



26<sup>th</sup> May, 2022

Learned counsel for the appellant present. Mr. Noor Zaman, District Attorney for respondents present.

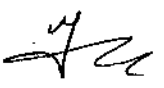
Learned counsel for the appellant seeks time to argue the case on the next date. Last chance is given. To come up for arguments on 09.08.2022 before D.B.

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

9-8-2022

Due to the Public holiday the case is adjourned to 9-11-2022

  
Reader

9.11.2022

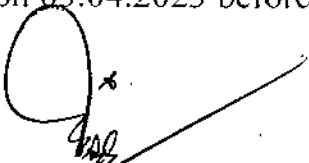
Since 9<sup>th</sup> November has been declared as public holiday, case is adjourned to 05.01.2023 for the same as before.


  
Reader

05.01.2023

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Last opportunity is granted to argue the case on the next date, failing which the case will be decided on available record without arguments. Adjourned. To come up for arguments on 03.04.2023 before D.B.

  
(Mian Muhammad)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

SCANNED  
KUST  
Peshawar

29.09.2021

Learned counsel for the appellant present.

Learned counsel for the appellant requested for adjournment to further prepare the brief. Adjourned. To come up for preliminary hearing before the S.B on 25.11.2021.

  
(MIAN MUHAMMAD)  
MEMBER (E)

25.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the impugned order dated 29.11.2019 of respondent No.5 whereby the appellant was awarded minor penalty of "stoppage of increments for the period of two years with cumulative effect". The appellant submitted departmental appeal against the impugned order which was rejected vide appellate order on 25.06.2020 by respondent No.4 where-after the appellant preferred revision petition to respondent No.1 and the same also stands rejected vide order dated 22.03.2021. The instant service appeal was filed in the Service Tribunal on 20.04.2021 against the impugned order dated 29.11.2019 as well as appellate order dated 25.06.2020 and order on revision petition dated 22.03.2021.

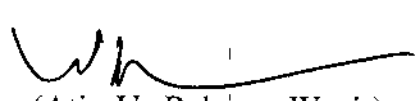
Appellant Deposited  
Security & Process Fee

The appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 31.01.2022 before S.B.

  
(Mian Muhammad)  
Member(E)

31.01.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Arif Saleem Stenographer for respondents present and submitted reply/comments which are placed on file. To come up for rejoinder if any, and arguments before the D.B on 26.05.2022.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

05.07.2021

Counsel for the appellant present.



The impugned order in a sense is the outcome of the court direction given in the judgment dated 03.08.2019 passed by the Session Judge Kohat in Session Case No. 133/2016. The role of investigation officer who happened to be the present appellant as discussed in the said judgment and the court before parting from the said judgment recommended both departmental as well as penal proceedings against official involved in the alleged fake encounter and it was directed in the said judgment to the DPO, Kohat for necessary legal proceedings/enquiry/fixation of liability for single shot murder of accused Niaz Ali Shah and thereafter taking the responsible to task both departmentally as well as under the Police law and general law of lands. Learned counsel for the appellant when asked as to whether the judicial directive appearing in the said judgment was challenged by the appellant; and if not, whether he is entitled to challenge the order of departmental authority passed in compliance with the judicial verdict of the competent court. The learned counsel seeks time. Granted. To come up for preliminary hearing on 29.09.2021 before S.B.

  
Chairman

Form- A.  
**FORM OF ORDER SHEET**

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

Case No.- 5192 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/05/2021	The appeal of Mr. Tahir Nawaz resubmitted today by Mr. Abdullah Qazi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.  REGISTRAR
2-	27/05/21 SCANNED KPST Peshawar	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/07/21</u>  CHAIRMAN

The appeal of Mr. Tahir Nawaz Sub Inspector Police Lines, Kohat received today i.e. on 20.04.2021 is incomplete on the following score which is returned to counsel for the appellant for completion and resubmission within 15 days:-

1. Affidavit at Page 7 is not signed by the appellant nor attested by the Oath Commissioner, which may be done.
2. Annexures of the appeal may be attested by the appellant or his counsel.
3. Copy of the Revision Petition mentioned in para-8 of the memo of appeal is not attached with the appeal, which may be placed on file.

*not removed*

No. 755 /ST,

Dt. 03/05 /2021

↓  
**REGISTRAR**  
**SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA**  
**PESHAWAR.**

Mr. Abdullah Qazi, Advocate  
Peshawar

*Sir's Committee after doing the  
need for the annex copy will be produced  
additional document please the appeal may be placed  
before the committee please.*

*[Signature]*  
07/5/2021

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

Appeal No. 5192 of 2021

Tahir Nawaz Sub-Inspector(SI), ... .. Appellant


**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa  
Police Head Quarters / Combined Police Offices  
Peshawar and others ... .. Respondents

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Dated 19/04/2021

Appellant  
Through   
Abdullah Qazi  
Advocate,  
High Court Peshawar

①

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_ of 2021

Tahir Nawaz Sub-Inspector(SI), Police Lines Kohat  
R/o .....

... .. Appellant

**VERSUS**

- 1- Inspector General of Police Khyber Pakhtunkhwa  
Police Head Quarters / Combined Police Offices  
Peshawar.
- 2- Additional Inspector General of Police Khyber  
Pakhtunkhwa Police Head Quarters / Combined  
Police Offices Peshawar
- 3- Deputy Inspector General of Police Kohat Region  
Kohat Khyber Pakhtunkhwa.
- 4- Regional police Officer Kohat Region Kohat
- 5- District Police Officer District Kohat.

... .. Respondents

**APPEAL UNDER SECTION 4 OF KPK  
SERVICE TRIBUNAL ACT 1974 AGAINST  
THE ORIGINAL IMPUGNED ORDER  
BEARING OB NO.1602 NO.51051-53/P  
DATED 29/11/20219 passed by the  
respondent No.5, WHEREBY THE  
APPELLANT WAS AWARDED  
PUNISHMENT OF "STOPPAGE OF  
INCREMENT FOR THE PERIOD OF TWO  
YEARS WITH CUMULATIVE EFFECT"  
WITH IMMEDIATE EFFECT AND ORDER  
BEARING NO.6878/EC DATED KOHAT  
THE 06/07/2020 PASSED BY RESPONDENT  
NO.4 AND ORDER BEARING NO.1251-  
60/21 DATED 22/03/2021 PASSED THE**

RESPONDENT NO.2 WHEREBY  
DEPARTMENTAL APPEAL/ REVISION /  
PETITION / OF THE APPELLANT WAS  
REJECTED.

Prayer!

*On acceptance of the instant appeal, both the impugned orders referred as above may kindly be set aside.*

*Respectfully Sheweth:*

*Brief facts leading to the instant appeal are as under:*

- 1- That on 10/05/20216 an encounter took place between Police and Dacoits in the jurisdiction of Police Station of Gumbat District Kohat and in that a dacoit namely Niaz Ali got hit and died.*
- 2- That an FIR No.201 dated 10/05/20216 U/S 324/353/399/402/148/149PPC /15-AA at PS Gumbat was registered against the above named deceased and 3 others.*
- 3- That during the days of that occurrence the appellant was posted as investigation officer Oii in PS Gumbat, Kohat and the above case was entrusted to the appellant for investigation.*
- 4- That the appellant conducted the investigation fairly and transparently and on completion of investigation complete challan was submitted by*



the SHO concerned to the prosecution for its onward submission before the Court for trial.

5- That the trial commenced and was concluded which resulted in the acquittal of all the accused, declaring the encounter as fake vide judgment dated 03/08/2019 passed by the learned trial Court and further declaring/directing, "Before parting with this very judgment, the above conclusion forced me to recommend both departmental as well as penal proceedings against the officials involved in the alleged fake encounter. It is, therefore, directed that by highlighting concluding Part of judgment its copy be sent to the District Police Officer Kohat, for necessary legal proceeding / inquiry fixation of liability for single short murder of accused Niaz Ali Shah and thereafter taking the responsible to task both departmentally as well as under the Police law and general law of the land under intimation to this Court. (Copy of judgment is annexed as Annexure "A").

6- That in alleged compliance of the judgment a preliminary inquiry was conducted and as per directions of the trial Court's judgment, instead of fixing responsibility for a fake encounter, the appellant was held guilty of sub-standard investigations and in pursuance of the above

*inquiry, in the subsequent inquiry the appellant was held guilty for the charges of sub-standard investigation and recommended for suitable punishment. (Copy is annexed as Annexure "B")*

- 7- *That vide order OB No.1602 dated 29/11/20219 No.51051-53/PA dated Kohat the 29/11/2019 passed by the respondent No.5 the appellant was awarded a punishment of "stoppage of increment for the period of two years with cumulative effect" with immediate effect. (Copy is annexed as Annexure "C").*
- 8- *That the appellant filed an appeal/revision against the above order dated 29/11/2019 which were rejected vide order dated 06/07/2020 and order bearing No.S/1250-60/21 dated Peshawar the 22/03/2021 respectively, which was communicated to the appellant on 02/04/2021. (Copy is annexed as Annexure "D&E" respectively).*
- 9- *That feeling aggrieved of the above orders the appellant approaches this Hon'ble Tribunal on the following grounds amongst others:*

**GROUND:**

- A) *That the original impugned orders are against the law, rules, regulations, facts and circumstances*

*pertaining to the matter, hence not tenable and liable to be set aside.*

- B) *That the impugned orders are not in compliance of the directions of the judgments passed by the learned Sessions Judge Kohat, hence liable to be set aside.*
- C) *That instead of enquiring about the fake encounter, as per directions of the learned Sessions Judge Kohat, the inquiry officer has wrongly held the appellant responsible for the sub-standard investigation, therefore, the impugned order is liable to be cancelled.*
- D) *That the proceedings conducted against the appellant are contrary to the facts, circumstances, law and are based on misconception and mala fide thus requires to be set aside.*
- E) *That the alleged inquiries have not been conducted in accordance with law and rules.*
- F) *That the appellant has been condemned unheard which the law does not permit and is against the constitution and fundamental rights enshrined in the constitution.*

G) That the appellant has clear and transparent service record, therefore, need sympathetic consideration as his case of promotion is pending.

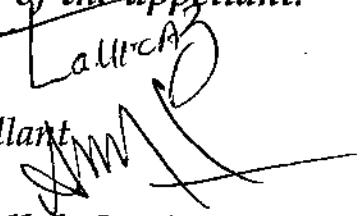
H) That the appellant has conducted an impartial/proper investigation in the cases FIR No.201 dated 10/05/2016 and thus has performed his duty efficiently and in accordance with law, thus his innocent, hence the impugned order are liable to be set aside / cancelled.

I) That the appellant seeks leave of this Hon'ble Tribunal to rely on additional grounds at the time of arguments.

**It is, therefore, most humbly prayed that on acceptance of appeal, the impugned orders bearing OB No.1602 dated 29/11/2019 bearing No.51051-53/P dated 29/11/20219 and order bearing No.6878/EC, dated Kohat the 06/07/2020 and order Bearing No.1250-60/21 dated 22/03/2021 may be set aside.**

**Any other relief which this Hon'ble Tribunal deem appropriate / proper may very kindly be passed in favour of the appellant.**

Dated 20/04/2021

Appellant  
Through   
**Abdullah Qazi**  
Advocate,  
High Court Peshawar

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**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_ of 2021

*Tahir Nawaz Sub-Inspector(SI), ... .. Appellant*

**VERSUS**

*Inspector General of Police Khyber Pakhtunkhwa  
Police Head Quarters / Combined Police Offices  
Peshawar and others ... .. Respondents*

**AFFIDAVIT**

*I, Tahir Nawaz Sub-Inspector(SI), Police Lines  
Kohat R/o .....do hereby  
solemnly affirm and state on oath that all contents of  
appeal are true and correct to the best of my knowledge  
and belief and nothing wrong has been stated by me in  
the matter.*

**DEPONENT**

*Amenu - A*  
*(8)*

**IN THE COURT OF SHOAB KHAN  
SESSIONS JUDGE, KOHAT**

Sessions Case No: 133/2016  
Date of institution: 25.10.2016  
Date of decision: 03.08.2019

**THE STATE.....VERSUS.....HUNER GUL Etc**

**CASE F.I.R NO. 201 DATED 10.05.2016 U/S 324/353/399/402/148/149  
PPC/15AA, POLICE STATION, GUMBAT, DISTRICT KOHAT**

**JUDGMENT:**

The accused, namely, (1) Huner Gul s/o Umar Gul (2) Said Zarin s/o Alcem Shah, (3) Niaz Ali Shah s/o Naimat Ali Shah r/o District Nowshchra and (4) Mir Hussain s/o Sunab Gul r/o village Kamar, Tehsil & District Kohat on their indictment by prosecution in the case noted above, have faced trial on the charge of offence punishable under section 324/353/399/402/148/149 PPC/15AA.

[2] Briefly stated facts of the case are that on 10.05.2016 at 1945 hours, SHO, PS Gumbat for arrest of accused Noon Badshah s/o Din Badshah, Huner Gul s/o Umar Gul, Niaz Ali Shah s/o Naimat Ali Shah, Syed Zareen s/o Alcem Shah r/o Piran Nizam Pur and Mir Hassan s/o Khunab Gul r/o Dhok Kamar charged in FIR 200 dated 10.05.2016 u/s 400/401/148/149 PPC, PS Gumbat arranged three police parties. Complainant Waqar Ahmed ASI alongwith police officials move toward Ronada Road Nizam Pur while SHO, Javed Muhammad and Sada Khan SI alongwith police officials move toward different points. No sooner complainant of the

*Q. #1511*

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PW-02, Aftab Gul s/o Badshah Gul, identified the dead body of the deceased, namely, Niaz and also received his deed body.

PW-03, Doctor Arshad Sohail, deposed that he had conducted the post mortem of the deceased Niaz Ali s/o Naimat Ali Shah on 10.05.2016 at 09.45 p.m. and found the following:

**External Appearance.**

Stout young man of 30-35 PM rigidity not developed.

**Entry**

Entry on the back side at the level of T3 & T4 in the middle line size 2x2mm.

**Exit.**

In the front on right side of chest between 7<sup>th</sup> and 8<sup>th</sup> I/C space one inch lateral to the lower border of sternum size 3x3mm.

One abrasion on the back of the left hand between thumb and four finger.

**Thorax**

Right side of thorax wall damaged. Right pleura damaged. Right lung damaged, thoracic blood vessel on right side of chest damaged.

**Abdomen**

Peritoneum damaged, Diaphragm damaged on the right side. Liver damaged lower lobe

**Opinion.**

In his opinion the victim was shot from behind. The bullet entered in lower part of chest from behind and came out in front on right side of chest.

*Arshad*

(10)

damaging lung, pleura, liver on right side, leading to bleeding and shock which caused death.

Probable time between injury to death: **30 to 35 minutes.**

Between Post mortem and death: **1 hour and 15 minutes.**

His Post Mortem report consisting of 06 Pages is Ex:PM.

