII, Peshawar

CERTIFIED TO BE TRUE COPY

(Examiner)

Copying Agency District Court  
Peshawar

3

**CHARGE SHEET**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that LHC Naveed No.5260 of Capital City Police Peshawar with the following irregularities.

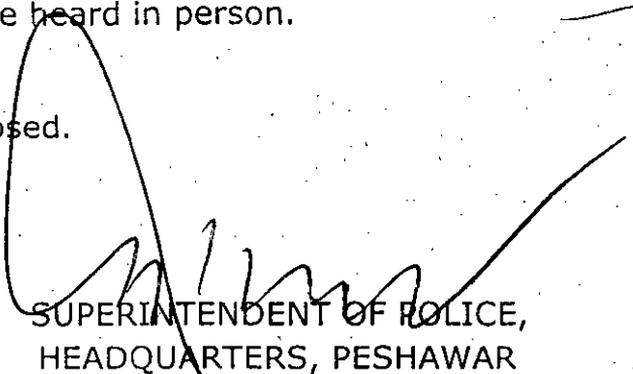
"That you LHC Naveed No.5260 while posted at PS RMT, Peshawar were involved in a criminal case vide FIR No.273 dated 02.04.2020 u/s 302/34-PPC PS Urmar & also absented from duty w.e.f 31.03.2020 till date. This amounts to gross misconduct on your part and is against the discipline of the force."

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

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

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

(2)

**DISCIPLINARY ACTION**

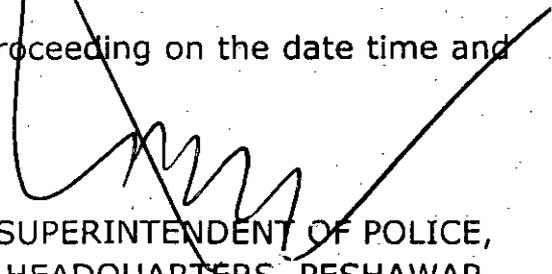
I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that LHC Naveed No.5260 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

**STATEMENT OF ALLEGATION**

"That LHC Naveed No.5260 while posted at PS RMT, Peshawar was involved in a criminal case vide FIR No.273 dated 02.04.2020 u/s 302/34-PPC PS Urmar & also absented from duty w.e.f 31.03.2020 till date. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and DSP-Civil Secret is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.
3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 95 /E/PA, dated Peshawar the 8/4 /2020

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

Subject: **DEPARTMENTAL INQUIRY AGAINST LHC NAVEED NO.5260 WHILE POSTED AT PS RMT PESHAWAR.**

Memo:

Please refer to your office Dy. No:95/E/PA, dated 08.04.2020 on the subject cited above.

**Allegations:-**

The LHC Naveed No.5260 while posted at PS RMT, Peshawar was involved in a criminal case vide FIR No.273 dated 02.04.2020 u/s 302/34-PPC PS Urmar & also absented from duty w.e.f 31.03.2020 till date. This amounts to gross misconduct on his part and is against the discipline of the force.

**Proceedings:-**

To dig out the real fact the alleged official summoned by the parwanas and on his Mobile Cell No.0301-8808140 several time but he could not appear before the undersigned to attend the inquiry proceeding.

**FINDING:-**

After going through the inquiry papers and other material available on record the undersigned came to conclusion that his action is against the discipline force, it is therefore in light of the above discussion that the alleged official found guilty.

