

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

Service Appeal No. 1305/2020

Date of Institution ... 05.03.2020

Date of Decision ... 15.07.2021

Gohar Khan, S.I, Police Station Toru, Mardan.

... (Appellant)

VERSUS

Regional Police Officer Mardan Region, Mardan and one other.

... (Respondents)

Mr. MUHAMMAD AMIN AYUB,
Advocate

--- For appellant.

MR. MUHAMMAD RASHEED,
Deputy District Attorney

--- For respondents.

MR. SALAH-UD-DIN
MR. ATIQ-UR-REHMAN WAZIR

--- MEMBER (JUDICIAL)
--- MEMBER (EXECUTIVE)

JUDGMENT:


 **SALAH-UD-DIN, MEMBER:-**

The instant service appeal has been filed against the order dated 07-02-2020, whereby the departmental appeal of the appellant was partially allowed and the penalty of reduction in rank was modified into reduction in pay by five stages.

2. Precise facts of the instant appeal are that during his posting as SHO Police Station Saddar, Mardan, case FIR No 196 dated 09-02-2019 U/Ss 302/324/34 PPC Police Station, Saddar was registered upon the report of complainant Pervaiz Khan, regarding the death of his brother Alam Zeb. On 25-03-2019, complainant Alam Zeb submitted a complaint to DIG Mardan alleging therein that it was at the instance of the appellant that he had charged Zafar for the murder of his brother

Alam Zeb, however the appellant later on told the complainant that Zafar was innocent and would be released from the court within a few days, therefore they should make necessary arrangements for their protection. On the basis of the afore-mentioned complaint dated 25.03.2019, disciplinary action was initiated against the appellant and on conclusion of the inquiry, the competent authority awarded him major punishment of reduction in rank with immediate effect, which was challenged by the appellant though filing of departmental appeal, which was partially allowed and the major punishment of reduction in rank was modified to reduction in pay by five stages. Feeling aggrieved, the appellant has filed the instant appeal for redressal of his grievance.

3. Respondents submitted Para-wise comments, wherein they resisted averments made by the appellant in his appeal.

 4. Learned counsel for the appellant has argued that on the relevant day, the appellant was out of station in connection with official duty, which fact could have been easily ascertained through checking CDR of cell phone of the appellant, however the inquiry officer did not bother to look into this aspect, despite specific request being made by the appellant during inquiry; that the complainant has mentioned himself as eye witness of the occurrence in the FIR, therefore, it is astonishing that he has taken stance in his complaint that accused Zafar was charged by him at the instance of the appellant; that the inquiry proceedings were not made in accordance with relevant rules and even an opportunity of cross-examination of the witnesses was not provided to the appellant; that in view of FR 29, the appellate authority was required to have mentioned specific period regarding reduction in pay by five stages, however the same has not been done, which fact by itself has made the impugned appellate order as illegal. Reliance was placed on 1993 SCMR 1440, 2016 SCMR 943, 2018 PLC (C.S) 1092, 2010 SCMR 1933, 2003 SCMR 1126, PLD 2008 Supreme Court 412, 2019 PLC (C.S) 224, 1999 SCMR 2321, 2014 SCMR 1263, 2020 SCMR 1245 and 2020 SCMR 1218.

5. Conversely, learned Deputy District Attorney for the respondents has contended that it was at the instance of the appellant that the complainant charged one Zafar, however later on the appellant himself informed the complaint that Zafar was innocent; that the appellant being SHO of the concerned Police Station, was required to have acted

in honest and efficient manner for tracing the actual culprits, however he dishonestly chose a short cut by asking the complainant to charge one Zafar, who was not at all involved in the occurrence; that a regular inquiry was conducted against the appellant by fulfilling all codal formalities and as the allegation of misconduct stood proved against the appellant, therefore the impugned penalty has rightly been imposed upon him.

6. Argument heard and record perused.

7. The disciplinary action was taken against the appellant on the ground that complainant Pervaiz S/o Nadar Khan had filed a complaint to the DIG Mardan, wherein it was alleged that his brother was killed by unknown persons, however the appellant told the complainant that two days prior to the occurrence, the deceased Alam Zeb had told the appellant that in case he was murdered, Zafar Khan would be responsible for the same; that after five days of the occurrence, the appellant told the complainant that as Zafar Khan was innocent and in case of his arrest, he would be bailed out U/S 107/151, therefore, they should take necessary measures for their defense. A perusal of the material available on the record would show that the FIR regarding the murder of Alam Zeb was lodged by the complainant Pervaiz, wherein he had directly charged Zafar Khan for the murder of Alam Zeb by showing himself as well as his brother as eye witnesses of the occurrence. The complainant had directly nominated the accused Zafar by mentioning himself as eye witness of the occurrence, however in his complaint addressed to the DIG Mardan, the complainant has alleged that he was in his house at the time of the occurrence. The afore-mentioned facts were prima facie making the complainant liable to have been proceeded against under section 182 Cr.Pc for lodging false report, however, instead of taking action against the complainant, disciplinary action was initiated against the appellant.

8. Statements of the complainant as well as witnesses have been recorded during the inquiry but a perusal of the same would show that no cogent evidence has been brought on the record to substantiate the averments of the complainant as alleged by him in his complaint submitted against the appellant. It is not understandable that in absence of any oral or documentary evidence regarding the allegations

leveled against the appellant, how the competent as well as appellate authority came to the conclusion that the allegations against the appellant stood proved. Moreover, it is an admitted fact that no opportunity was provided to the appellant to cross-examine the witnesses produced during the inquiry, which fact has created material legal dent in the inquiry proceedings. In view of material available on the record, the impugned order is not sustainable in the eye of law, hence liable to be set-aside.