**PW-4, Sultan Ali IHC has deposed** on oath during those days he was posted as IHC in KBI Unit Gumbat. He is the marginal witness to the recovery memo Ex:PW-4/1 vide which the I.O took into possession blood stained earth from the place of deceased accused and five empties of 7.62 bore near his place which are sealed in parcel No. 4 & 5, likewise the I.O took into possession 04 empties near the place of accused Hunar Gul and sealed the same in parcel No. 6. Further the I.O also took into possession five empties of 7.62 bore from the place of accused Meem Badshah and also took into possession 3 empties of 303 bore from the place of accused Zareen and sealed the same into parcel No. 8. The I.O took into possession of 7 empties of 7.62 from the place of Mir Hassan and the same were sealed into parcel No. 9. He alongwith the marginal witness Shah Muhammad signed the recovery memo. The case property is Ex:P4 to Ex:P9 respectively. He is also the marginal witness to the recovery memo Ex:PW-4/2 vide which I.O took into possession the blood stained garment of deceased accused having correspondence cut mark of the garments include Qamees Shilwar of sky colour and bunian of white color. The same were sealed into parcel No. 10 ExP10. The above clothes were sent by the

*A. S. S.*



(11)

doctor through the hand of constable Asmatullah 1258. He signed the recovery memo in the presence of other marginal witness Shah Muhammad 85. During the investigation the accused Huner Gul and Said Zareen admitted before the I.O and also led the police party to the place of occurrence where the rightly identified the place of occurrence. He is marginal witness of the above pointation memo alongwith other witness Shah Muhammad 85. The Pointation Memo is Ex:PW-4/3. They both signed the pointation memo. The accused Huner Gul and Said Zareen thumb impressed the same. His statement was recorded by the I.O u/s 161 Cr.PC.

**PW-5, Javed Khan SHO**, deposed that during those days he was posted as SHO in PS Gumbat. In the instant case after completion of investigation he submitted complete challan Ex:PW-5/1 and abated challan Ex:PW-5/2 against accused Niaz Ali Shah.

**PW-6, Muhammad Suleman IHC**, deposed that during those days he was posted as Muharrir in PS Gumbat. On receipt of Murasila, he incorporated its contents into FIR which is Ex:PA.

**PW.7, Constable Imtiaz Ahmad No. 963**, deposed that during those days he was posted at PS Gumbat. He is marginal witness to recovery memo Ex PW 7/1 vide which the seizing officer Waqar Khan, ASI took into his possession one pistol 30 bore No. 8040 alongwith fixed and spare charger containing 07 live rounds of the same bore from the accused Huner Gul and sealed the same into parcel No.1 Ex P-11. Likewise from the possession of accused Syed Zareen, one rifle 303 bore alongwith 20 live

*Handwritten signature*

(12)

rounds of the same bore and sealed the same into parcel No.2 Ex P-12 and from the possession of accused Niaz Ali Shah recovered one Kalashnikov No. 1955-4748 alongwith fixed and spare charger containing 17 live rounds of 7.62 bore and sealed the same into parcel No.3 Ex P-13. He alongwith other marginal witness signed the recovery memo.. Likewise, after arrest of all the three accused and drafting Murasila the SHO handed over to him the Murasila which he took to the PS for registration of the FIR. His statement was recorded by the IO u/s 161 Cr.PC.

**PW-8, Shah Muhammad LHC No. 85**, deposed that during the days of occurrence he was posted in police station Gumbat. He was entrusted with the warrants u/s 204 Cr.P.C against accused Meem Badshah. He searched for him in his villages and in the adjoining area but he was not available and had gone into hiding. There was no hope of his arrest in the near future, therefore, he returned the said warrants unexecuted which is Exh.PW 8/1 while his report and statements of elders of the locality on the back of process which is Exh.PW 8/2. Similarly, he was also entrusted with the proclamation notices u/s 87 Cr.P.C in triplicate against the above named accused and after complying with all the legal formalities, he returned the third copy of the same alongwith his report on its back. The proclamation is Exh.PW 8/3 while his report on its back is Exh.PW 8/4. Likewise, he is also marginal witness to the recovery memo already Ex PW 4/1 and to that extent the other marginal witness of recovery memo, namely, Sultan Ali was already examined.

*R. Sultan*

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PW-9, Waqar Khan, SI, complainant of the instant case in his initial statement reiterated almost all the same facts as are alleged in the FIR. Further added that the arms and ammunition recovered from accused were taken into possession which were sealed into parcels No.1 already Ex P-11, parcel No. 2 already Ex P-12, parcel No. 3 already Ex P-13 respectively vide recovery memo already Ex PW 7/1 in presence of marginal witnesses. Accused Hunar Gul and Syed Zareen were arrested and he issued their card of arrest Ex PW 9/1. The dead accused Niaz Ali Shah was also shown in card of arrest and he prepared his inquest report including his injury sheet which are Ex PW 9/2 and PW 9/3 respectively. The dead body of dead accused alongwith PM papers was sent in official vehicle to RHC Gumbat under the escort of constable Asmatullah 1258. He conveyed the information to SHO and Sadda Khan SI and they were called to the spot. The names of the escaped accused were disclosed by the arrested accused as Noon Badshah s/o Din Badshah, Mir Hassan s/o Khanab Khan. To this effect the Murasila Ex PA/1 was drafted which was sent to the PS through constable Imtiaz Ahmad for registration of FIR. The IO also prepared site plan on his pointation.

سید تھیر نواز  
سیو ایس ایچ جھڑپ

PW-10, Tahir Nawaz SI, deposed that during the days of occurrence he was posted as SHO PS Gumbat. On 10.05.2016 on receipt of relevant documents he proceeded to the spot where he prepared site plan Ex PB on the pointation of complainant with the help of torch light. During spot inspection he recovered and took into possession vide recovery memo already Ex PW 4/1, blood stained earth from the place of deceased accused

all

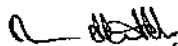


and five empties of 7.62 bore near his place which are sealed in parcel No. 4 & 5, likewise the he took into possession 04 empties near the place of accused Iunar Gul and sealed the same in parcel No. 6. Further he also took into possession five empties of 7.62 bore from the place of accused Meem Badshah and also took into possession 3 empties of 303 bore from the place of accused Zareen and sealed the same into parcel No. 8. He took into possession of 7 empties of 7.62 from the place of Mir Hassan and the same were sealed into parcel No. 9 in presence of marginal witnesses. The case property is Ex:P4 to Ex:P-09 respectively. Vide recovery memo already Ex:PW-4/2 he took into possession the blood stained garment of deceased accused having correspondence cut mark of the garments include Qamees Shilwar of sky colour and bunian of white color. The same were sealed into parcel No. 10 ExP10. The above clothes were sent by the doctor through the hand of constable Asmatullah 1258. He went back to the PS and cursory investigated the arrested accused in the PS. On the following day I produced both the arrested accused before the court vide his application Ex PW 10/1 for physical custody. 02 days police custody was granted, during which both the accused confessed their guilt before him and also ready to make pointation of the place of occurrence. Both the accused lead the police party to the place of occurrence where they rightly pointed out their places and places of their other co-accused. In this respect he prepared pointation memo already Ex PW 4/3 in presence of marginal witnesses as well as both the accused, he also take photographs of the pointation proceedings which are 04 in numbers and are Ex PD. Thereafter.

*A. H. H.*

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he produced the accused Hunar Gul and Syed Zareen before the court for recording of their confessional statement vide his application Ex PW 10/2 however accused refused to record confession statement and were committed to judicial lockup. On 15.05.2016 accused Mir Hassan was arrested by Sada Khan SI PP Khushal Garh vide card of arrest Ex PW 10/3. He produced accused Mir Hassan before the court for physical custody vide his application Ex PW 10/4. 01 days police custody was granted, during which he interrogated him and recorded his statement u/s 161 Cr.PC and then produced him before the court vide his application Ex PW 10/5 for further custody, however his request was turned down and accused was sent to judicial lockup. He vide his application Ex PW 10/6 submitted before prosecution department for legal opinion and upon opinion of prosecution he inserted section 399 and 402 PPC vide memo Ex PW 10/7. He sent blood stained articles in parcel No.4 and 10 to FSL vide application Ex PW 10/8, pistol 30 bore in parcel No.1 and 04 empties in parcel No.6 vide application Ex PW 10/9 and parcel No, 2, 3, 5 and 8 vide application Ex PW 10/10 to the FSL Peshawar for opinion alongwith road certificates. He received FSL results Ex PZ, PZ/1 and PZ/2. He recorded the statement of PWs u/s 161 Cr.PC. He started absconding proceeding against accused Meem Badshah. In this respect his application for obtaining warrant u/s 204 Cr.PC is Ex PW 10/11 and for proclamation u/s 87 Cr.PC is Ex PW 10/12. After completion of his investigation he handed over the case file to SHO concerned for onward transmission.



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[5] After recording statements of above PWs, prosecution abandoned all the remaining witnesses being unnecessary and got its evidence closed followed by statement of accused recorded u/s 342 Cr.PC. In their statements u/s 342 Cr.PC accused facing trial pleaded their innocence.

[6] During arguments learned APP for state while referring to the record on file, argued that the accused are directly charged in a promptly lodged FIR, the accused attempted at the lives of police party and were arrested from the spot after police encounter. That the evidence produced before the court is confidence inspiring, fully corroborated by the ocular and circumstantial evidence, therefore, due punishment may be awarded to the accused.

[6] In rebuttal, the learned defence counsel, namely, Mustafa Kamal and Sardar Ali Advocates have argued that the evidence produced against the accused is contradictory, not confidence inspiring, not supported by any independent witness and circumstantial evidence negate the encounter, therefore, accused may be acquitted.

[7] After hearing the argument and going through the record I have come to the conclusion that in the instant case the accused are charged for assault and attempting on the lives of local police, reportedly required to the local police in case FIR No. 200 dated 10.05.2016 u/s 400/401/148/149 PPC PS Gumbat in which they have already been acquitted vide judgment of this court dated 14.06.2019. In the case in hand the allegation of assault and attempt on the lives of police party stood refuted by the following facts

all

(17)

which established the instant case a glaring example of a fake encounter in  
 which one person has lost his life.

a. Police encounter in an area and resultant death of an  
 assailant is not so small incident to go unnoticed. In  
 order to establish police encounter there was need to  
record statement of any inhabitant of Illaqa supporting  
 the mode and manner of the occurrence as alleged in  
the FIR but no such statement has been recorded. In this  
 respect statement of IO at page No.3 of his cross  
 examination may be read as, "It is correct that I did not  
 record the statement of any private person regarding the  
 instant occurrence". This omission on the part of local  
 police creates doubts in the present case from its very  
inception.

کے  
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b. In order to use force against the local police there  
 should have been some logical reason i.e. the accused  
 were required to the police in a murder case or  
 proclaimed offender, or absconding in sensitive or high  
 profile case with head money on their arrest or killing  
 or in fact belong to a notorious gang active in the area.  
 In the case in hand, no such instance/case has been  
brought on file to justify the encounter and use of force  
 by the accused against the local police. The case vide  
 FIR No. 200 of even dated u/s 400/401/148/149 PPC

2/11/11

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Handwritten notes in Urdu: "میر حسن کے ساتھ ایک اور شخص بھی تھا جس کا نام میر حسن کے ساتھ لکھا گیا ہے۔"

PS Gumbat in which the accused were allegedly required on its face suggest and established that it was registered on the even date in order to create justification for the use of force/assault by the accused against the local police and resultant encounter in which an innocent person has lost his life.

c. Admittedly, three police parties proceeded to the spot. The place of arrest of the accused is like desert and open as is evident from the statement of PW-04 read with site plan with no possibility to escape unnoticed from the local police in considerable strength. The accused Mir Hassan was not arrested from the spot, his escape from the spot is not logical and thus all attributed to him appears to be fake and fabricated.

Handwritten notes in Urdu: "میر حسن کے ساتھ ایک اور شخص بھی تھا جس کا نام میر حسن کے ساتھ لکھا گیا ہے۔"

d. Allegedly, as per Murasila EXPA/1 and FIR, EXPA, in the encounter, the accused and the police party inter se exchanged firing which lasted for 15/20 minutes. In case of firing for 15/20 minutes there should have been recovery of enumerable empties from both side but only 05 empties of 7.62 bore were recovered from near the place of deceased accused, 04 empties of 30 bore from near the place of accused Hunar Gul, 05 empties of 7.62 bore from near the place

Handwritten signature or initials.



(19)

of accused Meem Badshah, 03 empties of 303 bore from near the place of accused Syed Zareen and 07 empties of 7.62 bore from near the place of Mir Hassan through recovery memo EXPW 6/1. These recovered empties are totally inconsistent with the alleged time of fire exchange; in all probability self fired by the local police after the death of accused Niaz Ali Shah in order to strengthen their case of police encounter.

محکمہ انسداد دہشت گردی  
وزارت داخلہ  
اسلام آباد

e. In case of a genuine encounter the local police was supposed and required to take into possession the empties fired by them but admittedly no such empty has been recovered and taken into possession by the local police although they are accountable for each and every bullet spent in the discharge of official duty. This omission on the part of local police prima facie established that neither they fired any bullet except one nor were in need of its justification.

f. In the site plan prepared by the IO, Ex PB, the local police shown his presence at Point No.1, 2, 3, 4 & 5 and of the accused at Point No. 6 to 10. In the light of site plan coupled with photo shots of the place of occurrence elaborating Points No. 6, 7, 8, 9 & 10, I did not find any place on the basis of which it may be presumed that the accused in fact ambushed and

*Q. d. 111*

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thereafter fired at the local police or the police had taken shelter behind it and thus escaped the firing of accused unhurt. The places of presence of accused read with places of presence of police party on its face indicate no hindrance in between police and accused so as to provide protection and shelter to the accused or the police against firing of each other which lasted for 15/20 minutes. The fact that place of occurrence is a smooth and open area is further supported by PW-04 in his cross examination by admission, "the place of occurrence is an open area in shape of desert" and thus the site plan on its face negate the possibility or probability of an encounter.

g. In case of genuine encounter between the police party and accused numbering five, in the absence of any hindrance/protection in between, as per description in the site plan and admission of PW-4, sustaining firearm injury by the police party was unavoidable. This unhurt escape of the police party by the fire shots alleged against accused through the recovery of empties per se refutes the allegation of encounter.

h. Above all, in case of genuine encounter the deceased/accused was supposed to receive injury on front of his body but the post mortem report read with

*A. Ball*

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statement of Dr. Arshad Sohail established the injury on the back of deceased accused at the level of T-3 and T-4 with exit wound on front. This injury on the back of deceased/accused at the level of T-3 and T-4 with exit wound on front, prima facie, suggest that the accused while running from the spot was fired at. Thus under any circumstance this injury on the person of deceased cannot be reconciled with allegation of encounter and the story narrated in the FIR.

[8] On the entire file/record and evidence recorded in the court, only possible incriminating evidence available against the accused is the pointation memo Ex PW 4/3 vide which the accused Hunar Gul and Syed Zareen have allegedly led the local police to the place of occurrence and pointed out the place of occurrence. This pointation memo is the biggest joke of its nature. The accused were reportedly arrested from the place pointed out through the pointation memo, already in knowledge of the local police and accused being under arrest, under no circumstances could have refused from this pointation. In the narrated background and in view of settled law this pointation memo has no evidentiary value at all.

[9] For the forgoing major reasons, I hold that this is a case of fake encounter in which one person/accused in an attempt to flee from the spot lost his life by sustaining injury on his back and in order to counter his unjustified death the local police first registered the case vide FIR No. 200 in order to create justification for encounter and thereafter the present case

*[Signature]*

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through FIR No. 201. Resultantly, the accused facing trial, namely, (1) Huner Gul (2) Said Zarin (3) Mir Hassan including the absconding accused Meem Badshah are acquitted of the subject charges. Sureties for the accused stand discharged of their liability under the bail bonds. Case property stands confiscated to the state and be dispose of in accordance with law after the lapse of period of appeal/revision.