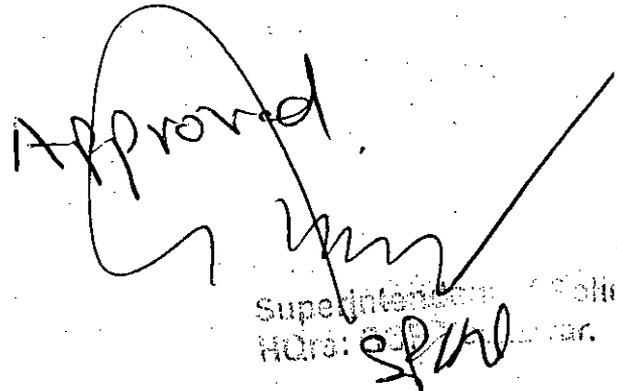


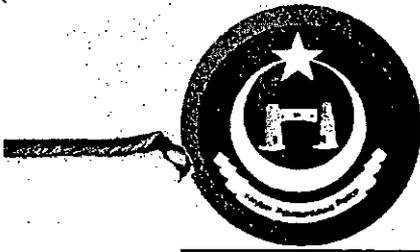
(Gul Arif Khan)  
Deputy Superintendent of Police  
(Security), Civil Secretariat,  
Peshawar.

No. 118 /R, Dated 24 / 12 /2020

Encl (09)

**W/SP/Hqrs**

Approved  
  
Superintendent of Police  
HQrs: Peshawar.



**OFFICE OF THE  
CAPITAL CITY POLICE OFFICER  
PESHAWAR**

Phone No. 091-9210989

Fax No. 091-9212597

**ORDER**

This order will dispose of departmental appeal preferred by **Ex-LHC Naveed Khan No.5260** who was awarded the major punishment of "**Dismissal from Service**" under PR-1975 b SP/HQrs Peshawar vide OB No.3536, dated 29-12-2020.

2- He was proceeded against departmentally for involvement on the charges of his involvement in a criminal case FIR No.273, dated 02-04-2020 u/s 302/34-PPC Police Station Urma Peshawar and also absented himself from his lawful duty w.e.f 31.03.2020 till the date of dismissal i. 29.12.2020 total absence (08 months and 28 days) without any leave or prior permission from his superiors officers

3- He was issued proper Charge Sheet and Summary of Allegations by SP/HQrs Peshawar and DSP/Civil Secretariat Peshawar was appointed as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer during the course of enquiry summoned the accused official for enquiry proceedings time and again but he failed to attend the enquiry proceedings and was found guilty of the charges leveled against him. After completion of codal formalities the competent authority awarded the appellant major punishment of dismissal from service.

4- He was heard in person in O.R. and the relevant record along with his explanation perused. IO of the case was also summoned to this office along with case file. The IO has stated that the accused official has been directly charged in the FIR by the accused. Moreover, there are no evidence or eye witnesses to show his innocence in the case. Therefore his appeal for setting aside the punishment awarded to him by SP/HQrs Peshawar vide OB No.3536, dated 29-12-2020 is hereby **rejected/filed**.

(ABBAS AHSAN) PSP

**CAPITAL CITY POLICE OFFICER,  
PESHAWAR**

No. 608-14 /PA dated Peshawar the 09-03-2021

Copies for information and n/a to the:-

1. SP/HQrs Peshawar
2. DSP/Civil Secretariat Peshawar
3. OSI/ Pay Officer/ CRC
- ✓ 4. FMC along with Fouji Missal.
5. Official concerned.

محضور جناب سی سی پی او ملتان لہذا درج ذیل حسب درخواست

اپیل پر خلاف فیصلہ از دفتر پی ایچ ڈی کو آرڈر دیا گیا

درخواست دربارہ مجال فرمانے سے مل

Dy: No. 57 PA-CCPO  
Dt: 15-1-2021  
Encl:

جناب عالی! سائل حسب ذیل عرض کرتا ہے۔

1) تاکہ سائل مورخہ 06.04.2011 کو محکمہ پولیس میں  
مجسٹریٹ کنسٹیبل بلیٹ نمبر 265 کی تقرری ہو۔  
اور اپنے فریق پوری تضحی و امانتداری سے سہرا جام  
دیا گیا۔

16E  
15-1-2021  
District Superintendent of Police, Peshawar

2) تاکہ سائل کو لغتہ کوٹی چارج شدہ ملے اور لغتہ  
کوٹی شوکاروں کے ایک جوڑے مقدمہ کورم  
سے ملازمت سے برخاست کیا گیا۔