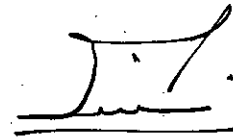
09. In light of the above discussion, the appeal in hand is allowed by setting aside the impugned penalty imposed upon the appellant and he is held entitled to all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

15.07.2021



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)




(SALAH-UD-DIN)
MEMBER (JUDICIAL)

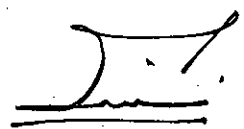
ORDER
15.07.2021

Appellant alongwith his counsel Mr. Muhammad Amin Ayub, Advocate, present. Mr. Khayal Roz, Inspector (Legal) alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting aside the impugned penalty imposed upon the appellant and he is held entitled to all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
15.07.2021


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


29.12.2020 Due to summer vacation, case is adjourned to
31.03.2021 for the same as before.



Reader

31.03.2021 Nemo for appellant.

Kabir Ullah Khattak learned Additional Advocate General alongwith Khyal Roz Inspector for respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant case is adjourned to 15/7/2021 for arguments before D.B. Notice be issued to appellant/counsel for the date fixed.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

09.09.2020

Counsel for the appellant and Addl. AG alongwith Attaur Rahman, Inspector for the respondents present.

Representative of the respondents seeks further time to submit reply/comments. Adjourned to 29.09.2020 on which date the requisite reply/comments shall positively be submitted.


Chairman

29.09.2020

Counsel for the appellant and Addl. AG alongwith Attaur Rahman, Inspector for the respondents present.

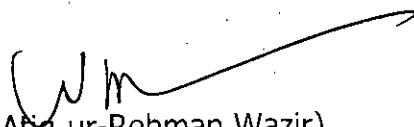
Parawise comments on behalf of respondents have been furnished. Placed on record. The matter is assigned to D.B for arguments on 26.10.2020. The appellant may furnish rejoinder, within one ^{week} ~~month~~, if so advised.


Chairman

26.10.2020

Appellant in person and Addl. AG alongwith Zaheer Muhammad, ASI (Legal) for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 29.12.2020 for hearing before the D.B.


(Atiq-ur-Rehman Wazir)
Member


Chairman


16.06.2020

Learned counsel for the appellant present.

Contends that only fact finding inquiry was held in the case of appellant while the respondents did not resort to proper/regular inquiry against him. The omission on the part of respondents clearly violated the provisions contained in Article 4 of the Constitution of Islamic Republic of Pakistan 1973. Further contends that by now it is well settled through the judgments of Apex court that in cases where major penalty is imposed on a civil servant regular/proper inquiry is all the more necessitated.

The appeal in hand is admitted for regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/ comments on 30.07.2020 before S.B.

Appellant Deposited
Security and Process Fee
16/6/20



Chairman

10.07.2020

Counsel for appellant present.

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

Written reply on behalf of respondents is still awaited. Learned AAG requested for adjournment in order to submit written reply/comments; granted. To come up for written reply/comments on 09.09.2020 before S.B.





Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1305 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/03/2020	<p>The appeal of Mr. Gohar Ali presented today by Mr. Khaled Rehman Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please</p> <p> REGISTRAR 05/03/2020</p>
2-	13/03/20.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25/03/2020</u>.</p> <p> MEMBER</p>
	25.03.2020	<p>Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.06.2020 before S.B.</p> <p> Reader</p>

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1305/2020

Gohar Khan Appellant

Versus

The Regional Police Officer, Mardan Region etc..... Respondents

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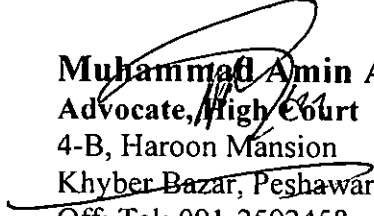
S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-5
2.	F.I.R. No.196	09.02.2019	A	6
3.	Complaint filed by the brother of deceased Alam Zeb	25.03.2019	B	7
4.	Charge Sheet and Statement of Allegations	25.04.2019	C	8-9
5.	Reply to Charge Sheet	06.05.2019	D	10-11
6.	Inquiry Report		E	12-14
7.	Final Show Cause Notice	01.08.2019	F	15
8.	Reply to final Show Cause Notice	05.08.2019	G	16
9.	Impugned original order	16.01.2020	H	17
10.	Departmental Appeal	17.01.2020	I	18-21
11.	Impugned appellate order	07.02.2020	J	22-23
12.	Statement of complainant U/S 164	07.10.2019	K	24
13.	Statement of Complainant	15.10.2019	L	25
14.	Training Certificates		M	26-30
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17.	Miscellaneous Documents		P	44-65
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Through

Appellant


Khaled Rahiman
Advocate, Supreme Court

&


Muhammad Amin Ayub
Advocate, High Court
4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0345-9337312

Dated: ___/03/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1305/2020

Gohar Khan

SI, Police Station Toru, Mardan..... Appellant

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

1. The Regional Police Officer
Mardan Region, Mardan

Case No. 1505

Date 05/03/2020

2. The District Police Officer,
District Mardan

Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED APPELLATE ORDER DATED 07.02.2020 WHEREBY RESPONDENT NO.1 WHILE PARTIALLY ALLOWING THE DEPARTMENTAL APPEAL OF APPELLANT IMPOSED THE MAJOR PENALTY OF REDUCTION IN PAY BY FIVE (5) STAGES UPON THE APPELLANT.

Filed to-day

Registrar

05/3/2020

PRAYER:

On acceptance of the instant appeal, the impugned appellate order dated 07.02.2020 passed by Respondent No.1 may graciously be set aside and appellant may be restored to his previous Pay Scale with effect from the due date with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That the appellant joined the Police Force as Constable in the year 1992 and has rendered long meritorious service for a period of 28 long years. During this long service, the appellant has not been ever departmentally proceeded against nor any minor penalty has ever been imposed upon him, thus the service of the appellant remained unblemished, spotless throughout.
2. That the appellant while performing duties at Police Station Saddar, Mardan as SHO, chalked out a case F.I.R. (*Annex:-A*) No.196 dated 09.02.2019 U/S 302, 324, 34 PPC PS Station Saddar. Later on, Application/Complaint was filed on 25.03.2019 (*Annex:-B*) by the brother of deceased Alam Zeb namely Parvez Khan S/o Nadar Khan against appellant.
3. That pursuant to the complaint *ibid*, disciplinary action was initiated against the appellant and he was issued Charge Sheet and Statement of allegations on 25.04.2019 (*Annex:-C*). Since the charges were baseless, ill-founded, based on malafide of the complainant party, therefore, the appellant submitted a reply (*Annex:-D*) on 06.05.2019 thereby explaining his position. An inquiry was conducted by the SP Investigation who submitted his Report (*Annex:-E*) and appellant was recommended for suitable punishment.
4. That after the enquiry, the appellant was issued final Show Cause Notice (*Annex:-F*) on 01.08.2019 by the competent authority whereby major/minor penalty was proposed to the appellant. Appellant submitted a reply (*Annex:-G*) to the final Show Cause Notice on 05.08.2019 whereby once again he explained his position to the competent authority, however, appellant was imposed upon the major penalty of reduction in rank with immediate effect vide impugned original order dated 16.01.2020 (*Annex:-H*) passed by Respondent No.2.
5. That the appellant predicament preferred Departmental Appeal (*Annex:-I*) on 17.01.2020 to Respondent No.1 who partially allowed the same by modifying the penalty into reduction in pay by five (5)

stages vide impugned appellate order dated 07.02.2020 (*Annex:-J*).