[10] Before parting with this very judgment, the above conclusion forced me to recommend both departmental as well as penal proceedings against the officials involved in the alleged fake encounter. It is therefore, directed that by highlighting concluding part of judgment its copy be sent to the District Police Officer, Kohat for necessary legal proceedings/inquiry, fixation of liability for single shot murder of accused Niaz Ali Shah and thereafter taking the responsible to task both departmentally as well as under the police law and general law of land, under intimation to this Court. File be consigned to record room after compilation and completion.

**ANNOUNCED**  
03.08.2019

*(Signature)*  
(SHOAIB KHAN)  
Sessions Judge, Kohat

**CERTIFICATE:-**

Certified that this judgment consists of 16 pages, each page has been corrected and signed by me wherever necessary.

*(Signature)*  
(SHOAIB KHAN)  
Sessions Judge, Kohat

(2) 8/10/19

## INQUIRY REPORT AGAINST SI TAHIR NAWAZ

No. 1156 /PA-Ops

Dated 26 / 11 /2019

### FINDINGS

This is in response of your good office Charge Sheet vide No.39096-97/PA Dated 04.11.2019.

Constable SI Tahir Nawaz was charge sheeted the allegation below:-

- (i) In compliance with the Judgment / Order of Session Judge Kohat in case FIR No. 201 dated 10.05.2016 u/s 324,353,399,402,148,149-PPC/15-AA PS Gumbat, an Enquiry was conducted through SP Investigation Kohat.
- (ii) As contemplated by the Enquiry it has been reported that the encounter was genuine and you SI Tahir Nawaz the then OII being Investigation officer held guilty for your substandard investigation.
- (iii) From the above you had conducted very defective Investigation, not brought the relevant evidence on record due to which the entire investigation / prosecution case was vitiated, thus you have exhibited wilful inefficiency, professional misconduct and caused embarrassment as well.

1. For scrutinizing the conduct of enquiry he was summoned for personal hearing, recorded his statement and examined thoroughly. In his written reply of charge sheet and summary of allegations, he defended himself pleading his innocence. He stated that being in I.O on the pointation of ASI Waqar Khan, Constable Imtiaz Ahmed 963, Constable Himat Ullah 1258, Constable Zafar Iqbal 624 and Constable Nasir Mehmood 993 who were also the eye witness and petitioner, extracted site plan. Recovered empty rounds and blood/blood stained earth. ASI Waqar khan recovered Arms & Ammunitions from one arrested and got it examined from FSL which came positive and endorsed FIR. Site pointation was made through arrested accused, recorded statements of witnesses and other concerned under the supervision of high-ups. On the basis of available proofs, case file was handed over to SHO who submitted complete challan and the prosecution accepted case file for the trial. SHO and prosecution branch would have pointed out if there were in sufficient proofs, but they did not.

2. As for as the matter of not including the previous cases of the accused, other FIRs against the accused were after the incident.

3. As for as the decision of the Session court Kohat is concerned, Public Prosecutor did not record the statements of eye witnesses, also on the basis of other points the court declared Police encounter as fake. Also the court declared another Case FIR No. 200 dated 10.05.2016 u/s 400/401-PPC PS Gumbat as fake. Medical report of accused Niaz Ali indicated shot fire on his back. It is not mentioned in the court decision that accused have been released due to loose investigation.

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4. The preliminary enquiry was conducted by SP Investigation Kohat who reported that the Investigation Officer neither investigated the case effectively nor has he answered properly in the court while recording his evidence. The case acquittal of the accused is just because of substandard/ evidence.

5. After perusal of the Court decision, the following remarks were taken out by the Enquiry Officer.

- (a) No statement of any inhabitant of the area supporting the mode and manner of the occurrence was recorded by the police.
- (b) In order to use force against the local Police there should have been some logical reason i.e. the accused were required to Police in a murder case, proclaimed offenders or belonging to notorious gang active in the area.
- (c) The FIR No.200 dated 10.05.2016 u/s 400/401/148/149/15-AA PS Gumbat was registered by Police in order to create justification for encounter.
- (d) The place of arrest of the accused is deserted and open, sustaining firearm injury by the police party was unavoidable.
- (e) In case of exchange of fire for 15/20 minutes, there should have been recovery of enumerable empties from both sides.
- (f) The local police had not taken into possession the empties fired by them. During the course of inquiry he was given complete legitimate opportunity to defend himself according to the law, rules and regulation.

Keeping in view the above circumstances and available record and from the perusal of case file, I came to the conclusion that the Investigation Officer had not investigated the case effectively from all aspects. Neither he brought the DD report of PP Shadi Pur on record nor has given effective places/locations to the Police party in the site plan. The place of occurrence is a dirt road, the IO has not described this point in the site plan. Hence, SI Tahir Nawaz is found guilty for his substandard investigation and recommended for suitable punishment.

**TAHIR IQBAL**  
SUPERINTENDENT OF POLICE,  
OPERATIONS, KOHAT



No. 35074-75/PA

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Office of the  
District Police Officer,  
Kohat

Dated 23-10/2019

**CHARGE SHEET.**

1. **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT**, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **SI Tahir Nawaz** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

- i. *In compliance with the Judgement / Order of Session Judge Kohat in case FIR No. 201 dated 10.05.2016 u/s 324,353,399,402,148,149 PPC / 15 AA PS Gumbat, an enquiry was conducted through SP Investigation Kohat.*
- ii. *As contemplated by the enquiry it has been reported that the encounter was genious and you SI Tahir Nawaz the then O.II being investigating officer held guilty for your substandard investigation.*
- iii. *From the above you had conducted very defective investigation, not brought the relevant evidence on record due to which the entire investigation / prosecution case was vitiated, thus you have exhibited willful inefficiency, professional misconduct and caused embarrassment as well.*

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07days of the receipt of this Charge Sheet to the enquiry officer.

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

4. A statement of allegation is enclosed.

*[Signature]*

1-11-2019

**DISTRICT POLICE OFFICER,  
KOHAT** 222/14



No 35074-75/PA

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Office of the  
District Police Officer,  
Kohat

Dated 23-10/2019

**DISCIPLINARY ACTION**

I, **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **SI Tahir Nawaz** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

**STATEMENT OF ALLEGATIONS**

- i. *In compliance with the Judgement / Order of Session Judge Kohat in case FIR No. 201 dated 10.05.2016 u/s 324,353,399,402,148,149 PPC / 15 AA PS Gumbat, an enquiry was conducted through SP Investigation Kohat.*
- ii. *As contemplated by the enquiry it has been reported that the encounter was genuine and you SI Tahir Nawaz the then O.II being investigating officer held guilty for your substandard investigation.*
- iii. *From the above you had conducted very defective investigation; not brought the relevant evidence on record due to which the entire investigation / prosecution case was vitiated, thus you have exhibited willful inefficiency, professional misconduct and caused embarrassment as well.*

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **SP Operations Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,  
KOHAT**

No. 35074-75/PA, dated 23-10- /2019.

Copy of above to:-

1. **SP Operations Kohat**- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused officer**:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.



لہ چارج شیٹ نمبر PA/75-35074 مورخہ 23-10-2019 مجاریہ جناب ڈسٹرکٹ پولیس آفیسر صاحب کوہاٹ متعلق بریت رد ملزمان بحوالہ مقدمہ علت نمبر 201، مورخہ 10-05-2016 جرم 148-149 / PPC 324-353-399-402 نہ گھبٹ، کوہاٹ۔ جس کے مطابق من طاہر نواز SI پر ناقص تفتیش کرنے اور ناقص تفتیش کی بنیاد پر عدالت سے مقدمہ بالا میں نامزد ملزمان نہ ہونے کا الزام عائد کیا گیا ہے، کے متعلق معروض ہوں۔

جہاں تک ناقص تفتیش ہونے کا سوال ہے، میں نے بحیثیت تفتیشی آفیسر وقار خان ASI جو ایک تعلیم یافتہ پولیس آفیسر ہے، انچارج چوکی شدہ پوربھی تعینات تھا کے علاوہ دیگر گواہان چشم دید کاٹھیل اتیاز احمد 963، کاٹھیل بہت اللہ 1258، کاٹھیل ظفر اقبال 624 و کاٹھیل ناصر محمود 993 جن کی حیثیت نہ صرف گواہان چشم دید بلکہ مدعیان کی بھی ہے کی نشاندہی پر ملاحظہ موقع کر کے نقشہ موقع مرتب کیا ہے، جائے ملزمان سے چلیدہ خول دستیاب کرنے کے علاوہ جائے ہلاک شدہ ملزم نیاز علی سے قدرے مٹی خون آلودہ دستیاب کر کے برائے فرد قبضہ پولیس کیا ہے، جبکہ گرفتار شدہ ملزمان ہنگل ولد عمر گل و سید زرین ولد علیم شاہ کے قبضے سے اور ہلاک شدہ ملزم نیاز علی کے نزدیک سے دستیاب شدہ اسلحہ و ایڈونٹیشن وقار خان ASI (مدعی) نے از خود قبضہ پولیس کر کے جو بعد تحویل خود میں لے کر جس کا ملاحظہ بذریعہ آرمز ایکسپرٹ FSL کر دیا گیا ہے۔ FIR تائید میں موصول شدہ FSL رپورٹ نقشہ موقع، فردات فوٹو اسٹیٹ لف بیان ہیں۔ بعد گرفتار ملزمان سے نشاندہی موقع بھی کرایا گیا ہے، گواہان چشم دید اور دیگر متعلقین کے بیانات قلمبند کرنے کے علاوہ دوران تفتیش نہ صرف SHO صاحب بلکہ دیگر سینئر افسران بالا سے راہنمائی حاصل کرتا رہا۔ دستیاب شہادت کی بنیاد پر مثل مقدمہ حوالہ جناب SHO صاحب کر کے جس نے کافی شہادت کی بنیاد پر مقدمہ میں چالان مکمل جبکہ پروسیکوشن نے مثل مقدمہ برائے سماعت منظور کی تھی، حالانکہ از روئے قانون نہ صرف پروسیکوشن برائے بلکہ SHO صاحب بھی مثل مقدمہ برائے مدید شہادت کی پیشگی کرنے کا مجاز تھا۔ چونہ کیا گیا ہے۔

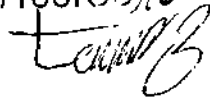
۲۔ جہاں تک ملزمان کے سابقہ مقدمات کی نقل FIR یا سزایابی شامل مثل نہ کرنے کا سوال ہے۔ ملزمان کا تعلق مقامی تھا نہ ہونے کی صورت میں محرر تھانہ رپورٹ کرتا ہے۔ ملزمان کا تعلق دوسرے تھانہ ضلع سے ہونے کی صورت میں محرر تھانہ بذریعہ پرچہ اطلاعی بوساطت افسران بالا متعلقہ تھانہ SHO کو بھیج کر حاصل کرتا ہے۔ مقدمہ ہذا میں نامزد ملزمان کا تعلق بیرون ضلع ہونے کی وجہ سے حاصل نہ کیا گیا تھا۔ البتہ موجود الوقت ملزمان مقدمہ ہذا کے خلاف حاصل کردہ جملہ نقل FIR میں سے کوئی نقل FIR وقوعہ ہذا یعنی 10-05-2016 سے قبل کے نہیں، بعد ملزمان بالا کے خلاف درج شدہ ہیں۔ (بطور ثبوت لف ہیں)

۳۔ جہاں تک عدالت سیشن جج صاحب ضلع کوہاٹ کے صادر کردہ فیصلے کا تعلق ہے، کے مطابق P.P صاحب نے مقدمہ کے اہم گواہان جو وقوعہ کے چشم دید ہیں، کی شہادت بطور گواہ چشم دید ریکارڈ نہ کر کے شہادت ختم کی ہے، کے ساتھ ساتھ عدالت نے دیگر کافی نکات کی

بنیاد پر پولیس مقابلے کو جعلی قرار دیا ہے۔ عدالت نے نہ صرف مقدمہ ہذا بلکہ اسی مقدمے سے تھوڑی دیر قبل ملزمان مقدمہ ہذا کے خلاف درج کردہ دوسرے مقدمے عدلت نمبر 200، مورخہ 10-05-2016، جرم PPC 400/401، تھانہ گمبٹ کو جعلی قرار دیا ہے۔ جعلی پولیس مقابلے کی وجہ سے نامزد ملزم نیاز علی جو میڈیکل رپورٹ کی بنیاد پر پشت پر ایک فائر لگنا بتلایا گیا ہے۔ بعد انکو آڑی نیاز علی پر فائر کرنے والے پولیس ملازم کا تعین کرنے، اس کے خلاف محکمانہ/فوجدار کارروائی کرنے کا حکم صادر کیا ہے۔ عدالتی فیصلے میں یہ تحریر ہے کہ ملزمان ناقص تفتیش کی وجہ سے بری ہوئے ہیں، جو فیصلے سے ہٹ کر الزام ہے۔ جبکہ نہیں چھاپہ مار پارٹی کا حصہ نہ تھا۔ بعد وقوعہ جائے موقع جا کر تفتیش کی ہے، بے گناہ ہوں۔۔

مزید حالات اردلی روم میں پیش ہونے پر زبانی بیان کروں گا۔ یہ میرا بیان ہے۔

طاہر نواز SI/168K حال متعینہ پولیس اسٹیشن، کواہٹ





یولین یارڈی پر بارادہ مسل فائبرز کرنا اور ایس یارڈی  
 خوش قسمتی سے بچ جانا اور صدمہ کو حسب ضابطہ ترسیل کر کے  
 جن کے قبضہ سے اس کے بعد لیول 30 لور پر 303 کے قبضہ سے  
 سیر چارج کاش فری سے 7 عدد کارڈوں میں برآمد کر کے  
 سرونے فرد قبضہ یولین ہونا بیان کیا  
 اس مقام سے 4 عدد فول کارڈوں میں 30 لور پر 303 کے قبضہ سے  
 حادثہ میں دستیاب ہوئے سند یارڈی کے قبضہ سے لے کر

صفحہ 8 اس مقام پر وقت وقوع صدمہ میں کارڈوں میں 30 لور پر 303 کے قبضہ سے  
 کئے بیان نامہ نظام لور کی طرح قبضہ سے لے کر  
 یولین یارڈی پر بارادہ مسل فائبرز کر کے قبضہ سے لے کر

ہونا بیان ہوا  
 اس مقام سے 5 عدد فول کارڈوں میں 30 لور پر 303 کے قبضہ سے  
 سرونے فرد قبضہ یولین میں کر کے سند یارڈی کے قبضہ سے لے کر

صفحہ 9 اس مقام پر وقت وقوع صدمہ سیزڈ میں 30 لور پر 303 کے قبضہ سے  
 کئے بیان نامہ نظام لور کی طرح قبضہ سے لے کر  
 زن ہو کر یولین یارڈی پر بارادہ مسل فائبرز کر کے قبضہ سے لے کر

اسی مقام پر حسب ضابطہ ترسیل کر کے قبضہ سے لے کر  
 سے 20 عدد کارڈوں میں 303 لور پر 303 کے قبضہ سے لے کر  
 سرونے فرد قبضہ یولین میں کر کے سند یارڈی کے قبضہ سے لے کر

اس مقام سے 3 عدد فول کارڈوں میں 303 لور پر 303 کے قبضہ سے  
 سند یارڈی کے قبضہ سے لے کر

حصہ دوم (اندرونی)