(نقل آرڈر لفٹ) FIR بھی لفٹ ہے۔  
جس میں سائل سپریم کورٹ سے برصغیر سے

F.M.e  
put up record P1

3) تاکہ سائل چونکہ مقدمہ بالادیں نامزد ملزم کیا گیا۔  
کچھ عرصہ تک ڈیوٹی سے منہر حاضر رہا تھا۔ مگر کچھ  
جلد ہی مورخہ 28.04.2020 کو دوبارہ جانر  
کیا۔ جو کہ الٹا رڈ پر موجود ہے۔ اور لٹل قہ  
اس درخواست کیسٹ کو لفٹ ہے۔

Dy. Supdt: Police  
Legal, CCP/Peshawar

4) تاکہ مقدمہ مذکورہ بالادیں سائل کو سہرا جام

گئی ہے اور نا حال ٹرائل ہونا باقی ہے جس میں سب سائل  
کے بری ہونے کے قوی امکانات موجود ہیں۔

۵) یہ کہ سائل ایک بال بچہ دار آدمی ہے۔ اعدائے امن کا کوئی دیگر  
ذرا لگ نہیں ہے۔ سائل نے نہ تو لیلے اپنے مجاز اعتراض  
کو کبھی شکایت کا موقع دیا ہے۔ اور نہ ہی آئندہ کیلئے  
کبھی شکایت کا موقع دے گا۔

۶) یہ کہ سائل کو مقدمہ بالا کے ٹرائل کرنے تک ملازمت  
پر بحال کر دینا حکم صادر فرمائیں۔ جبکہ استخواہ بھی ریٹائر  
فرمانے کا حکم صادر فرمائیں۔

سائل تاحیات دُعا گورے گا۔

۱۵/۰۱/۲۰۲۱  
المروم  
سائل

وزیر لاء (LHC)

(بلاک نمبر 5260)

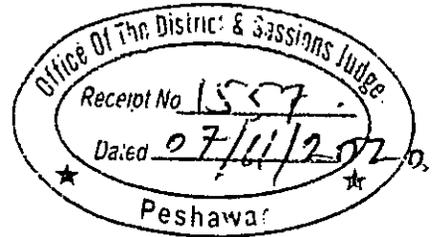
0301-8808140  
0300-0966643

Ph: 921446  
Fax: 9220406

REGISTERED  
No.CrI.A.653/2020 - SCJ  
**SUPREME COURT OF PAKISTAN**  
Islamabad, dated 6-11-2020

From The Registrar,  
Supreme Court of Pakistan,  
**Islamabad.**

To The Registrar,  
Peshawar High Court,  
**Peshawar.**



Subject: **CRIMINAL APPEAL NO. 653 OF 2020**  
**OUT OF**  
**CRIMINAL PETITION NO. 1186 OF 2020**

Umar Khan and another  
Versus  
Mukaram Khan and another

**On appeal from the Judgment/Order of the Peshawar High Court, Peshawar dated 05/10/2020 in Cr.M(BA)-3004P/2020. in case FIR No.273/2020 dated 02/04/2020 registered at Police Station Umar, Peshawar**

Dear Sir,

I am directed to enclose herewith a certified copy of the Order of this Court dated 05/11/2020 **converting into appeal and allowing** the above cited case in the terms stated therein for information and further necessary action.

The operative part of the order is reproduced hereunder:-

**"3... the instant criminal petition is converted into an appeal and the same is hereby allowed. The appellants-Umar Khan & Navid are allowed bail (in the instant FIR) subject to their furnishing bail bonds in the sum of Rs.100,000/- (One hundred thousand) each with one surety each in the like amount to the satisfaction of the learned trial court."**

Please acknowledge receipt of this letter along with its enclosure immediately.