6. That the appellant being mortally aggrieved from the impugned appellate order dated 07.02.2020, files the instant service appeal on the following amongst other grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned order, which is unjust, unfair and hence not sustainable in the eye of law.
- B. That no regular inquiry was conducted into the case nor any documentary or oral evidence was recorded in presence of the appellant nor he was provided opportunity of hearing. The entire action was taken at the back of the appellant and thus he was condemned unheard. It is a settled law that where a major penalty is to be imposed then regular inquiry is necessary which has not been done in the case in hand.
- C. That it is significant to add here that F.I.R was lodged on 09.02.2019 whereas complaint was filed against the appellant on 25.03.2019 which clearly proves the malafide intention of the complainant towards the appellant. It is also worth mentioning to note here that on the day of occurrence, appellant was out of station and he was intimated about the accident while travelling on Motorway from Islamabad to Peshawar owing to the official duty, appellant in this regard requested to the Inquiry Officer that the CDR of the complainant should be acquired but that very aspect of the matter was outright denied which is against the principle of natural justice.
- D. That appellant performed his duty as per law and he had nothing to say to complainant to charge or otherwise Mr. Zafar, who was directly charged by the complainant in case F.I.R No.196 dated 09.02.2019 U/S 302/324/34 PPC, PS Saddar. That very fact was also

corroborated by the Inquiry Officer in his Fact Finding Inquiry that accused Zafar and deceased Alam Zeb were cousins who had differences over many issues including property disputes. Furthermore, Zafar was annoyed on deceased Alam Zeb that he always blamed Zafar's wife Mst. Ulfat of supporting illegal/immoral activities and Zafar admitted before the Police that his wife Mst. Ulfat threatened deceased Alam Zeb of dire consequences. It is necessary to mention here that later on, statement of complainant U/S 164 dated 07.10.2019 (**Annex:-K**) which was recorded before the Judicial Magistrate-II, Mardan wherein he contended that he had charged accused Zafar s/o Zarbaz Khan alongwith unknown accused for the murder of his brother namely Alam Zeb but he was intimated from the reliable sources that in fact Mr. Nazar Gul s/o Juma Gul, resident of Khazan Dheri, Munir Gul alias Minary s/o Babu resident of Maho Narey had been accused for the amount of Rs.200,000/-.

- E. That owing to the above captioned statements of the complainant, approximately raised factual controversy which could only be resolved by conducting regular inquiry. Furthermore, complainant by taking two versions in his statement outright negated that on the behest of the appellant he had charged the accused Mr. Zafar and later on appellant had told him not to charge the accused Zafar. Moreover, in the Fact Finding Inquiry it was held that appellant wasted the official time and thereby initiating proceedings U/S 169 Cr.P.C. in this regard it is averred that it is crystal clear from the contents of F.I.R that "منہ پر مانگ اپنے ہوئے تھا" meaning thereby he was not fully satisfied thereby appellant initiated proceeding under Section ibid. Moreover, when complainant realized that he had wrongly lodged a complaint against appellant, therefore, he deposed in his statement (**Annex:-L**) dated 15.10.2019 and withdrew his complaint against the appellant.
- F. That the appellant had no concern with the case F.I.R. No.196 rather scriber of the F.I.R. was S.I Sabir Khan. As earlier enunciated that appellant was out of station due to his official assignment and he was informed telephonically about the incident and thereafter Marasla was prepared in the presence of the complainant wherein complainant directly nominated accused Zafar and disclosed motive

dispute over the cash about. Recapitulated the charges made by the complainant are based upon the imaginations.

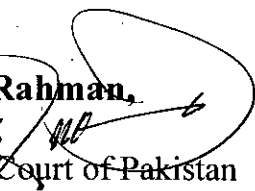
- G. That the appellant joined the Police Force in the year 1992 and has rendered long meritorious service for a period of 28 long years. During this long service, the appellant has not been ever departmentally proceeded against nor any minor penalty has ever been imposed upon him, thus the service of the appellant remained unblemished, spotless throughout. Further, from the very inception of his induction into Police Force appellant has attended numerous trainings vide Certificates (*Annex:-M*). He has very good/excellent ACRs (*Annex:-N*) at his credit and has also been issued Commendation Certificate (*Annex:-O*) for his excellent performance.
- H. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.