# رپورٹ ضمنی

بیانات 161 ضرف

10/5/16

کنٹریل اسٹیٹ 963 چوکی فورسٹائل ٹکڑھنے سرپرست ہوتے بیان کیا کہ میں موقع پر واقعہ اور بعد ASI چوکی افغانی مشاوری پورے ساتھ موقع پر موجود تھا۔ دیکھا کہ 5 میچ کہاں لڑے تھے ASI صاحب نے ان پر روکنے اور گرفتاری پیش کرنے کی اجازت دے کر لٹکایا گئے تو پھر یہ کسان نے پولیس باروں کو دیکھ کر اندھا دھند فائرنگ شروع کی اور ہم پولیس باروں نے جس وقت صفا گنت خود اعتمادی اور جان بچانے کی خاطر فائرنگ کرتے تھے تب 13/5/16 کو جب فائرنگ کا سلسلہ جاری رہا جب فائرنگ سے فوجوں کو جانی اور مالی نقصان نہ پہنچا اور دو کسان میچ خراب ہوئے جس کے موقع پر دو کسان چند من بعد عمرنگ سیدزین ولد علی شاہ ساکنان پیران کو قابو کیا گیا اور پھر مدیم چند گل سے انکفر کے لیٹول 30 بوزوں 3040 سے فنگل دستہ پر حملہ صوبہ 7 عدد کادوٹوں 30 بوزوں پر اس کی اس طرح مدیم سیدزین کو عندیہ مل کر جس سے انکفر کے لیٹول 303 بوزوں سے تھکوا کھیلدیا 20 عدد کادوٹوں 303 بوزوں پر اس کی صدف شدہ مدیم نیاز علی شاہ سے انکفر کے کادوٹوں 1954-4748 سے فنگل وکر جاری صوبہ 17 عدد کادوٹوں 7062 بوزوں پر اس کی بوزوں سے فوج قبضہ پولیس کی حد فورا شدہ ملزمان کے نام گرفتار شدہ ملزمان نے عیدین مد صفاق گل سنگ مگر جم بارشاہ ولد دین بارشاہ سنگ پیران نظام پور شہر سے ASI صاحب سے فوج پر موقع درپوش کیا

2

فردوس شہ پر فیروز خان کو درجہ دیا گیا۔ 1961ء  
 نے جرنل فیروز خان کو ایک مقام کے جانے کی ہدایت  
 کی۔ فیروز خان نے اس مقام کے جانے سے پہلے ہی 1962ء  
 کو جوائن کیا۔ جس میں سر ڈی ایچ خان کے خلاف پولیس بارڈر  
 بازاران میں قائم کیا گیا۔ کارسک اور میں صدر عدالت کرنے  
 کا دستور لایا گیا۔ یہ سب اہم بیانات ہیں۔

2  
 ظفر اقبال 624 ہوئی تھی لیکن صدر عدالت بیان  
 کیا کہ میں وقار احمد نے 1962ء کو جوائن کیا اور  
 پورے سال کے لیے صرف دو ہفتے کے کام کی گمانی میں آئے  
 ہوئے۔ 1961ء میں نے ان پر قوت اور گرفتاری کیس میں  
 کا کیس تیسری گمانی میں گرفتاری سے پہلے ہی میں پولیس  
 بارڈر پر بازاران میں قائم کیا گیا۔ دوران خاتمیہ  
 ایک ہی شخص لگا کر سربراہ تھا۔ 1962ء میں خاتمیہ  
 کے مخالفین جو گمانی میں تھے وہ ہیں۔ جس میں دو گمانی کو فتح کیا  
 گیا۔ علی گڑھ کے ایک نام صدر کل۔ دوران بلوچان میں  
 اور صدر کل شہرہ سید کا نام بنا کر لیا گیا۔ 5۔ خدائے  
 نام میں۔ ہم بارگاہ سید کے وقت میں صدر کل  
 کے قلم سے ایک ہی لیٹر 3040 میں لکھا گیا اور صدر کل  
 کے قلم سے ایک ہی لیٹر 303 میں لکھا گیا اور صدر کل  
 20۔ صدر کل کے لیے لکھا گیا اور صدر کل 5۔ لکھا گیا اور صدر کل  
 ایک ہی لیٹر 4748 1954 میں لکھا گیا اور صدر کل 117  
 کا رٹوں میں 76 اور صدر کل کے لیے لکھا گیا اور صدر کل  
 سر ڈی ایچ خان کے لیے پولیس بارڈر پر بازاران میں قائم کیا گیا  
 اور لاہور میں صدر عدالت کرنے کا دستور لایا گیا۔



(9)

صالح کور

فرد معقولگی

مدیر نوین

324/353 15AA  
148-149

201  
5  
10  
16

- 1- بنام ان معتمد کل ولا عشر کل سرکن پیران نظام پور علی نوین
- 2- سرگزین ولا علی شاه
- 3- نیاز علی شاه دار نعیم علی شاه

کو بیروگوا معائن ذیل فردم عنوان بلاد میں ملزم سرکار کے  
 سے اکثر سول 30 و نواری 10 ایندی سے متعلق  
 حدود 7 عدد کارٹوں میں 30 جو درانم سلیم رضا کے قلم سے آرا  
 رانیل 323 جو درنے کٹر انما نقلہ کے 5 عدد کارٹوں میں  
 علاوہ شدہ ملزم سرکار کے 3 کے قلم سے اکثر متعلق  
 مذکورہ 4748-1955 کے قلم سے سید جاوید صوم دا عدد کارٹوں  
 762 جو در انما کے ملزم سرکار کے ایسی ملکی اسلم الویش  
 نہا. ملزم سرکار کے ایسی ملکی اسلم الویش نوینارسل  
 ملزم سرکار کے ایسی ملکی اسلم الویش نوینارسل نوینارسل  
 روٹ و قلموں کے نوینارسل نوینارسل نوینارسل  
 سے تشکیل فرما رہی

U. Agre

Asi P.P.S Pux  
10-5-16

نوینارسل انما 968 نوینارسل نوینارسل

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1208 نوینارسل نوینارسل نوینارسل  
Asmatullah

نوینارسل نوینارسل



15

ظاہر قریب  
ضد صفحہ

صفحہ نمبر

- 324-353  
148-149
1. ہندو گن 201 فرغ 10/16 م
  2. ہندو گن عدہ نمبر گل سنگھ پیران نظام اور صفحہ فرسیدہ
  3. ہندو گن عدہ نمبر شاہ سنگھ
  4. ہندو گن عدہ نمبر شاہ سنگھ
  5. ہندو گن عدہ نمبر شاہ سنگھ

جناب عالی

فرد و عنوان مالا میں مدبران مد نظر موعم جائے صلوات شدہ  
 عدہ نمبر سے قریب یعنی خون الود اور قریب کی عدہ و قول کا وقتوں 7.62  
 ہر اعدہ کر کے قول کا وقتوں پر تو کدرا شے سے دستخط کر کے بند مارا  
 عدہ 4-5 سے بندہ کی اس طرف جائے صلوات ہندو گن کے قریب سے 4  
 قول کا وقتوں 30 ہر اعدہ ہر وقتوں پر تو کدرا شے سے دستخط کر کے بند  
 مارا اس طرف سے بندہ کی اس طرف جائے صلوات ہندو گن کے قریب سے 4  
 قول کا وقتوں ہر اعدہ کر کے صلوات کدرا شے سے دستخط کر کے بند مارا  
 عدہ 7 سے ہر اعدہ کر کے صلوات قریب ہر اعدہ کی اس طرف جائے  
 صلوات سے 3 عدہ و قول کا وقتوں 303 ہر اعدہ کر کے صلوات کدرا  
 شے سے دستخط کر کے بند مارا اس طرف 8 سے بندہ کی اس طرف جائے  
 صلوات ہندو گن سے 7 عدہ و قول کا وقتوں 7.62 ہر اعدہ کر کے صلوات کدرا  
 شے سے دستخط کر کے بند مارا اس طرف 9 سے بندہ کی ہر اعدہ ہر وقتوں  
 ہر اعدہ کر کے صلوات ہندو گن سے نکلے صلوات قریب

Tung  
 42  
 011-1431  
 10-5-016

1112  
 1071

شاہ قریب قریب  
 SHUKLA



# Forensic Science Laboratory

Police Investigation, Khyber Pakhtunkhwa  
29-BI, Phase 5, Hayatabad, Peshawar  
REPORT OF THE FIRE ARMS EXPERTS

Laboratory No. FA-13-4359-64-16 Received the sealed parcel on 19-05-2016

At FSL from SHO P.S. Gumbat District Kohat

The seals on parcels were found intact.

F.I.R No. 201 dated 10-05-2016 U/S 324/353 PPC PS Gumbat District Kohat  
148/149/15AA

PAGE...02

OPINION. Microscopic examination of the case has revealed as under:-

- i. The four 30 bore crime empties marked C1 to C4 were fired from 30 bore pistol No.3040, in question, in view of the following major points i.e striker pin marks, breach face marks, ejector marks, chamber marks, etc are similar.
- ii. The five 7.62 MM bore crime empties marked C5 to C9 were fired from 7.62 MM bore SMG rifle No.1954-4748, in question, in view of the following major points i.e striker pin marks, breach face marks, ejector marks, chamber marks, etc are similar.
- iii. The three 303 bore crime empties marked C10 to C12 were fired from 303 bore rifle No. Nil, in question, in view of the following major points i.e striker pin marks, breach face marks, ejector marks, etc are similar.

Note: - (1) Test empties are being sent in the parcel of their respective weapons.  
(2) Any report without embossing marks is not genuine.  
(3) The contents of the parcel were under our immediate custody until the examination was completed.

  
(MAQEAL KHAN)  
FIRE ARMS EXPERT

(AMJAD JAVED)  
FIRE ARMS EXPERT

No. 11912 /FSL, Dated 19-05-2016  
The opinion of the Fire Arms Expert is forwarded to SP/Inv: Kohat  
The receipt may be acknowledged and the exhibits collected from this Laboratory.



# Forensic Science Laboratory

Police Investigation, Khyber Pakhtunkhwa  
29-BI, Phase 5, Hayatabad, Peshawar  
REPORT OF THE FIRE ARMS EXPERTS

(37)

Laboratory No. FA-13-4359-64-16 Received the sealed parcel on 19-05-2016

At FSL from SHO P.S Gumbat District Kohat

The seals on parcels were found intact.

F.I.R No. 201 dated 10-05-2016 U/S 324/353 PPC PS Gumbat District Kohat  
148/149/15AA

1. P.No.1 having three seals of B.R containing.
  2. P.No.6 having three seals of B.R containing.
  3. P.No.2 having three seals of B.R containing.
  4. P.No.3 having three seals of B.R containing.
  5. P.No.5 having three seals of B.R containing.
  6. P.No.8 having three seals of B.R containing.
  7. Live cartridges received for test.
- One 30 bore pistol No.3040, along with seven 30 bore live cartridges, one magazine. Four 30 bore crime empties now marked C1 to C4.  
One 303 bore rifle No.Nil, along with twenty 303 bore live cartridges.  
One 7.62 MM bore SMG rifle No. 1954-4748 along with seventeen 7.62 MM bore live cartridges, one magazine.  
Five 7.62 MM bore crime empties now marked C5 to C9.  
Three 303 bore crime empties now marked C10 to C12.

NOTE:- The exhibits were signed by the experts.

CONT:PAGE...02

- Note: - (1) Test empties are being sent in the parcel of their respective weapons.  
(2) Any report without embossing marks is not genuine.  
(3) The contents of the parcel were under our immediate custody until the examination was completed.

(MAQBALI KHAN)  
FIRE ARMS EXPERT

(AMJAD JAVED)  
FIRE ARMS EXPERT

No. 11912 /FSL, Dated 19-05 /2016

The opinion of the Fire Arms Expert is forwarded to SP/ Inv: Kohat

The receipt may be acknowledged and the exhibits collected from this Laboratory.



# Forensic Science Laboratory

Police investigation, Khyber Pakhtunkhwa  
29-B1, Phase 5, Hayatabad, Peshawar

Report of the Chemical Examiner & Serologist,  
To the Government of Khyber Pakhtunkhwa  
F.S.L., Peshawar.  
(Admissible Evidence U/S 510 Cr.P.C.)

Laboratory No. CE 13-4883-89-16 Dated 19-05-16  
 Received IWO Sealed Parcels marked as 1, 10  
 Bearing 73 Seals in the marks of BR  
 From FC.NO. 85 in case:-  
 F.I.R No. 201 dated 10-06-16 U/S 32, 35, 31, 500 PS GUMBAT District KOHAT

The seals on the Parcels were found intact. The seals were opened in our presence and the parcels contained:-


<u>PARCEL NO.</u>	<u>DESCRIPTION OF ARTICLES</u>
-------------------	--------------------------------


- P.No.4- Blood stained earth.
- P.No.10- One blood stained blue colored shalwar.  
One blood stained blue colored shirt.  
One blood stained white banyan.

The above articles were duly examined by us. Remaining under our immediate custody until the examination was completed.

**OPINION:-** The suspected blood stains on the articles in question were subjected to chemical, serological and microscopic analysis (detailed overleaf) revealed that:-

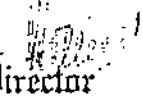
IT WAS HUMAN BLOOD AND OF THE SAME GROUP.

  
 CHEMICAL EXPERT  
 FSL, PESHAWAR

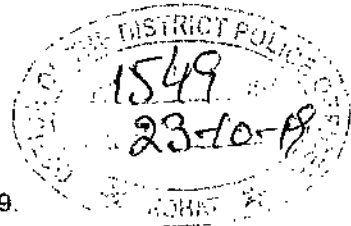
  
 CHEMICAL EXAMINER,  
 & SEROLOGIST  
 TO THE GOVT. OF KHYBER PAKHTUNKHWA,  
 FSL, PESHAWAR

No. 8916 / FSL, dated 27-6-16-1

The opinion of the Chemical Examiner is forwarded to the \_\_\_\_\_  
 The receipt may be acknowledged and the exhibits collected from this laboratory. S.P./INV.KOHAT  
 Note:- This report carries Emboss Mark.

  
 Director  
 Forensic Science Laboratory  
 Police Investigation, Khyber Pakhtunkhwa,  
 Peshawar.

m: The Superintendent of Police,  
Investigation Wing, Kohat.  
To: The District Police Officer, Kohat



No 691 /PA

Dated Kohat the 15-9 /2019.

Subject: **DEPARTEMENTAL/PENAL PROCEEDING AGAINST POLICE OFFICIALS**

Memo:

Kindly refer to your office diary No: 13089 /PA, dated 26.08.2019 on the above cited subject.

It is submitted that necessary inquiry was accordingly carried out in the light of Judgment of the Honorable court of District & session judge Kohat passed in case FIR no. 201 dated 10.05.2016 u/s 324/353/399/402/148/149 PPC/15AA PS Gumbat.