Encl: Order:

Yours faithfully,

**(MUHAMMAD MUJAHID MEHMOOD)**  
ASSISTANT REGISTRAR (IMP)  
FOR REGISTRAR

Copy with a certified copy of the Order of this Court dated 05/11/2020 is forwarded to:

1. The District and Sessions Judge, Peshawar for onward transmission to the concerned trial Court for compliance of the Order in letter and spirit.

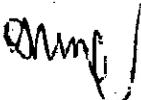
*criminal matters*  
*for report*

Contd.P./2..

District & Sessions Judge

2. Umar Khan S/o Abdul Khanan and Navid son of Umar Khan through Superintendent Central Prison, Peshawar with the direction to deliver the copy of Order to the accused and report compliance and if the prisoner(s) are shifted to some other jail, the same may be transmitted to him through concerned Superintendent, Jail.

**Encl: Order:**

  
ASSISTANT REGISTRAR (IMP)

30/11/20

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

MR. JUSTICE MANZOOR AHMAD MALIK  
MR. JUSTICE MAZHAR ALAM KHAN MIANKHEL

**CRIMINAL PETITION NO.1186 OF 2020**

(Against the order dated 05.10.2020 passed  
by the Peshawar High Court, Peshawar in  
Crl.M.BA.No.3004-P of 2020)

Umar Khan & another ... Petitioner(s)

**VERSUS**

Mukaram Khan & another ... Respondent(s)

For the Petitioner(s) : Mr. Asadullah Khan Chamkni, ASC

For the State : Mr. Shumail Ahmed Butt, A.G., KPK  
(on Court's calls)  
Mr. *Zafid Yousof* Addl. A.G., KPK  
a/w *M. 93 101, 51*

Date of Hearing : 05.11.2020

**ORDER**

**Manzoor Ahmad Malik, J.** Impugned herein is the order dated 05.10.2020, whereby bail was refused to the petitioners by the learned Peshawar High Court, Peshawar in case FIR No.273 dated 02.04.2020, offence under Sections 302/34 PFC, registered at Police Station Umar, Peshawar.

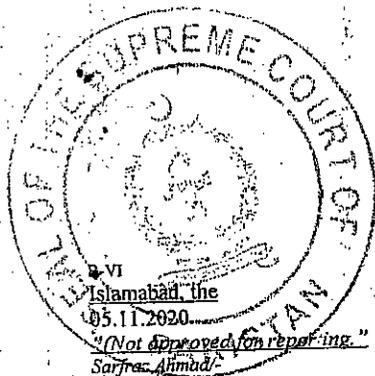
2. After hearing the learned counsel for the petitioners and learned Additional Advocate General, KPK at length and perusal of available record, it has been observed by us that, as per contents of FIR, it is the case of complainant that he was present in his fields when he received the information that petitioners and their co-accused Waheed fired at his son Sardar Hussain who was taken to hospital but in the way, he died. *Prima facie* it appears that complainant Mukaram Khan is not an eyewitness of the incident. We have

**ATTESTED**

  
Court Associate

specifically asked from the learned Additional Advocate General and police officer present with record as to who had imparted information to the complainant about the firing on his son. They stated that there is nothing on record to this effect. We have further asked whether there is any legally admissible piece of evidence on record which could connect either of the petitioners with the alleged crime, the answer was again in the negative. Learned Law Officer under instructions has confirmed that during the course of investigation nothing was recovered from either of the petitioners. In the circumstances, case against the petitioners calls for further inquiry falling within the ambit of Section 497(2), Code of Criminal Procedure.

3. For the foregoing, the instant criminal petition is converted into an appeal and the same is hereby allowed. The appellants-Umar Khan & Navid are allowed bail (in the instant FIR) subject to their furnishing bail bonds in the sum of Rs.100,000/- (one hundred thousand) each with one surety each in the like amount to the satisfaction of the learned trial Court.



Sd J  
Sd J

Certified to be True Copy

*[Signature]*  
Court Associate  
Supreme Court of Pakistan  
Islamabad