Appellant

Through


Khaled Rahman,
Advocate,
Supreme Court of Pakistan

&


Muhammad Amin Ayub,
Advocate, High Court

Dated: ___/03/2020

محضور جناب DIG صاحب ضلع مردان

درخواست بر خلاف گورخان SHO تھانہ صدر مردان بحوالہ نمبر 196

مورخہ 19-02-2019 تھانہ صدر مردان

جناب عالی! گزارش حسب ذیل ہیں۔

- ۱۔ یہ کہ من سائل کا بھائی عالم زیب ولد نادر خان ساکن چائوکلے شیراعظم کورونہ جانیاز بڑے دوکان سے گھر آ رہا تھا۔ اور ذرا ستروندہ موضع کوڑھے کوڑھے سٹاف سے گھر کے لئے گوشت خرید رہا تھا۔
- ۲۔ یہ کہ اس اثنا میں ڈوموٹو سائیکل سوار حالہ اسلمہ سے لیس تھے میرے بھائی پر فائرنگ شروع کر دی۔ اس دوران برادر ام نے اپنا سوبائل پر DSP شاکر صاحب کو کال کر دیا۔ لیکن شاکر صاحب کو یاں کہ میں نے سوبائل فون Attend نہیں کیا ہے جس کی روپکار ڈ CDR میں موجود ہے۔
- ۳۔ یہ کہ من سائل اس وقت اپنے مکان میں موجود تھا کہ فون کال موصول ہوا۔ اس کال پر سائل ڈوڑا DHQ ہسپتال میں حاضر ہوا۔
- ۴۔ یہ کہ اس دوران برادر ام کو پوسٹ مارٹم کے لئے اندر کر دیا گیا تھا۔ اور اس موقع پر SHO گوہر آیا اور مجھے بتایا کہ عالم زیب میرا بھائی تھا۔ اور دو دن قبل اس نے مجھے سب کچھ بتایا ہے۔ کہ اگر میں مر گیا تو میرا دعویٰ ظفر یہ ہوگا۔ اور پانچ دن کے بعد دوبارہ میرے پاس آیا کہ ظفر نہیں ہے۔
- ۵۔ یہ کہ جو کہ سکی ظفر ولد زرباز خان گرفتار ہوا تو SHO نے بتایا کہ سکی ظفر 107/151 کے ضمانت پر رہا کریں گے۔ تو جناب عالی! اگر یہ میرا مجرم نہیں ہے کون میرا مجرم ہے۔
- ۶۔ یہ کہ موجودہ وقت میں ظفر گرفتار ہے اور نامعلوم لوگ ہمارے گھر میں اسلمہ سمیت آتے ہیں۔ اور ہمیں مجبور کر رہے ہیں۔ کہ ظفر کے ساتھ راضی نامہ کر لیں یہ کون لوگ ہے۔
- ۷۔ یہ کہ تھانہ صدر کے SHO سائل کو گویاں کہ اپنے ساتھ اسلمہ رکھیں کیونکہ تمہیں سخت خطرہ ہے۔
- ۸۔ یہ کہ سائل ایک غریب مزدور کار ہے دن بھر محنت مزدوری کرتا ہوں نہ کوئی دشمنی کیا ہے۔ اور نہ آئندہ دشمنی کا طلب گار ہوں۔ قانونی چارہ جوئی عمل میں لائی جائے۔ اور اس کے خلاف سخت کارروائی کریں۔

تحریر 25-03-2019

العید

پرویز ولد نادر خان سکند جانیاز نئے چائوکلے شیرازین کورونہ

تحصیل ضلع مردان

سر خدیج

ATTESTED



Amir C
- 8
A

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

No. 162 /PA

Dated 25/4/2019

DISCIPLINARY ACTION

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority am of the opinion that SI Gohar Khan, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, SI Gohar Khan, while posted as SHO Police Station Saddar (Now under suspension Police Lines Mardan), One Parvez Son of Nadar Khan Resident of Chato Killely Sherazeen Korona has submitted an application/complaint to the undersigned dated 25-03-2019, complaining therein that his brother Alam Zeb was killed by unknown persons & he was informed by SI Gohar Khan SHO PS Saddar at DHQ Hospital Mardan that the deceased was his closed friend, who (02) days back, informed him that in case of his killing, one Zafar Khan shall be held responsible.

It is worth mentioning here that after (05) days, he was re-informed by SHO Gohar Khan that Zafar Khan is innocent & in case of his arrest, he will be bailed-out U/S 107/151 CrPC with advising the applicant to carry-out weapons for his defense.

To ascertain real facts, the application was initially enquired into through SP/Operations Mardan, who after fulfilling initial process, submitted his Findings to this office vide his office letter No.161/PA (Ops) dated 18-04-2019, holding responsible SI Gohar Khan of gross misconduct on account of non-submitting reply to SP/Operations Mardan, despite of repeated information, meaning that he has nothing to offer in his defense & recommended for departmental action.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Ayaz Khan SP/Inv: Mardan is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

SI Gohar Khan is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

ATTESTED

(SAJJAD KHAN) PSP
District Police Officer,
Mardan.



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

2019

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

CHARGE SHEET


I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority, hereby charge SI Gohar Khan, while posted as SHO Police Station Saddar (Now under suspension Police Lines Mardan), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.

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

4. Intimate whether you desired to be heard in person.


(SAJJAD KHAN) PSP
District Police Officer,
Mardan.

ATTESTED

بجرا طرز شب 162/PA عمار ڈسٹرکٹ پولیس آفس مردان معروض
 ہوں جنہیں مجھے ضرور الزام پٹر ایگیا ہے۔ کمر گومر SHD عمارت مردان
 مردان کو مورخہ 25/19/03 کو پروردگار نادر خان ساکن حنا ناز پ علاقہ مقام
 مردان نے ایک درخواست درآپنا تھا کہ اس کے بھائی کو نامعلوم حکمران
 نے قتل کیا ہے۔ اور درخواست کنندہ نے شکایت کی ہے۔ کمر گومر SHD عمارت مردان
 نے DHQ ہسپتال مردان میں بلایا۔ کمر گومر کو نظر و گنہ زار باز ساکن
 عمارتہ جوڑنے قتل کیا ہے۔ اس سلسلہ میں معروض چھوں ہے۔

① اسی روز مورخہ 09/19/02 کو میں جب الحکم DPO صاحب اور ASP سکھ مردان
 کی خصوصی عدالت پر ایک انفارمیشن کے سلسلہ میں علاقہ مقام ٹوٹل اور حصہ
 ٹوٹل سے فارغ ہو کر اسلام آباد براہ راست فورسز اسلام آباد گئے اور اسی
 روز شام کے وقت مردان پہنچے۔ زرخٹ واقف کی اطلاع مجھے مورخہ 10/19/02
 صوبائی گارڈ میں ملی۔ حقیقت معلوم کرنے کے لئے میرا CDR بھی اسی روز
 کا حیرت کنا ضروری ہے۔

② عدالت نے دعوت داری کے بارے میں DHQ ہسپتال مردان میں ابتدائی رپورٹ
 دستیاب کر کے اپنے مقتول بھائی کے المرنیہ کی قتل کی دعوت داری نظر رکھی ہے۔