1. The following judgment was passed by the Honorable court of District & session judge Kohat.
  - a. No statement of any inhabitant of the area supporting the mode and manner of the occurrence was recorded by the Police,
  - b. In order to use force against the local Police there should have been some logical reasons i.e. the accused were required to Police in a murder case, proclaimed offenders or belonging to notorious gang active in the area.
  - c. The FIR no. 200 dated 10, 05. 2016 u/s 400/401/148/149 PPC/15AA PS Gumbat was registered by Police in order to create justification for encounter.
  - d. The place of arrest of the accused is like desert and open, sustaining firearm injury by the Police party was unavoidable.
  - e. In case of exchange of fire for 15/20 minutes, there should have been recovery of enumerable empties from both sides.
  - f. The local Police had not taken into possession the empties fired by them.
2. The judgment of the Honorable court was marked to the under signed for enquiry/fixation of responsibility. The following enquiry/probe has been carried out.
  - a. The under signed called Waqar Ahmed St, Inspector Javed Khan, Sada Khan SI, Constables Imtiaz, Zafar Iqbal, Asmat Ullah, Nasir Mehmood and recorded their statements, enclosed for perusal.
  - b. I went to place of occurrence and carried out photography. It became evident that it is not like dessert and open but it is a hilly area, uneven terrains. The place of occurrence is the boarder of Police station Nizam Pur District Nowshera and Police station Gumbat, from where Dirt road (kacchi serrak) leads towards Nizam Pur District Nowshera, the native area of the accused (photos attached).
  - c. I went to PP Shaddi Pur and checked the record. The then In-charge PP Waqar Ahmed who is complainant of the above mentioned case had comprehensively narrated the whole story of the incident in his return vide mad no. 6 dated 10.05.2016 in the DD. It became evident from the record that Police party had fired in their self-defense but their empties had not been taken into possession by the IO (DD report attached).
  - d. The necessary record of the arrested accused and deceased was obtained from PS Nizam Pur which is as under -

➤ **Criminal history of accused Gul e Man Shah s/o Munir Shah**

FIR no. 01 dated 2-1-2019 u/s 392 PPC PS Nizam Pur, FIR no. 44 dated 26-2-2019 u/s 395 PPC PS Nizam Pur, FIR no. 102 dated 15-6-2017 u/s 392 PPC PS Nizam Pur, FIR no. 110 dated 23-6-2017 u/s 392 PPC PS Nizam Pur, FIR no.

34dated 12-2-2019 u/s 506, 427, 148,149 PPC PS Nizam Pur, FIR no. 45 dated 28-2-2019 u/s 9CCNSA/15AA PS Nizam Pur, FIR no. 182 dated 25-12-2018 u/s 216 PPC PS Nizam Pur.

- **Criminal history of accused Amjid s/o Khan Badshah**  
FIR no. 214 dated 21-7-2014 u/s 395 PPC PS Naseer Abad RawalPindi, FIR no. 83 dated 13-7-2018 u/s 395 PPC PS AttockKhurd, FIR no. 23 dated 8-2-2017 u/s 392/15AA PPC PS Nizam Pur, FIR no. 40 dated 10-3-2017 u/s 392/411/15AA PPC PS Nizam Pur, FIR no. 170 dated 25-6-2019 u/s 353/302/324/404/148/149/ PPC 7ATA PS Nizam Pur, FIR no. 185 dated 12-7-2019 u/s 324/353/427/5EXP/15AA/148/149/PPC/7ATA PS Nizam Pur.
- **Criminal history of accused MeemBadshah s/o Din Badshah**  
FIR no. 50 dated 18-4-2009 u/s Haraba 17(03)/512 PS Nizam Pur, FIR no. 44 dated 26-2-2019 u/s 395/411/512 PPC PS Nizam Pur
- **Criminal history of accused Mir Hassan**  
FIR no. 180 dated 27-10-1999 u/s 324/334/34 PPC PS Gumbat
- **Criminal history of accused/killedNiaz Ali Shah s/o Niamat Ali Shah**  
FIR no. 354 dated 23-11-2011 u/s 13AO PS Nizam Pur

**NOTE:** In case FIR no. 170 dated 25-6-2019 u/s 353/302/324/404/148/149/ PPC 7ATA PS Nizam Pur, two Police officials were martyred while two got injured. While, In FIR no. 185 dated 12-7-2019 u/s 324/353/427/5EXP/15AA/148/149/PPC/7ATA PS Nizam Pur, accused Amjid S/o Khan Badshah was killed.

Keeping in view of the above facts the under signed came to the conclusion that:-

1. Both the cases i.e.FIR no. 200 dated 10-5-2016 u/s 400/401/148/149/15AA PS Gumbat, FIR 201 dated 10-5-2016 u/s 324/353/148/149/15AA had been registered correctly. If the investigation officer had investigated the case effectively from all the aspects, the court would not have declared the case FIR no. 200 as bogus and fake.
2. Investigation officer has neither brought the DD report of chowkiShadi Pur on the record nor has he given effective places/locations to the Police party in the site plan, who had fired in their self-defense.
3. All the accused are the members of notorious criminal Gul e Mani Gang. Several cases have been registered against them in different Police Stations (copies of FIRs enclosed).
4. The place of occurrence is a Dirt road (kacchi sarrak), which leads from Gumbat towards Nizam Pur the native place of the accused, the IO has not described this point in the site plan.

The investigation officer neither investigated the case effectively nor has he answered correctly in the court while recording his evidence. So I came to the conclusion that in the case acquittal of the accused is just because of substandard investigation/evidence. The encounter with the above mentioned professional criminals was genuine and the action of the complainant of the case, SI Waqar Ahmed along with the Police party is correct. Investigation officer of the case SI Tahir Nawaz is considered guilty for his substandard investigation.

Submitted please.

*Signature*  
*Submitted for file*  
*and further notes*  
*18/10*  
*SI Tahir Nawaz*  
*Charge Sheet*

Superintendent of Police,  
Investigation Wing, Kohat.

*Refusal please.*  
*5/10/20*

## بیان اذان وقار احمد SHC

فتاویٰ عالی؟

مورخہ 10/5/1957 کو سن SHC کیسٹ ASI ایچارج ہوگی شادی پوری  
 تعینات تھا کہ بوقت تقریباً 12:00 بجے جناب SHC صاحب تھانہ ٹیکسٹائل  
 ہاؤس میں بڈز کے ڈیپارٹمنٹ کے آفس میں کمر ڈیپارٹمنٹ کے آفس میں جنرل ڈکٹریٹ  
 گروپ نمبری کی کمیٹی سے اجلاس کئی شہان میں موجود ہیں آپ ASI سے  
 تقریب کے فوراً ڈیپارٹمنٹ کے آفس میں اس دوران دوبارہ جناب SHC صاحب سے  
 بڈز کے ڈیپارٹمنٹ کے آفس میں اطلاع دی کہ ساتھیوں کے ساتھ علامہ میر شہاد (2) ایچ  
 ولد خان بادشاہ (3) مسٹر یاد شاہ عیوب خان ولد شاہ علامہ میر شہاد (2) ایچ  
 وارث گل (5) نیاز علی شاہ ولد نعمت علی شاہ (4) میر زرین ولد سلیم شاہ  
 پیران نظام پور (7) میر حسن ولد تناب گل کے ڈھونڈنے کے حوالے سے  
 مقدمہ عدالت (200) مورخہ 10/5/1957 مورخہ 148-149-400-401-154A کے ساتھ ٹیکسٹائل  
 ارسال کیا ہے اور دو ساتھیوں (1) حسین گلہن شاہ (2) ایچ ولد خان گرفتار  
 کیے ہیں اور تھے بڈز کے ڈیپارٹمنٹ کے آفس میں اطلاع دی کہ میرا خان ASI سے تقریب ایک پارٹی  
 میں SHC سے تقریب دوسری پارٹی اور آپ ایچ آر ایچ شادی پر تقریب پارٹی  
 حلقہ بھر کے حوالہ شدہ ملازمین کی تعاقب اور گرفتاری کو تعیناتی بنانے کی صورت  
 کی اور سن ASI کو علاقہ شادی پور اور بڈز کے ڈیپارٹمنٹ کے آفس میں گرفتار  
 اور ڈھونڈنے پارٹی پر تقسیم کیا سن ASI نے اساتذہ پڑھنے اور تھیں  
 پولیس کیساتھ حوالہ دیے گئے اور رابطے شروع کئے اور ملازمین کی سرچ و تلاش  
 شروع کی شام کے قریب ڈیپارٹمنٹ کے آفس میں ایک ذاتی واقعہ کار نے بڈز  
 کے ڈیپارٹمنٹ کے آفس میں اطلاع دی کہ ڈیپارٹمنٹ کے آفس میں حوالہ دیا گیا  
 کسان یا سلعے جات نظام پور پہاڑ یا سلعے ہیں اطلاع کے پیش نظر بڈز  
 پولیس کے جات راستہ اور بڈز کے ڈیپارٹمنٹ کے آفس میں حوالہ دیا گیا  
 حوالہ دیا گیا جس نے SHC صاحب کو بڈز کے ڈیپارٹمنٹ کے آفس میں اطلاع دی کہ گرفتار  
 ملازمین کے ساتھ بلا موجود اور جات نظام پور پہاڑ کی طرف جارہے ہیں  
 پولیس پارٹی ملازمین کے قریب پہنچ چکے ہیں SHC صاحب کا حوالہ دیا گیا  
 ملازمین کا تعاقب کریں اور میں کم تقریب پولیس موقع کی طرف آ رہے ہیں

## بیان اذان و قاریان SHC

جناب عالی؟

موقعہ 10<sup>5</sup>/<sub>16</sub> کو سن SHC کیفیت ASI انچارج چوکی سٹارڈ پور  
 نسبتاً جا کم بوقت تقریباً 12:00 بجے جناب SHC جناب خان ملک انگریز  
 عاودہ خان نے بذریعہ وائزلیس اطلاع دی کہ دیپہ کیری شیخان میں چند ڈکیت  
 گروہ لہری کی نسبت سے بلقاع کیری شیخان میں موجود ہیں آپ ASI بلع  
 لہری کے فوراً دیپہ کیری شیخان آئیں اس دوران دوبارہ جناب SHC جناب  
 بذریعہ میسجیل فون اطلاع دی کہ ساترمان (1) گلشن شاہ ولد میر شاہ (2) اچھا  
 ولد خان بادشاہ (3) مسیم بادشاہ عرفان یلادشاہ ولد دین بادشاہ (4) عبد  
 وارث گل (5) نیاز علی شاہ ولد نعمت علی شاہ (6) میرزورین ولد علی شاہ  
 پیران نظام پور (7) میر حسن ولد شاہ گل کام ڈھوک گھر کے حلقہ میں نے  
 مقربہ عدلت (200) موقع 10<sup>5</sup>/<sub>16</sub> ہرم 148-149-401-400 P.C. خان ملک سٹارڈ  
 15AIA  
 ارسال کیا ہے اور دو ساترمان (1) گلشن شاہ (2) اچھا خان گرفتار  
 کئے ہیں اور چھ بذریعہ وائزلیس اطلاع دی کہ ساترمان ASI بلع لہری ایک پارٹی  
 سن SHC بلع لہری دوسری پارٹی اور آپ ایچ اے انچارج شاہی پور، تیسری پارٹی  
 حلقہ میرنگے خرار مشدہ ملزمان کی تعاقب اور گرفتاری کو یقینی بنانے کی عہدہ  
 کی اور سن ASI کو علاقہ شادی پور روہدہ نظام پور سائڈ ملزمان کی گرفت  
 اور ڈیپہ نرنے پارٹی پر تعہد کیا سن ASI نے امدادیان پولیس اور تحصیلدار  
 پولیس کیساتھ میسجیل فون پر رابطے شروع کئے اور ملزمان کی سرچ و تلاش  
 شروع کی شام کے قریب دیپہ لہری سے متعلقہ ایک ذاتی واقعہ کار نے ہذا  
 میسجیل فون اطلاع دی کہ دیپہ لہری سے متعلقہ قریب خواہہ بیابانہ میں دستگیر  
 کیا گیا ہے جسے جانب نظام پور پہاڑ جا رہے ہیں اطلاع کے پیش نظر بلع لہری  
 پولیس کے جانب راستہ روہدہ نظام پور خواہہ بیابانہ جا کر دیکھا کہ کامیاب  
 چارپے تھے جس نے SHC جناب کو بذریعہ وائزلیس اطلاع دی کہ فرار شدہ  
 ساترمان بلقاع بلا موجود اور جانب نظام پور پہاڑ کی طرف جا رہے ہیں  
 پولیس پارٹی ملزمان کے قریب پہنچ چکے ہیں SHC جناب کی ہدایت کی کہ  
 ملزمان کا تعاقب کریں اور میں بلع لہری پولیس موقع کی طرف آ رہے ہیں



میں نے پھر موجودہ فوری امتیاز 983 - غنیمت لائبریری 1253 ، نظراحتیال پر  
 تاحیرت ملزمان کو ملکارا اور گرفتاری دینے کا کہا مگر ملزمان پارٹی  
 گرفتاری دینے کی بجائے ہم پولیس پارٹی پر بار بار قتل خاترنیک شروع کر  
 15/5 سنٹ خاترنیک کا تبادلہ جاری رہا کہ دو ملزمان نظام پور پیارٹی ایئر  
 میں لہجہ چکر ہوئے جبکہ دو ملزمان سیان ④ سیزگل ولد عمر گل ② پیدروزی  
 ولد غلام شاہ کو یا مسلح گرفتار کر کے جن کے قبضے سے اسلم ایمریشن برائے سر کی جبکہ  
 ایک ملزم ہرک شردہ یا مسلح کورنگ پٹا خا سے اسلم ایمریشن قبضے پولیس کر کے  
 گرفتار شدہ ملزمان نے نظار کیا کہ ہرک شردہ ملزم نیاز علی شاہ ولد لغوی خلتار  
 پیارا سا تھی ہے اور دو ملزمان ہمارے ساتھی کو پیپے سے 500 سے گرفتار کئے  
 ہیں جبکہ سیان ⑤ میم بادشاہ عرف لڑن بادشاہ ولد دین بادشاہ ساکان نظام  
 ② میر حسن ولد شتاب گل کے ڈھونڈ کر جو موقع سے فرار ہوئے ہیں کے خلد عرف  
 بکرم  $Po \frac{324-353-148-144}{15AA}$  ارسال خاترنیک کر کے ہیں پر بقاعدہ مقدمہ عدالت  
 201 مؤقف  $\frac{105}{16}$  جرم  $Po \frac{324-353-148}{149-15AA}$  خاترنیک ڈرج رجسٹر ہو چکے  
 ہے بلاک شدہ ملزم کے پوسٹ مارٹم کے کالیزات مرگ مرتب کر کے RHC طلبت  
 بیکروائی موقع پر جاری فوری پولیس پولیس لائن خاترنیک SHeS بھی ملزم Po  
 ہوا ہے اور SDPO صاحب موقع پر آئے بظاہر ملزمان کی تدریس کی گئی مگر رات  
 کی اندھیرا ہونے کی وجہ سے جناب DPo صاحب نے جیل فوری کو کلوز کرنے کی  
 ہدایت کی جہاں تک ملزمان کا تعلق ہے حیرم اشتہاری گلوسن شاہ سے  
 پیران نظام پر جو اپنے علاقہ میں بدنام زمانہ ڈکیت دیگر ختلف  
 کے قتل اقدام قتل گروہ کے کمان ہیں اور ختلف علاقوں میں جاگیر  
 ڈکیتی رہتی ، آخرت پر قتل چھپرہ کے واردات کرتے ہیں جن کے خلد  
 ختلف مقدمہ میں ختلف نوعیت کے مندرجات پہلے سے درج رجسٹر ہو  
 ہیں اور پولیس مقابلے بھی ان سے ملزمان نے کر کے پولیس ملکارا  
 شہید بھی کر چکے ہیں ملزمان گلوسن شاہ پارٹی کے خلد کافی  
 درج رجسٹر ہو چکے ہیں جس میں کچھ مستندات کے بقول FIR لہا  
 ہیں۔ جہاں تک ملزمان کا بے گناہی کا یا جعلی پولیس مقابلے  
 ہے اس میں کچھ حقیقت نہیں ہے ملزمان کے کردار کا درج

سے واضح معلوم ہوتا ہے کہ ملازمت سے معطل کر کے اور فالوں  
 عناصر ہیں جہاں تک جعلی پولیس معافیہ کا تعلق ہے ملازمت پارز  
 400-401-148  
 149-ISA  
 53-302324  
 104-148-149-ISA  
 7ATA  
 200 مورخہ 10/5/16 جرم  
 170 مورخہ 25/6/19 جرم  
 نظام پر ضلع نوشہرہ پولیس کیس کا معافیہ لکھے ہیں میں پولیس کے  
 کنٹرول زمری اور دو جوان موقع پر شہید ہوئے تھے اور شہید کنٹرول سے  
 سرکاری SMO بھی لکھے تھے جہاں جرم مقدمہ عدالت 85 مورخہ 12/7/19 جرم  
 324-353-427-SEXP-ISA-148-149-7ATA  
 دیگر ساتھیوں کے پولیس معافیہ میں ہدایت ہو چکی ہیں اس میں SMO  
 دیگر نفری پولیس کی دیگر کسی قسم کی بددیہتی یا ذاتی عناد شامل نہیں ہے  
 صرف و صرف کارسز کار کی ڈیوٹی سرانجام دیکر ایمانداری سے اپنا فرض نبھایا  
 ہے یہ صراحتاً بیان ہے۔

7

S/O-Darra A.K.