③ رپورٹ کنندہ نے ابتدائی رپورٹ میں مقتول بھائی اور حکزم ظفر کے مابین رقم کا
 تنازعہ ظاہر کیا ہے۔

④ رپورٹ کنندہ کی رپورٹ کا تائید بخت پور ولد خالد خان جو مقتول کا ماموں
 ہے نے باقاعدہ تائید کی ہے۔

⑤ نقشہ آفسر کو عدالت اور گواہان مشہورین نقشہ مورخہ میں باقاعدہ
 ضلع تک کی گئی ہے۔ نو کیا نقشہ آفسر بھی مشہورین فریق کو دعوت داری
 در قائم رہنے کی نصیحت کی ہے۔

ATTESTED

⑥ مقتول کے بھائی راوند ولد نادر خان، چھانتریب ولد نادر خان، خان نریب
 اور نریب سیران نادر خان اور نادر خان والد مقتول ولد گلراب خان
 سکھاہ بختاورہ والد مقتول اور مقتول کی بیوی سکھاہ نسیم بختاورہ

(2)

فعلی عبرانی سے بھی رپورٹ ملا کہ تائبہ اور دعویہ اڑی گئی ہے۔ لکھنے موقع اور سبب بات
کے جواب سے آج۔ تمام فعلی عبرانی کے دعویہ اڑی بیک زبان ظفر کو مل گیا
ہے۔ میرا اور ظفر کا آپس میں کوئی دشمنی یا دلبردی نہیں۔ اور میری
میرا آپس کا تو کوئی شناخت ہے۔ دعویہ اڑی کا علم FIR سے باخبر
بھروسے کا نہیں ہے۔

(2)۔ حلیم ظفر کو مختصر کی کتاب میں پر جاوید ای نے گڑبگڑ کیا ہے۔ گارڈ گشتاری اور حلیم
کے جواب سے آج۔

(3)۔ حلیم کی شناخت کی مسلم میں عقول خریف نے مقدمہ لڑانے کے لیے باقاعدہ بنا چاہا
اور وہ کسی کو نامزد کیا تھا۔ جو سرسری سماعت کے بعد مورخ 17/11/04 کو حلیم
ظفر کی شناخت سے الگ کیا گیا۔ اس دوران نے حارثہ کی ہے۔ اب مقدمہ منسوخ
سماعت کے لیے اسے فوراً ہی کورٹ جا رہا ہے۔

مندرجہ بالا الزامات کی روشنی میں کوئی حقیقت نہیں ہے۔ تاہم رپورٹ کنندہ کو
اگر حلیم کی کتاب میں کا علم تھا۔ تو اسے ای رپورٹ میں دعویہ اڑی کے لئے
عقول کے فعلی عبرانی سے نہیں لکھتا۔ دعویہ اڑی کی۔ میرا شکوک سے باز رہے۔
میں FIR کی حشر لکھنے کے موقع پر خود شبہاں میں موجود نہ تھا۔ جبکہ یہاں
کمان کے حکم پر صورت سے باہر تھا۔ واقعہ تھا کہ صاحب سبب سے ہوا۔ اور مجھے
اطلاع جب دی گئی۔ تو میں حوالی سے ضرور میں اسلام آباد سے واپس آیا
تھا۔ اس کے مسلم میں فعلی سے گناہ ہوئی ہے۔ الزامات کا سامنا حقیقت
میں ہو گا۔

گوپرخاں ای پوئیس لائن حردان
06 - 05 - 2019.

ATTESTED

Amir t
- 12

ALLEGATIONS:

It was alleged that SI Gohar Khan, while posted as SHO PS Saddar (Now under suspension Police Lines Mardan), one parvez son of Nadar Khan r/o Chato Killy, Sherazeen Korona, has submitted an application/complaint to the DPO Mardan dated 25.03.2019, complaining therein that his brother Alam Zeb was killed by unknown persons & he was informed by SI Gohar Khan SHO PS Saddar at DHQ hospital Mardan that the deceased was his close friend, who (02) days back, informed him that in case of his killing, one Zafar Khan shall be held responsible.

It is worth mentioning here that after 05 days he was re informed by SHO Gohar Khan that Zafar Khan is innocent and in case of his arrest, he will be bailed-out u/s 107/151 CrPC with advising the applicant to carry weapon for his defense.

To ascertain real facts, the application was initially enquired into through SP/Operations Mardan, who after fulfilling initial process, submitted his findings to office of worthy DPO Mardan vide his office letter No. 161/PA (Ops) dated 18.04.2019, holding responsible SI Gohar Khan of gross misconduct on account of non-submitting reply to SP /Operations Mardan, despite of repeated information, meaning that he has nothing to offer in his defense & recommended for departmental action. Charge Sheet and Statement of Allegations issued against the above named SI and the undersigned was nominated as inquiry officer.

PROCEEDING:-

The undersigned initiated proper departmental inquiry and summoned the alleged SI Gohar Khan and applicant Parvez son of Nadir Khan r/o Shato Kally, complainant of case FIR No.196 dated 09.02.2019 u/s 302/324/34 PPC PS Saddar and LHC Shakir No. 134 then posted in DSB at PS Saddar Mardan. They were heard in detail, cross questioned and their statements recorded, which are placed on inquiry file.

1. STATEMENT OF SI GOHAR KHAN:

The alleged official strongly rebutted the allegations on following grounds that:

- i. On date and time of occurrence he was out from district Mardan in connection with official duty and was later informed about the occurrence through cell phone.

ATTESTED

Attested
SP. MARDAN

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- ii. The complainant and his brother Ravid are eyewitnesses in the case as per contents of inurasila / FIR and the report has duly been verified by one Bakht Pur Khan r/o the same village.
- iii. Presence of complainant Parvez and his brother Ravid have been verified at spot in light of statements of independent witnesses namely Sohail, Qudrat Ullah and Noor Bahadar who are shopkeepers and present over there at the time of occurrence.
- iv. Accused Zafar has directly been charged in FIR and motive behind the occurrence duly disclosed as dispute over cash amount.
- v. The eyewitnesses have pointed out the place of occurrence to the IO for preparation of site plan.
- vi. Brothers of deceased namely Ravid, Jehan Zeb, Khan Zeb, Aurang Zeb, Nadir, m/o deceased Mst: Bakhtawara and w/o deceased Mst: Nasim and their other family members have supported report of the complainant in their statements u/s 161 CrPC.
- vii. The complainant party has hired Dacha Rehman advocate to contest the case against accused Zafar. Resultantly, bail application of the accused has been turned down by the Court.