Attested

E.O/SP/...

در 6 ساله اولی 1000000 ریال  
در 7 ساله دومی 1000000 ریال  
در 8 ساله سومی 1000000 ریال  
در 9 ساله چهارمی 1000000 ریال  
در 10 ساله پنجمی 1000000 ریال  
در 11 ساله ششمی 1000000 ریال  
در 12 ساله هفتمی 1000000 ریال  
در 13 ساله هشتمی 1000000 ریال  
در 14 ساله نهمی 1000000 ریال  
در 15 ساله دهمی 1000000 ریال

در 16 ساله یازدهمی 1000000 ریال  
در 17 ساله چهاردهمی 1000000 ریال  
در 18 ساله پانزدهمی 1000000 ریال  
در 19 ساله شانزدهمی 1000000 ریال  
در 20 ساله هجدهمی 1000000 ریال  
در 21 ساله نوزدهمی 1000000 ریال  
در 22 ساله بیستمی 1000000 ریال  
در 23 ساله بیست و یکمی 1000000 ریال  
در 24 ساله بیست و دو می 1000000 ریال  
در 25 ساله بیست و سه می 1000000 ریال

در 26 ساله بیست و چهارمی 1000000 ریال  
در 27 ساله بیست و پنجمی 1000000 ریال  
در 28 ساله بیست و ششمی 1000000 ریال  
در 29 ساله بیست و هفتمی 1000000 ریال  
در 30 ساله بیست و هشتمی 1000000 ریال  
در 31 ساله بیست و نهمی 1000000 ریال  
در 32 ساله بیست و دهمی 1000000 ریال  
در 33 ساله بیست و یازدهمی 1000000 ریال  
در 34 ساله بیست و دهمی 1000000 ریال  
در 35 ساله بیست و یکمی 1000000 ریال

در 36 ساله بیست و دو می 1000000 ریال  
در 37 ساله بیست و سه می 1000000 ریال  
در 38 ساله بیست و چهارمی 1000000 ریال  
در 39 ساله بیست و پنجمی 1000000 ریال  
در 40 ساله بیست و ششمی 1000000 ریال  
در 41 ساله بیست و هفتمی 1000000 ریال  
در 42 ساله بیست و هشتمی 1000000 ریال  
در 43 ساله بیست و نهمی 1000000 ریال  
در 44 ساله بیست و دهمی 1000000 ریال  
در 45 ساله بیست و یکمی 1000000 ریال

در 46 ساله بیست و دو می 1000000 ریال  
در 47 ساله بیست و سه می 1000000 ریال  
در 48 ساله بیست و چهارمی 1000000 ریال  
در 49 ساله بیست و پنجمی 1000000 ریال  
در 50 ساله بیست و ششمی 1000000 ریال  
در 51 ساله بیست و هفتمی 1000000 ریال  
در 52 ساله بیست و هشتمی 1000000 ریال  
در 53 ساله بیست و نهمی 1000000 ریال  
در 54 ساله بیست و دهمی 1000000 ریال  
در 55 ساله بیست و یکمی 1000000 ریال

1544 324 353  
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148.149

تعداد کل 105  
1076

حال کنر DSP نہی

جلفا بیان لیا کہ روز و توں مورخہ 016-5-10 کو میں مع و ماہ

الجارج چوکی شاہی پور کینا کو موقع پر موجود تھا کہ اس

میں 5 بجے کسان مسلح آتے ہوئے ASI صاحب نے ان کو

اور گرفتاری پیش کرنے کو کہا جس پر وہ کسان نے گڑ

سے بچنے کیلئے ہم پولیس یازٹی پر بالادہ قتل ماسٹرنگ

کی۔ پوران ماسٹرنگ ایک شخص تک کر گیا۔

15/20 منٹ ماسٹرنگ کے بعد 62 مسلح کسان ضرار ہوئے

جیلہ دو کسان کو مسلح ہما لو کر کے غیر مسلح کر کے گڑ

پئے۔ جیلہ علاقہ شدہ شخص کا نام نیاز علی شاہ تھا

تو گرفتار شدہ ملزم عدزنگ کے قبضہ سے ایک ضرب اسٹول

بعد مہرنیکس چارجر معمول 57 عدد کارٹوس جیلہ ملزم

سید زین کے قبضہ سے ایک ضرب اسٹول 303 بوز مع

25 عدد کارٹوس برآمد ہوئے اور بلاک شدہ ملزم نیا

سے ایک ضرب ملاشلوف مہرنیکس چارجر معمول 17

کارٹوس 7-62 بوز برآمد ہو کر قبضہ پولیس پئے

یہ پیر بیان ہے

انٹیشنل ظفر میاں متعین کنر DSP سی

03453419866

بیان ازان کا ٹیبل استیٹمنٹ 963 متعین ہوگی جو

حال بنگلم ڈیٹی ٹکسٹ کوہاٹ

حلفاً بیان کیا کہ روز وقوعہ میں موقع پر وقار احمد ASI اور

پولیس پوسٹ سٹادی پور موجود تھا کہ کسی کسان جو ہماری طرف

آ رہے تھے۔ وقار احمد ASI صاحب نے ان کو روک دیا اور گرفتاری

پیش کرنے کیلئے لنگار۔ جس پر کسان نے پولیس پارٹی کو

دیکھ کر اندھا دھند فائرنگ شروع کی نتیجہ کنٹرول پر ہم

پولیس پارٹی پھرے بھی حق حفاظت خود اختیاری اور جان بچان

کنیا طر فائرنگ کر کے 20/15 سنٹ تک فائرنگ کا سلسلہ

چاری رہا۔ جب فائرنگ بند ہوئی۔ تو ایک شخص تنگ کر کے

پڑا تھا۔ دو کسان فرار ہوئے جبکہ موقع پر دو کسان کو قابو

کر کے غیر مسلح کر کے گرفتار کیے۔ جبکہ صدر، مشورہ، ملزم کاٹا

نواز علی شاہ تھا۔ اس کے متعین سے ایک ضرب قلم شکوف 762 پور

سپر چارجر (17) عدد مارٹنوس 762 پور پر آفد کر کے پروٹا

ضرر قبضہ پولیس کے پر سر ایوان ہے استیٹمنٹ 963

ٹیکسٹ کوہاٹ

35 87 907 334

بیان اذان سائنس نامہ 993  
صلى الله عليه وسلم  
صلی اللہ علیہ وسلم

فلما بانوا بانهم من قوم مضى ۱۵۱۶  
ایا راجع بولیں جو یہ بتا رہے ہیں کہ سابقہ وضع اور طریقہ کار پر کسی کو گمان ہے  
۱۸۹۱ کے وقت اس کے ان قواعد اور ضوابط سے جو کہ کئی ملکوں  
کے گمان کے ترسیل سے یہ کہہ سکتے ہیں کہ ان کے لیے یہ سب سے زیادہ  
مشورہ کی جائے گی۔ یہ سب سے زیادہ مشورہ کی جائے گی۔  
۱۵/۱۸۹۱ کے وقت کے اور وہ ملکوں کے لیے یہ سب سے زیادہ  
مشورہ کی جائے گی۔ یہ سب سے زیادہ مشورہ کی جائے گی۔  
۱۸۹۱ کے وقت کے اور وہ ملکوں کے لیے یہ سب سے زیادہ  
مشورہ کی جائے گی۔ یہ سب سے زیادہ مشورہ کی جائے گی۔  
۱۸۹۱ کے وقت کے اور وہ ملکوں کے لیے یہ سب سے زیادہ  
مشورہ کی جائے گی۔ یہ سب سے زیادہ مشورہ کی جائے گی۔

۱۸۹۱ کے وقت کے اور وہ ملکوں کے لیے یہ سب سے زیادہ  
مشورہ کی جائے گی۔ یہ سب سے زیادہ مشورہ کی جائے گی۔  
۱۸۹۱ کے وقت کے اور وہ ملکوں کے لیے یہ سب سے زیادہ  
مشورہ کی جائے گی۔ یہ سب سے زیادہ مشورہ کی جائے گی۔  
۱۸۹۱ کے وقت کے اور وہ ملکوں کے لیے یہ سب سے زیادہ  
مشورہ کی جائے گی۔ یہ سب سے زیادہ مشورہ کی جائے گی۔

(۱۸۹۱)

5346. 5562406.

بات انان سرخان ای دلال الوسلی آسن اچارخ تکانہ

بذریعت بیان کیا کہ خورد 15/75 کو نہیں غیب سفری لو اسی 540 بہادر خان  
 نے ساتھ چونکہ آواز ASI تکانہ کی یہ موجود ہے کہ 540 کو اطلاع ملی کہ خرید  
 کسان جو ڈکتی کی غسرت سے تکانہ قیام الکتھا انٹری سخان میں موجود ہیں۔  
 اطلاع میں 540، آواز ASI سے دیگر سفری لو اسی خوراجات  
 وقوع کی جانب روانہ ہو کر 5110 بہت بڑا جبر واکر اسی نوبل  
 وقارخان ASI اچارخ ساری لوگ کو موقع پر آسنکی مراثی کی. ٹوٹی  
 بھارتے باریٹی لی 540 برقی پر آسن۔ نو کسان کی قافلے سے دو موٹر  
 سٹیکل سٹڈا پر آسن۔ جن کو کھسرا کر کے قابل کر کے انکے اٹیا  
 نام ثقی من شان ولد عسیر شہان سکندہ بدران نظام اور نوشہر جگر مرست  
 نے انیانا نام اجمیر ولد خان بارسناہ سرگنہ کھسرا کردے نظام اور مبتلا با  
 جا. تکرسی لینے پر ثقی من شان کے قبضہ سے انکے ضرب استول 20 قبو  
 حصہ 15 عدد کارٹوس 70 بوز برآند کر کے بروٹ ضرورت لولس میں  
 خریکے ہر دو کسان کو 540 مہارت سرسری انٹاروگٹ کر کے خیل  
 نے ظاہر کیا کہ واقعی ہم ڈکتی کی شناخت ہو جو رتے اور باقی شریک  
 اور سرار مشہد کسان کے کام ذیل بتلائے 1. لوف بارسناہ ولد میں باسناہ  
 (2) مشرق ولد عسیر (3) نیاز غلیشاہ ولد افند علیشاہ (4) مسدیزین  
 وار علیہ شاہ ساکنان بدران نظام اور (5) مسدیزین ولد خان محل سکندہ  
 ڈھوک و کھسرا تکانہ گسٹ جو موٹی سے نکلے ہوئے EP 540 ہے  
 کسان قرار شدہ اور گرفتار شدہ کھسرا لولس کے تمام کے تمام  
 تحریر کر کے تمام ارسال کیا اور اسی کے پاس لولس کے پاس  
 400/401/15AA  
 198-144  
 گوئی بذر ایچ واکر اسی اطلاع دی سر فزائیت مہراں ASI جوئی سارڈیو  
 لولس میں بارشوں میں تقسیم ہو کر ایک باریٹی کی شناخت سے  
 جانا گیا باریٹی کی شناخت میں ہی اور انکے بارشوں کی شناخت سے  
 اپنی قتا. لولس کے بارشوں کی شناخت میں ہی اور انکے بارشوں کی شناخت سے  
 نے بذر ایچ واکر اسی اطلاع دی کہ 17/75 کے وقارخان ASI

میان اڈان کانسٹیبل عہدہ اللہ شاہ 1958 منصفہ چوٹی شادی پور

حلفاً بیان کیا کہ روز بروز میں موقع پر وقار احمد Asi اڈان

چوٹی شادی پور موجود تھا کہ آسان بمقام طور سے کہ کھڑے

پورے Asi صاحب نے ملزمان پر روئے اور شادی پور کی سبلی آ

تو ملزمان نے یوں ہی کو دیکھتے تھے تاثر تھا سرورہ آسی پور

نے بھی حق تعالیٰ خود اختیار کیا عالم فائزنگ کرے بدوں نا

ایک سٹیٹنگ کر کے اور آسان صلح غنیمت پورے اور

باصلح قابو کر کے غنیمت صلح کر کے شادی پورے پھلاں شہرہ

کانام نیاہ علیشاہ تھا کہ شادی پورہ ملزم غنیمت کے عہد

ایک برس پورے 30 پورے غنیمت چار برس 7 عدد کاروں 30

حکیم سپر فزمن کے عہد سے ایک غنیمت رائل 303 پورے پورے

20 عدد کاروں 303 پورے شادی پورے غنیمت پورے

حکیم کے عہد سے ایک غنیمت ملزم شادی پورے غنیمت چار برس

عدد کاروں 303 پورے غنیمت پورے پھلاں شہرہ علیشاہ

مورتی حال Asi صاحب نے تیار کر کے RHC مکیش پورے پورے

Dead bank ٹولٹ لے کر فائزنگ کرتے ڈاکٹر صاحب کو حوالہ دے

ڈاکٹر صاحب نے پوسٹ فارم تیار کر کے لیے حوالہ دیا جو بعد میں لٹو

نے حوالہ دیا ہے عہدہ بیان ہے

اسوفا کانسٹیبل عہدہ اللہ شاہ 1958 منصفہ چوٹی شادی پور  
CID / Techt 0333 9629477



بیان آذان جاوید خان انگریز SHo کے گٹھ کا

انٹرنیٹ

نے بیان کیا کہ 2016ء میں جسٹس انگریز SHo کے نام  
گٹھ کی بنیاد رکھی گئی۔ جو کہ 10/16 صوبہ بھول گٹھ  
پر قائم کی گئی ہے۔ اس کے ذریعہ دی گئی چند کسان عام  
عیقہم رورنگلہ کڑی شیخان جندوہ کا گٹھ میں  
اور عیقہم قابل دست اندازی کا جسٹس سے جو عیقہم  
پر اس کا نام A81 ایف جی جو کہ خوشامگاہ ہے جو نوی لوہی  
آباز خان کے نام گٹھ میں جو نوی لوہی کو سہارا کے عیقہم  
بانہ کے طرف روانہ ہوئے۔ اور وہاں A81 کو نیرافح طور  
عیقہم بانہ جو نوی خوراک کا کیا۔ جو نوی میں جو نوی کے  
عیقہم بانہ لوہی، دو کسان جو وہی شیکلو ہینڈلر کا  
نوی کے آئے ہو تاکہ ایک اینیٹام گل من شاہہ فرما  
کے پیران نظام پور میں نو شہرہ جگہ دو کرے اینیٹام  
انہی خان ملہ خان بارہا کے نام نظام پور شہرہ کا۔ جامع  
ملہ خان بارہا کے قبیلے سے ایک۔ لیول 30 پور  
ملہ خان عیقہم شہرہ پور لیول 15 ملہ خان پور 30 پور  
انہی ملہ خان کو جو عیقہم انہی انہی کے  
جسٹس قابل دست اندازی کا جسٹس اور انہی کے جسٹس  
انہی جو عیقہم انہی کے۔ جو اور انہی کے جسٹس کے نام  
انہی جو عیقہم انہی کے۔ جو اور انہی کے جسٹس کے نام