He also produced relevant record of case file i.e copy of inurasila, FIR, site plan, case diary consisting of statements of above mentioned individuals which were perused and placed on inquiry file.

2. STATEMENT OF PARVEZ:

Applicant Parvez Khan (brother of deceased Alamzeb) stated that his application may be considered as his statement. In his application he alleged that on 19/02/2019 his brother Alamzeb was murdered on Mardani Charsadda road by accused Zafar s/o Zarbaz r/o Charsadda chowk Mardan and one unknown accused. He further stated that he charged accused Zafar on advice/assurance of SI Gohar Khan (S/O Suddar).

3. STATEMENT OF IJC SHAKIR:

IJC Shukri stated that he was then posted in DSB at PS Suddar Mardan and one Alam Zeb s/o Nadir Khan r/o Chato Kalay was his informer. He (Alam Zeb) gave him information that one Zafar s/o Zarbaz has kidnapped a woman and used her for illegal/immoral activities. He met the said Zafar through local informer and found the information false. During interaction, Zafar threatened that the complaint (about abduction of woman) has been made against him by Alam Zeb (deceased) and his uncle as he has a dispute with them over landed property. After lapse of about ten days, he was informed about murder of Alam Zeb. He rushed to the spot and promptly informed S/O Gohar Khan about the murder.

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ATTEST

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After some time SHO Gohar called him and asked that Zafar is being charged for the murder, locate him for his arrest.

FINDINGS/RECOMMENDATION:

- i. Unfortunately police officers developed a habit/trend to charge or nominate a person (an accused) in heinous cases to escape from tracing unknown offender this trend always resulted in damaging the investigation of the case. Same might happen in this case.
- ii. Accused Zafar and deceased Alam Zeb were cousins (Khalazad) who had differences over many issues like Zafar was in a dispute with his maternal uncle Aman Ullah r/o Sheikh Yaseen town and demanded mother's share in ancestral property while Alam Zeb was comparatively well-off with a running business as source of permanent income (so deceased was favoring his uncle not Zafar).
- iii. Reportedly, Zafar was annoyed of Alam Zeb that he always blamed Zafar's wife (Mst: Ulfat) of supporting illegal/immoral activities. Zafar admitted before police that his wife Mst: Ulfat threatened Alam Zeb of dire consequences.
- iv. SI Gohar advised the complainant to charge Zafar in the offence but complainant Pervez admitted that after few days SI Gohar informed him that Zafar is innocent and not involved in the crime.
- v. Complainant Pervez was not bound to blindly follow the advice of SI Gohar Khan to charge Zafar as accused.
- vi. Conduct of SHO/SI Gohar was unprofessional, immature and irresponsible which created doubts and shaken the trust of complainant on police department. His inappropriate behavior and carelessness brought embarrassment for his seniors and damaged the investigation. Investigation in the case is still in progress.

Moreover, official time and resources wasted and later on action u/s 169 CrPC initiated for release of charged accused Zafar. SI Gohar Khan is found guilty of unprofessionalism and misconduct, so he is recommended for suitable punishment, if agreed, please.

ARRESTED

Superintendent of Police,
Investigation Maridan



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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

No. 222 /PA

Dated 1/08/2019

FINAL SHOW CAUSE NOTICE

Whereas, you SI Gohar Khan, while posted as SHO Police Station Saddar (Now under suspension Police Lines Mardan), One Parvez Son of Nadar Khan Resident of Chato Killely Sherazeen Korona has submitted an application/complaint to the undersigned dated 25-03-2019, complaining therein that his brother Alam Zeb was killed by unknown persons & he was informed by SI Gohar Khan SHO PS Saddar at DHQ Hospital Mardan that the deceased was his close friend, who (02) days back, informed him that in case of his killing, one Zafar Khan shall be held responsible.

It is worth mentioning here that after (05) days, he was re-informed by SHO Gohar Khan that Zafar Khan is innocent & in case of his arrest, he will be bailed-out U/S 107/151 CrPC with advising the applicant to carry-out weapons for his defense.

To ascertain real facts, the application was initially enquired into through SP/Operations Mardan, who after fulfilling initial process, submitted his Findings to this office vide his office letter No.161/PA (Ops) dated 18-04-2019, holding responsible you of gross misconduct on account of non-submitting reply to SP/Operations Mardan, despite of repeated information, meaning that you have nothing to offer in defense & recommended you for departmental action.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Ayaz Khan SP/Investigation Mardan vide his office letter No.872/PA/ Inv: dated 27-07-2019, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No:162/PA dated 25-04-2019, holding responsible you of misconduct and recommended for suitable punishment.

Therefore, it is proposed to impose Major/Minor penalty as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I Sajjad Khan (PSP) District Police Officer Mardan, in exercise of the power vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this Notice, failing which; it will be presumed that you have no explanation to offer.

You are liberty to appear for personal hearing before the undersigned.

Received by _____

Dated: ___ / ___ /2019

ATTESTED

(SAJJAD KHAN) PSP
District Police Officer
Mardan

Copy to RI Police Lines to deliver this Notice upon the alleged officer & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.