② منبر گل و گل منبر گل ③ نیاز علی گاہ در وقت ہفت ماہ

در علم ماہ ناکتبان پیران قلام لور ضلع نوشہرہ۔

⑤ مرحوم در خراب منبر گل سک۔ ڈھوکہ قمر ملک ظاہر۔

گفتار شدہ مزان اخبار شدہ مزان کے حریف ہوا

148249 - 404/401 دہ اسم ارمال سک نام کی اور گروہ

18AA

مزان مع اسم دعوتیں آدو مورنا گل سک نام پڑھے۔ اور فہ

مزان کے گرفتار کے سلسلے میں لوہن پارا ③ گروہ میں نہ

کے۔ مزان کی تدریس شروع تھی۔ کا پارٹی پارٹی ③ کے اٹھا

Asi و مارطان نے المدخ ویرلو وائرس کی۔ خوار شدہ مزان

سابقہ عیام خوار پیام آفنا سے سوکر حاصل شروع ہے۔

عین فوری لوہن سہرا خانہ کے خوار و توجہ ہار کے ط

روانہ سوکر اس دوران و مارطان نے المدخ دیا کے

مزان سے مدخ گرفتار کے۔ جب دو خوار ہوئے۔ اور ایک بار

مزان بیک سو کر گیا ہے گرفتار شدہ مزان کے قبضے سے

ایکوف۔ لکھنؤ 30/05/2003 میں امیونٹس اور ایکوف 303 لوج

مع امیونٹس حکم بیکر میں کے قبضے سے ایکوف قدر ایکوف

بہتر ہو چکی تھی۔ جس کو توری حوض لوج طاء سہرا خانہ

کے گودام کے لیدر تھا۔ DPA و DSP کا اور دیگر سک

کے ہائیڈرو پلانٹ لوج آئے۔ جہنم اندھیرہ میں کی

وج سے مزان خوار شدہ کے تدریس سے مزان

کا تدریس کی۔ اور لوج بیکر کے سک

لبنه ملاک نفوس و کلوزی، حیالات و اوقات قصور

بعضی ہے جس میں خوش شہ و شہرین

ہے۔ مصلحتیں ہے و غیرہ

M. Jaffer

(54)



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT  
Tel: 0922-9260116 Fax 9260125

No. 13089 /PA dated Kohat the 26 / 08 /2019

To: - The Superintendent of Police,  
Investigation Wing Kohat


Subject: - DEPARTMENTAL / PENAL PROCEEDINGS AGAINST POLICE OFFICIALS

Memo:

Please refer to order of Honorable District & Sessions Judge, Kohat vide his office letter No. 67/DSJ, Kohat dated 08.08.2019.

2. The enclosed copy of judgment of the Honorable Court dated 03.08.2019 passed in case FIR No. 201 dated 10.05.2016 U/Ss 324, 353,399,402,148,149 PPC, 15 AA Police station Gumbat Kohat is sent herewith for inquiry in depth and fix responsibility as directed by the Honorable Court.

3. The enquiry be completed at the earliest and submit report for compliance of the order please.

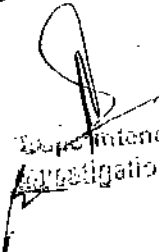
  
DISTRICT POLICE OFFICER,  
KOHAT

No. \_\_\_\_\_ /PA

Copy of above to is submitted to the Honorable District & Session Judge Kohat for favour of information w/r to above quoted order please.

DISTRICT POLICE OFFICER,  
KOHAT

*Reads  
for n. action*

  
Superintendent of Police  
Investigation Wing, Kohat



Arno-4  
55

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

Tel: 0922-9260116 Fax 9260125

## ORDER

This order passed on the departmental enquiry against SI Tahir Nawaz under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that in compliance with the Judgment / Order of Session Judge Kohat in case FIR No. 201 dated 10.05.2016 u/s 324,353,399,402,148,149 PPC / 15 AA PS Gumbat, In enquiry was conducted through SP Investigation Kohat.

ii. As contemplated by the enquiry it has been reported that the encounter was genious and SI Tahir Nawaz the then O.II being investigating officer held guilty for his substandard investigation.

iii. From the above he had conducted very defective investigation, not brought the relevant evidence on record due to which the entire investigation / prosecution case was vitiated, thus he has exhibited willful inefficiency, professional misconduct and caused embarrassment as well.

He was served with charge sheet & statement of allegations, SP Operations Kohat was appointed as enquiry officer to proceed against him departmentally. Enquiry officer submitted his finding report and found him guilty of the charges leveled against him.

The defaulter official was called in O.R and heard in person, but failed to submit any plausible explanation.

In view of above I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, award him a minor punishment of "stoppage of increment for the period of two years with cumulative effect" with immediate effect.

DISTRICT POLICE OFFICER,  
KOHAT 28/11

OB No. 1602  
Date 29-11-2019

No. 510.51-53/PA dated Kohat the 29-11-2019.

Copy of above to the:-

1. Reader/Pay officer/SRC/OHC for necessary action.

POLICE DEPTT:

*Ans - D (56)*

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal, moved by SI Tahir Nawaz of Kohat district against the punishment order, passed by DPO Kohat vide OB No. 1602, dated 29.11.2019 whereby he was awarded minor punishment of stoppage of two increments with cumulative effect on the allegations of poor / faulty investigation conducted by the appellant in case vide FIR No. 201, dated 10.05.2016 u/s 324, 353, 399, 402, 148, 149 P / 15-AA, PS Gumbat.

He preferred an appeal to the undersigned upon which comments were obtained from DPO Kohat and his service documents were perused. He was also heard in person in Orderly Room, held on 25.06.2020. During hearing, he did not advance any plausible explanation in his defense to prove his innocence.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved. Being O.I.I, he conducted poor / faulty investigation upon which the Court took serious notice of this laxity. Therefore, his appeal being devoid of merits is hereby rejected.

**Order Announced**  
25.06.2020

*JH Ce*  
(TAYYAB HAFEEZ) PSP  
Region Police Officer,  
Kohat Region. \*

No. 6878 /EC, dated Kohat the 6/7 /2020.

Copy to DPO/Kohat for information w/r to his office Letter No. 22696/LB, dated 26.01.2020. His Fauji Missal / Enquiry File is returned herewith.

*SRC/1010-C*  
*per m. s*

*JH Ce*  
(TAYYAB HAFEEZ) PSP  
Region Police Officer,  
Kohat Region. \*

*[Signature]*  
Kohat 6/7/2020



*17*

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. SI/ 1250-60/21, dated Peshawar the 22/03/2021.

ORDER

(57)

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by SI Tahir Nawaz. The petitioner was awarded punishment of stoppage of increment for the period of two years with cumulative effect by District Police Officer, Kohat vide OB No. 1602, dated 29.11.2019 on the allegations that in compliance with the judgment/order of Session Judge, Kohat in case FIR No. 201, dated 10.05.2016 u/s 324, 353, 399, 148, 149 PPC/15 AA PS Gumba, an enquiry was conducted through SP, Investigation, Kohat.

Annex E

ii. As contemplated by the enquiry it has been reported that the encounter was genuine and SI Tahir Nawaz the then O.II being Investigation Officer held guilty for his substandard investigation.

iii. From the above he had conducted very defective investigation, not brought the relevant evidence of record due to which the entire investigation/prosecution case was vitiated, thus he has exhibited willful inefficiency, professional misconduct and caused embarrassment as well.

EC  
29/3

His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 6878/EC, dated 06.07.2020.

Meeting of the Appellate Board was held on 25.02.2021, wherein the petitioner was present and heard in detail.

No new defence has been offered by delinquent officer. The Regional Police Officer, Kohat had already rejected his appeal. Since, there is no new defence, therefore, the Board decided that his petition is hereby rejected.

SPE  
for 201 memo

Sd/-  
KASHIF ALAM, PSP  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI/ 1251-60/21,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. (Two Service Books, one Service Roll and one enquiry file (containing 123 pages) of the above named SI received vide your office Memo: No. 14058/EC, dated 05.10.2020 is returned herewith for your office record. DPO Kohat
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-III, CPO Peshawar.
8. Officer concerned.

For information of the  
service record w/r to  
this letter No. 12260/ECB dt  
26.9.2021

4315  
21-3-21

(RAJIBABAR SAEED) PSP  
Deputy Inspector General of Police, HQrs:  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

(2)

23076  
1/6/2021

To

The Deputy Inspector General of Police,  
Kohat Region Kohat.

*Amir F*

(58)

Through Proper Channel

**Subject:** Appeal u/r 11 of The Khyber Pakhtunkhwa Police Rules 1975, against the Impugned order of W/DPO Kohat vide OB No. 1602 dated 29-11-2019.

**PRAYER:**

On acceptance of this appeal the impugned order may kindly be set aside.

Respected Sir,

The appellant submits the following for favour of consideration on merit.

**FACTS:**

1. That on 10-05-2016 an encounter took place between police and dacoits in the jurisdiction of P.S Gumbat. Resultantly, one dacoit namely Niaz got hit and died.
2. In the view of above, a case vide FIR No. 201 dated 10-5-2016 u/s 324/353/399/402/148/149 PPC / 15AA P.S Gumbat was registered against the above named deceased and three others.
3. That during the days of occurrence the appellant was posted as OII in P.S Gumbat and the case was entrusted to the appellant for investigation.
4. That the appellant conducted fair and transparent investigation and on completion of investigation complete challan was submitted by SHO concerned to the prosecution for onward submission before the court for trial.
5. That the trial was commenced and the appellant appeared as PW and recorded his statement in the favour of prosecution. The Hon'ble court concluded trial and acquitted all the accused persons and declared the encounter fake vide judgment dated 03-08-2019 the Hon'ble court directed to DPO Kohat for necessary legal proceeding / inquiry, fixation of liabilities for single short murder of accused Niaz Ali Shah and there after taking the responsible to task both departmental as well as under the police law and general law of land, under intimation to this court



- 6. That in compliance with the judgment, preliminary inquiry was conducted through SP investigation Kohat. Instead of fixing responsibility for fake encounter as per the judgment Hon'ble court, appellant was held guilty for poor investigation.
- 7. That in pursuance of above regular inquiry was conducted against the appellant and again the appellant was held guilty.
- 8. Feeling aggrieved the instant appeal is filed on the following grounds.

**GROUND:**

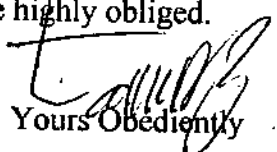
- A. That the impugned order is totally contrary to facts, law and rules. Therefore the same is liable to be set aside.
- B. That it is very amazing that the Hon'ble court has directed to enquire about the fake encounter but both the inquiry officers instant of enquiring the encounter held the appellant responsible for poor investigation.
- C. That as per judgment no observation remarks on investigation was passed by the Hon'ble court, nor the prosecution had made any observation during the trial and scrutiny of the case.
- D. That the proceedings conducted against the appellant are totally contrary to the facts, law and are based on misconception and malafide.
- E. That the inquiry was not conducted in according with law and rule.
- F. That the appellant was condemned unheard which is against the constitution and fundamental rights. Hence the impugned order is liable to be set aside.

**PRAYER:**




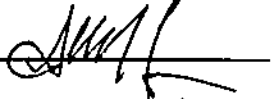
It is prayed that on acceptance of this appeal the impugned order may kindly be set aside to meet the end of justice. I Shall be highly obliged.

Dated 9/12/2019

تحریر علی  
مفتی محمد رفیع

  
Yours Obediently

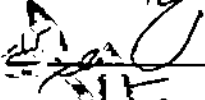
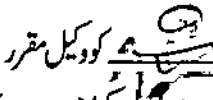
Tahir Nawaz SI Police Lines Kohat  
Appellant


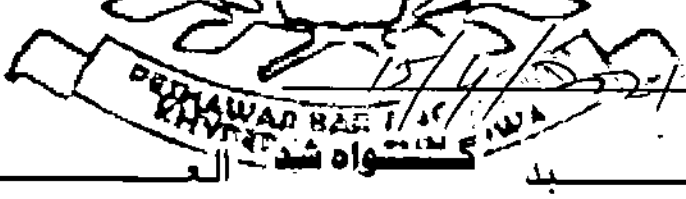
تاریخ 50 روپے	82953			
ایڈوکیٹ: 		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: RC-10-TTB3		رابطہ نمبر: 03328038220		

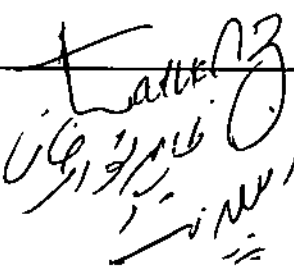
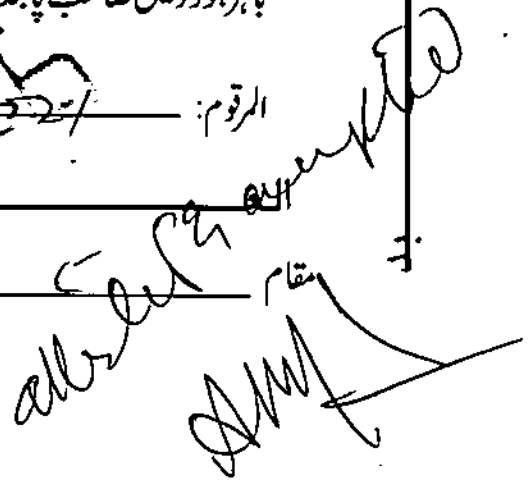
بعدالت جناب: سردس سر سول (پشاور) کے نام

مخانب: 	دعویٰ:
 <p>ظاہر کوثر بنام ایسوسی ایشن</p>	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

**باعث تحریر آنکہ**

متممہ مندرجہ عنوان بالا میں اپنی طرف سے درج ذیل بیروی و جواب دہ کی کارروائی متعلقہ  
 آن مقام   کو وکیل مقرر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرھنے 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 بیروی یا ڈگری یا طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و بیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کارروائی 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 باختیارات حاصل ہوں گے اور اس کا ساختہ برداشتہ منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانباً التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا احد سے  
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ بیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم:   
 15/11/2023  


کے لیے منظور ہے۔  

نوٹ: اس وکالت نامہ کی ذمہ داری نا قابل قبول ہوگی۔

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

---

**Service Appeal No. 5192/2021**  
**Tahir Nawaz**  
Ex-Sub-Inspector, District Kohat

.....Appellant

**VERSUS**

Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar & other

..... Respondents

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4.	Copy of enquiry report	B	06-07
5.	Copy of punishment order awarded by Respondent No. 5	C	08
6.	Copy of rejection order by respondent No.3	D	09
7.	Copy of rejection order by respondent No 2	E	10

Deponent

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

**Service Appeal No. 5192/2021**  
**Tahir Nawaz**  
Ex-Sub Inspector, Kohat

..... Appellant

**VERSUS**

Inspector General of Police,  
Khyber Pakhtunkhwa & others

..... Respondents

**REPLY BY RESPONDENTS**

**Respectfully Sheweth:-**  
**Preliminary Objections:-**

- a) That the appeal is barred by law.
- b) That the appeal is not maintainable in the present form.
- c) That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- d) That the appellant is estopped to file the instant appeal by his own conduct.
- e) That the appellant has not come to this Honorable Tribunal with clean hands.
- f) That the appellant has got no cause of action and locus standi to file the instant service appeal.