جناب عالی:-

بجوالہ مشمولہ فائل شوکا ز نوٹس نمبری PA/222/2019 مقدمہ مورخہ 01-08-2019 مجاریہ جناب DPO صاحب مردان معروض خدمت ہوں۔ کہ چارج شیٹ ہذا میں میرے خلاف الزام لگایا گیا ہے۔ کہ مدعی مقدمہ بجوالہ علت 196، 2019 جرم 302 تھانہ صدر نے میرے کہنے پر ملزم ظفر کو چارج کیا ہے۔ اس بارے عرض ہے کہ:-

1- بروز وقوعہ مورخہ 09-02-2019 کو میں آپ صاحبان کے حکم پر ضلع صوابی اور بعد Arrival اسلام آباد چلا گیا تھا۔ جو میرے CDR ہے واضح ہے۔ لیکن انکو آری افسر نے باوجود میرے استدعا کے میرے CDR کو کوئی اہمیت نہ دی۔

2- مدعی مقدمہ نے رپورٹ من SHO نے نہیں بلکہ صابر خان ASI نے کچولی ہسپتال DHQ مردان میں تحریر کیا ہے۔ رپورٹ میں ملزم ظفر باقاعدہ ملزم نامزد کیا گیا ہے۔ وجہ عناد بیان کیا گیا ہے۔ مدعی خود اور برادر اش وقوعہ کے چشم دید ہے۔ FIR کا باقاعدہ تاحیث کنندہ موجود ہے۔ جائے وقوعہ پر موجود آزاد لاطعلق گواہان موجود تھے۔ جنہوں نے مدعیان کو بوقت وقوعہ مقتول کے ساتھ موجود بتلایا۔ اس کے علاوہ مقتول کے وارثان نے اپنے بیانات زبردفعہ 161 ض ف میں ملزم ظفر کو اصل ملزم گردانا گیا ہے۔ لیکن انکو آری افسر صاحب نے نہ تفتیشی افسر کا بیان لیا ہے اور نہ ہی دیگر افراد میں کسی ایک کا بیان انکو آری ہذا میں اصل حقائق جاننے کیلئے نہیں لیا ہے۔

3- مدعی مقدمہ یک طرف کہہ رہا ہے کہ ملزم ظفر غلط طور پر چارج کیا گیا ہے۔ جبکہ دوسری طرف ملزم مذکورہ کے خلاف مقدمہ لڑانے کیلئے باقاعدہ باچہ رحمان ایڈوکیٹ کو نامزد کیا ہے اور ملزم کا ضمانت مورخہ 17-04-2019 کو سیشن کورٹ مردان خارج ہو کر بعد پشاور ہائی کورٹ نے بھی ضمانت خارج ہوئی ہے۔ کیونکہ مدعی مقدمہ کی کسی دوسرے ملزم پر تاحال دعویداری نہیں کی ہے۔ بلکہ ملزم ظفر چارج پر قائم ہے۔

4- انکو آری افسر نے خود مدعی اور ملزم ظفر کے درمیان وجہ عناد تسلیم کیا ہے۔

5- درخواست گزار مدعی من SHO کے خلاف زبانی الزام لگایا ہے۔ اس سلسلہ مذکورہ نے تفتیشی افسر کو کوئی شہادت گواہ پیش نہ کیا ہے۔ اور یہ بھی ظاہر کیا ہے کہ من SHO کے خلاف کسی قسم کی کارروائی کرائے نہیں چاہتا ہوں۔

6- جبکہ میری تبادلہ مورخہ 19-04-2019 کو تھانہ صدر سے پولیس لائن مردان ہو چکا ہے۔ دیگر تفتیش سے میں لاعلم ہوں۔

7- حقیقت یہ ہے کہ میں نہ موقع پر موجود تھا اور نہ میں نے مدعی سے رپورٹ لیا ہے۔ اور نہ ملزم اور نہ مدعی سے کوئی قبل ازیں

کوئی جان پہچان نہیں تھا۔ میں نے ہمیشہ ایمانداری اور دیانتداری سے ڈیوٹی کی ہے اور اعلیٰ کارکردگی سے بھی افسران بالا کے توسیع انعامات سے نواز ہوں۔ اور نہ 27 سال سروس میں کسی قسم کی سزا محکمہ کی طرف سے نہیں ملی ہے۔

استدعا ہے کہ فائل شوکا ز نوٹس فائل کرنے کا حکم صادر فرمائیں۔

گوہر علی SI پولیس لائن مردان

مورخہ: 05-08-2019

ATTESTED

- 171 Shuaib H



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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2020

No. 189-92 /PA

Dated 17/1/2020

ORDER ON ENQUIRY OF SI GOHAR ALI

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted as SHO PS Saddar (now Police Lines Mardan), proceeded against departmentally through Mr. Muhammad Ayaz-SP Investigation Wing Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.162/PA dated 25-04-2019, on account of that one Parvez Son of Nadar Khan Resident of Chato Killay Sherazeen Koroonaa has submitted an application/complaint to the undersigned dated 25-03-2019, complaining therein that his brother Alam Zeb was killed by unknown persons & he was informed by SI Gohar Ali SHO PS Saddar at DHQ Hospital Mardan that the deceased was his closed friend, who (02) days back, informed him that in case of his killing, one Zafar Khan shall be held responsible.

It is worth mentioning here that after (05) days, he was re-informed by SHO Gohar Ali that Zafar Khan is innocent & in case of his arrest, will be bailed-out U/S 107/151 CrPC with advising the applicant to carry-out weapons for his defense.

To ascertain real facts, the application was initially enquired into through SP/Operations Mardan, who after fulfilling initial process, submitted his Findings to this office vide his office letter No.161/PA (Ops) dated 18-04-2019, holding responsible SI Gohar Ali of gross misconduct on account of non-submitting reply, despite of repeated information, meaning that he has nothing to offer in his defense & recommended him for departmental action. The enquiry officer after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.872/PA/Inv: dated 27-07-2019, recommending the alleged official for suitable punishment.

In this connection, he was served with a Final Show Cause Notice under K.P Police Rules-1975, issued vide this office No.222/PA dated 01-08-2019, to which, his reply was received and found un-satisfactory.

Final Order

SI Gohar Ali was heard in O.R on 14-01-2020, who could not satisfy the undersigned, therefore, awarded him major punishment of reduction in rank with immediate effect, in exercise of the power vested in me under Police Rules 1975.

OB No. 104

Dated 16/01/2020

(SAJJAD IGLAN) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The DSP/HQrs Mardan.
- 3) The P.O & E.C (Police Office) Mardan.
- 4) The OSI (Police Office) Mardan with () Sheets.

ATTESTED

BEFORE THE D.I.G MARDAN REGION-1 MARDAN

Anwar I

Subject: APPEAL AGAINST THE ORDER OF DPO MARDAN ISSUE VIDE HIS OFFICE O.B NO. 104 DATED 16/01/2020 WHEREBY, THE APPLICANT WAS AWARDED MAJOR PUNISHMENT OF REDUCTION IN RANK

Respected:

The DPO Mardan had issued charge sheet +statement of allegations No.162/PA dated 25/04/2019 to the appellant with the following allegations.