**FACTS:-**

- 1. Pertains to record.
- 2. Pertains to record.
- 3. Pertains to posting record of the appellant.
- 4. Incorrect. The appellant conducted poor investigation and did not bring the relevant evidence on record due to which the entire investigation / prosecution case was vitiated.
- 5. Incorrect. In compliance with the judgment/ order dated 03.08.2019 of Session Judge, Kohat in case FIR No. 201 dated 10.05.2016 u/s 324/353/399/402/148/149/15-AA PS Gumbat, Kohat, the enquiry was conducted through Superintendent of Police, Investigation, Kohat. As contemplated by the enquiry, it had been reported that encounter was genuine and the appellant, the then investigation officer held guilty for his faulty substandard investigation which resulted into

acquittal of all accused of case FIR No. 201. Furthermore, he had conducted very defective investigation and did not bring the relevant evidence on record due to which the entire investigation / prosecution case was vitiated, thus he had exhibited willful inefficiency, professional misconduct and caused embarrassment as well.

6. As already explained that in compliance with judgment dated 03.08.2019 of Session Judge, Kohat, Superintendent of Police, Investigation, Kohat was appointed as enquiry officer vide District Policed Officer, Kohat office Letter No. 13089/PA, dated 26.08.2019. Copy as **annexure A** for the purpose of deep inquiry and fixation of responsibility as per direction of the Honorable Court, Enquiry Officer conducted inquiry and submitted finding report. The appellant was found guilty of the charges leveled against him. Copy of inquiry report as **annexure B**.
7. The appellant was called in orderly room and heard in person but he badly failed to submit any plausible explanation in rebuttal of charges. Therefore, he was awarded with minor punishment of stoppage of increment for the period of two years with cumulative effect vide District Police Officer, Kohat office order dated 29.11.2019. Copy of order as **annexure C**.
8. The departmental appeal against order dated 29.11.2019 was rejected in Regional Police Officer, Kohat vide Letter dated 06.07.2020. Copy as **annexure D**. On the grounds that the appellant being investigation officer badly failed to conduct fair and transparent investigation upon which the court took serious notice of this laxity. The review petition against orders dated 29.11.2019 & 06.07.2020, was rejected by Additional Inspector General of Police HQrs, Khyber Pakhtunkhwa, Peshawar vide Letter No. S/1250-60/21, dated 22.03.2021. Copy of Letter as **annexure E**.
9. The appeal of the appellant is not maintainable on the following grounds.

**Grounds:-**


- A. Incorrect, the order passed are in accordance with law / rules / regulations.


- B. Incorrect, the orders passed by the authorities are in compliance with the judgment of learned Sessions Judge, Kohat, hence no need to be set aside.
- C. Incorrect, as already explained that encounter was genuine and in departmental inquiry it proved that the appellant badly failed to conduct fair and transparent investigation upon which the Court took serious notice of the laxity.
- D. Incorrect, the departmental proceedings conducting against the appellant are in accordance with facts and circumstances. Furthermore, no malafide intentions are involved in the instant case.
- E. Incorrect, the proper departmental inquiry was conducted in accordance with law / rules.
- F. Incorrect, appellant was heard in person in the orderly room and he badly failed to submit any plausible explanation in rebuttal of charges.
- G. Incorrect, appellant is not entitled to get any sympathetic consideration as he showed negligence while performing his official duty.
- H. Incorrect, as already explained above.
- I. The respondent may also be allowed to raise additional grounds at the time of hearing of the instant service appeal.


**Prayers:-**

Keeping in view the above stated facts and rules, it is therefore, humbly prayed that the appeal is not maintainable being devoid of merits, hence, may kindly be dismissed with costs, please.

  
District Police Officer,  
Kohat  
(Respondent No. 5)

  
Regional Police Officer,  
Kohat  
(Respondent No. 3)  
Regional Police Officer  
Kohat Region Kohat

  
Addl: Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 2)

  
Inspector General of  
Police,  
Khyber Pakhtunkhwa,  
(Respondent No. 1)

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

**Service Appeal No. 5192/2021**  
**Tahir Nawaz**  
Ex-Sub Inspector, Kohat

..... Appellant

**VERSUS**

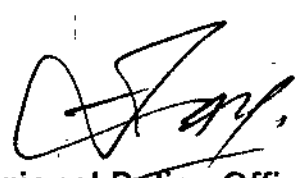
Inspector General of Police,  
Khyber Pakhtunkhwa & others

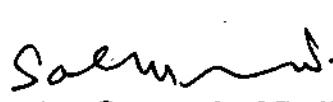
..... Respondents

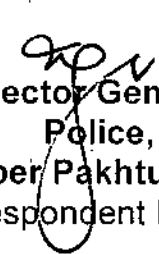
**COUNTER AFFIDAVIT**

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.

  
District Police Officer,  
Kohat  
(Respondent No. 5)

  
Regional Police Officer,  
Kohat  
(Respondent No. 3)  
~~Regional Police Officer~~  
Kohat Region Kohat

  
Addl: Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 2)

  
Inspector General of  
Police,  
Khyber Pakhtunkhwa,  
(Respondent No. 1)

271



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT  
Tel: 0922-9260116 Fax 9260125

No. 13089 /PA dated Kohat the 26 / 08 /2019

To: - The Superintendent of Police,  
Investigation Wing Kohat

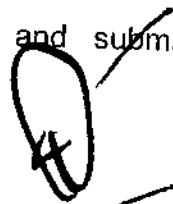
Subject: - DEPARTMENTAL / PENAL PROCEEDINGS AGAINST POLICE OFFICIALS

Memo:

Please refer to order of Honorable District & Sessions Judge, Kohat vide his office letter No. 67/DSJ, Kohat dated 08.08.2019.

2. The enclosed copy of judgment of the Honorable Court dated 03.08.2019 passed in case FIR No. 201 dated 10.05.2016 U/Ss 324, 353,399,402,148,149 PPC, 15 AA Police station Gumbat Kohat is sent herewith for inquiry in depth and fix responsibility as directed by the Honorable Court.

3. The enquiry be completed at the earliest and submit report for compliance of the order please.

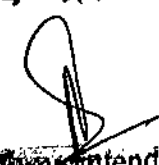
  
DISTRICT POLICE OFFICER,  
KOHAT

No. \_\_\_\_\_ /PA

Copy of above to is submitted to the Honorable District & Session Judge Kohat for favour of information w/r to above quoted order please.

DISTRICT POLICE OFFICER,  
KOHAT

*Reader,  
For n. action*

  
Superintendent of Police  
Investigation Wing, Kohat



(241) P-6  
Annex-B

**INQUIRY REPORT AGAINST SI TAHIR NAWAZ**

No. 1156 /PA-Ops

Dated 26 / 11 /2019

**FINDINGS**

This is in response of your good office Charge Sheet vide No.39096-97/PA Dated 04.11.2019.

**Constable SI Tahir Nawaz was charge sheeted the allegation below:-**

- (i) In compliance with the Judgment / Order of Session Judge Kohat in case FIR No. 201 dated 10.05.2016 u/s 324,353,399,402,148,149-PPC/15-AA PS Gumbat, an Enquiry was conducted through SP Investigation Kohat.
- (ii) As contemplated by the Enquiry it has been reported that the encounter was genuine and you SI Tahir Nawaz the then OII being Investigation officer held guilty for your substandard investigation.
- (iii) From the above you had conducted very defective Investigation, not brought the relevant evidence on record due to which the entire investigation / prosecution case was vitiated, thus you have exhibited wilful inefficiency, professional misconduct and caused embarrassment as well.

1. For scrutinizing the conduct of enquiry he was summoned for personal hearing, recorded his statement and examined thoroughly. In his written reply of charge sheet and summary of allegations, he defended himself pleading his innocence. He stated that being in I.O on the pointation of ASI Waqar Khan, Constable Imtiaz Ahmed 963, Constable Himat Ullah 1258, Constable Zafar Iqbal 624 and Constable Nasir Mehmood 993 who were also the eye witness and petitioner, extracted site plan. Recovered empty rounds and blood/blood stained earth. ASI Waqar Khan recovered Arms & Ammunitions from one arrested and got it examined from FSL which came positive and endorsed FIR. Site pointation was made through arrested accused, recorded statements of witnesses and other concerned under the supervision of high-ups. On the basis of available proofs, case file was handed over to SHO who submitted complete challan and the prosecution accepted case file for the trial. SHO and prosecution branch would have pointed out if there were in sufficient proofs, but they did not.

2. As for as the matter of not including the previous cases of the accused, other FIRs against the accused were after the incident.

3. As for as the decision of the Session court Kohat is concerned, Public Prosecutor did not record the statements of eye witnesses, also on the basis of other points the court declared Police encounter as fake. Also the court declared another Case FIR No. 200 dated 10.05.2016 u/s 400/401-PPC PS Gumbat as fake. Medical report of accused Niaz Ali indicated shot fire on his back. It is not mentioned in the court decision that accused have been released due to loose investigation.

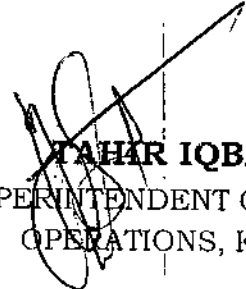
(242)

The preliminary enquiry was conducted by SP Investigation Kohat who stated that the Investigation Officer neither investigated the case effectively nor has answered properly in the court while recording his evidence. The case acquittal of the accused is just because of substandard/ evidence.

5. After perusal of the Court decision, the following remarks were taken out by the Enquiry Officer.

- (a) No statement of any inhabitant of the area supporting the mode and manner of the occurrence was recorded by the police.
- (b) In order to use force against the local Police there should have been some logical reason i.e. the accused were required to Police in a murder case, proclaimed offenders or belonging to notorious gang active in the area.
- (c) The FIR No.200 dated 10.05.2016 u/s 400/401/148/149/15-AA PS Gumbat was registered by Police in order to create justification for encounter.
- (d) The place of arrest of the accused is deserted and open, sustaining firearm injury by the police party was unavoidable.
- (e) In case of exchange of fire for 15/20 minutes, there should have been recovery of enumerable empties from both sides.
- (f) The local police had not taken into possession the empties fired by them. During the course of inquiry he was given complete legitimate opportunity to defend himself according to the law, rules and regulation.

Keeping in view the above circumstances and available record and from the perusal of case file, I came to the conclusion that the Investigation Officer had not investigated the case effectively from all aspects. Neither he brought the DD report of PP Shadi Pur on record nor has given effective places/locations to the Police party in the site plan. The place of occurrence is a dirt road, the IO has not described this point in the site plan. Hence, SI Tahir Nawaz is found guilty for his substandard investigation and recommended for suitable punishment.

  
**TAHIR IQBAL**  
SUPERINTENDENT OF POLICE,  
OPERATIONS, KOHAT

(240) P-8  
Annex-C

**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT**

Tel: 0922-9260116 Fax 9260125

**ORDER**

This order passed on the departmental enquiry against SI Tahir Nawaz under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that in compliance with the Judgment / Order of Session Judge Kohat in case FIR No. 201 dated 10.05.2016 u/s 324,353,399,402,148,149 PPC / 15 AA PS Gumbat, In enquiry was conducted through SP Investigation Kohat.

ii. As contemplated by the enquiry it has been reported that the encounter was genious and SI Tahir Nawaz the then O.II being investigating officer held guilty for his substandard investigation.

iii. From the above he had conducted very defective investigation, not brought the relevant evidence on record due to which the entire investigation / prosecution case was vitiated, thus he has exhibited willful inefficiency, professional misconduct and caused embarrassment as well.

He was served with charge sheet & statement of allegations, SP Operations Kohat was appointed as enquiry officer to proceed against him departmentally. Enquiry officer submitted his finding report and found him guilty of the charges leveled against him.

The defaulter official was called in O.R and heard in person, but failed to submit any plausible explanation.

In view of above I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, award him a minor punishment of "stoppage of increment for the period of two years with cumulative effect" with immediate effect.

DISTRICT POLICE OFFICER,  
KOHAT 28/11

OB No. 1602  
Date 29-11-2019

No 51051-53/PA dated Kohat the 29-11-2019.

Copy of above to the:-

1. Reader/Pay officer/SRC/OHC for necessary action.

POLICE DEPTT:

(2)

Annex - D P-9

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal, moved by SI Tahir Nawaz of Kohat district against the punishment order, passed by DPO Kohat vide OB No. 1602, dated 29.11.2019 whereby he was awarded minor punishment of stoppage of two increments with cumulative effect on the allegations of poor / faulty investigation conducted by the appellant in case vide FIR No. 201, dated 10.05.2016 u/s 324, 353, 399, 402, 148, 149 P / 15-AA, PS Gumbat.

He preferred an appeal to the undersigned upon which comments were obtained from DPO Kohat and his service documents were perused. He was also heard in person in Orderly Room, held on 25.06.2020. During hearing, he did not advance any plausible explanation in his defense to prove his innocence.



I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved. Being O.I.I, he conducted poor / faulty investigation upon which the Court took serious notice of this laxity. Therefore, his appeal being devoid of merits is hereby rejected.

Order Announced  
25.06.2020

  
(TAYYAB HAFEEZ) PSP  
Region Police Officer,  
Kohat Region. 

No. 6875 /EC, dated Kohat the 6/7 /2020.

Copy to DPO/Kohat for information w/r to his office Letter No. 22696/LB, dated 26.01.2020. His Fauji Missal / Enquiry File is returned herewith.

  
(TAYYAB HAFEEZ) PSP  
Region Police Officer,  
Kohat Region. 

No. SI/1250-60/21, dated Peshawar the 22/03/2021

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by SI Tahir Nawaz. The petitioner was awarded punishment of stoppage of increment for the period of two years with cumulative effect by District Police Officer, Kohat vide OB No. 1602, dated 29.11.2019 on the allegations that in compliance with the judgment/order of Session Judge, Kohat in case FIR No. 201, dated 10.05.2016 w/s 324, 353, 399, 148, 149 PPC/15 AA PS Gumba, an enquiry was conducted through SP, Investigation, Kohat.

ii. As contemplated by the enquiry it has been reported that the encounter was genuine and SI Tahir Nawaz the then O.II being Investigation Officer held guilty for his substandard investigation.

iii. From the above he had conducted very defective investigation, not brought the relevant evidence of record due to which the entire investigation/prosecution case was vitiated, thus he has exhibited willful inefficiency, professional misconduct and caused embarrassment as well.

His appeal was rejected by Regional Police Officer, Kohat vide order Ends: No. 6878/EC, dated 06.07.2020.

Meeting of the Appellate Board was held on 25.02.2021, wherein the petitioner was present and heard in detail.

No new defence has been offered by delinquent officer. The Regional Police Officer, Kohat had already rejected his appeal. Since, there is no new defence, therefore, the Board decided that his petition is hereby rejected.

Sd/-

KASHIF ALAM, PSP

Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI/1251-60/21,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. (Two Service Books, one Service Roll and one enquiry file (containing 123 pages) of the above named SI received vide your office Memo: No. 14058/EC, dated 05.10.2020 is returned herewith for your office record. *DPO Kohat*
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 4 PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.

dg. of Jice Supdt: E-III, CPO Peshawar

concerned.

Pa.  
No.

(RAJ/DABAR SAVED) PSP  
Deputy Inspector General of Police, HQrs:  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

26/9/2021

SIG  
KOP  
29/11

4315/EC  
31-3-21