Where is Si Gohar Khan, while posted as SHO Police Station Saddar(Now under suspension Police Lines Mardan), one Parvez S/o Nadar Khan R/o Chatto Kaley Sher Azam Koroono has submitted an application / complaint to the undersigned dated 25/03/2019,complaining therein that his brother Alam Zeb was killed by unknown person and he was informed by SHO Gohar Khan PS Saddar at DHQ Hospital Mardan that deceased was his close friend, who 02 days back informed him that incase of killing one Zafar Khan shall be held responsible. It is worth mentioning here that after 05 days he was informed by SHO Gohar Khan that Zafar Khan is innocent and incase of his arrest he will be bailed out U/S 157/151 CRPC with advising the applicant to carryout weapon for his defence'. (Copy of charge sheet is enclosed).

Brief facts of case Fir No. 106 dated 09/02/2019 U/S 302/324/34PPC PS Saddar.

On 09/02/2019, complainant Parvez Khan S/o Nadar Khan R/o Jehanbaz Narai Kali Chatto brought the dead body of his brother deceased Alam Zeb at DHQ Hospital Mardan and reported the matter to SI Sabir Khan of PS Saddar Mardan to the effect that day of occurrence he along with his brother Ravid Khan and Alam Zeb (deceased) were going to his home in his Motorcar No.PL-3660/ Karachi. Alam Zeb was driving the car. On reaching at main Charsada Road near the Shop of Mamtey butcher the Alam Zeb stopped the car. It was 16:50hrs in the meanwhile a motorcycle with unknown number also reached there. One Zafar S/o Zarbaz R/o Charsadda duly armed the pistol along with another unknown person wearing mask were riding on the same motorcycle. Accused Zafar fired at Alam Zeb who was hit and died on the spot. Motive behind the occurrence was disclosed as dispute over the transaction of each amount. The report of the complainant was recorded by ASI Sabir Khan in the presence of one Bakhtpur Khan in the shape of Marasila. The said report got signed by the complainant Bakhtpur Khan S/o Khalid Khan R/o the same village also seconded the report of the complainant. The injury sheet along with the inquest report of the deceased was prepared and the dead body was handed over the Doctor for Postmortem examination under the safe custody of Constable No. 1512. The Marasila was drafted at DHQ Hospital Mardan and was sent to Police Station for registration of the case. Upon which the instant case was registered. (Copy of FIR is enclosed).

Allegation leveled in the application dated 25/03/2019 by the complainant

The facts behind the issuance of the above charge sheet are that complainant parvez Khan has blamed the appellant in his application that

ATTESTED

on the advise of the appellant (SI Gohar Khan) he has charged accused Zafar for the offence. More over after 05 days the appellant informed the complainant that accused Zafar Khan is innocent and not involed in the crime. Initially allegedly the said application was inquired through SP Operation Mardan. The appellant was not in formed by his good office for the appearance and further inquiry proceedings. As such the appellant did not submitted an reply in this regard. If the appellant would have been informed, he would have certainly attended the office of SP Operation Mardan. Hence in such circumstances there is not fault lies on the part of the appellant but even the n the appellant was recommended for departmental proceeding. The proceeding conducted by SP Operation amounts to EX- parte Action.

Facts of departmental Inquiry initiated in the light of the above charge sheet

In the light of the charge sheet No.162-PA dated 25/04/2019 a departmental inquiry was initiated against the appellant. Mr. Ayaz Khan SP Investigation was nominated as a EO. The appellant produced a detailed and comprehensive reply in response to the charge sheet before the EO. The version of the complainant was not considered and recommended the appellant for the award of the suitable punishment.

Facts of final Show Cause Notice

That in the light of the inquiry finding, the DPO Mardan issued final shoe cause notice. The appellant again produced a detailed reply dated 05/08/2019 before the worthy DPO Mardan but the version of the appellant was not considered.

Facts of Personal Hearing

On 14/01/2020 the appellant appeared in person before the DPO Mardan and explained all the situation in detail before his honor. Unfortunately the Dpo Mardan awarded major punishment to the appellant of reduction of rink vide OB No.104 dated 16/01/2020. Hence the present appeal. (Copy of FSCN + REPLY to FSCN+ COPY OB No. 104 dated 16.01. 2020 area enclosed).

Grounds of Appeal

1. It is submitted that the allegation mentioned in the application are false and baseless. The appellant had not visited the DHQ Hospital Mardan on 09/02/2019. On the same day the appellant was out from Mardan District in connection with some official duty and was later on on informed about the occurrence on the motorway in the limits of District Sawabi through the Cell Phone.
2. That the Fir was recorded at DHQ Hospital Mardan by ASI Sabir Khan where the appellant was not present.
3. The complainant himself charged accused Zafar khan by name in the FIR. Moreover the contents of the report were also seconded by one Bakhtpur khan. The complainant also disclosed the motive as dispute over the cash amount.
4. Brother of deceased, namely Raved, Jehanzeb, Khan zeb, Aurangzeb, Nadar, Mst. Bakhtawar (mother od deceased) Mst. Naseem(widow of

ATTESTED

deceased) and other family members have fully supported the report of the complainant in their statement recorded on the U/S 161 CRPC

5. The complainant and the eye witness Raved khan have pointed out the place of the occurrence to the IO(SI Taj Muhammad) and have shown the presence of accused Zafar khan on the spot. All such facts are evident from the side plan.
6. The complainant party has fully contested the criminal case against accused Zafar khan in the higher courts. Resultantly the bail application of the accused has been rejected by the courts.
7. The presence of the complainant and his brother Raved (eye witness) have been verified in the light of the statement of independent witnesses namely Sohail, Qudrat Ulah, Noor Bahadar who are shop keeper and were present there at the time of occurrence.
8. Both the complainant party and accused party are not known to the appellant prior to the instant occurrence.
9. The appellant has not advised the complainant to charged accused Zafar khan in the FIR as he was not present at DHQ Hospital Mardan. Rather he was out from the District. The EO was required to conformed this facts from the CDR of the appellant but this important aspect of the inquiry was ignored.
10. Neither the complainant produced a single witness in support of his complaint nor any kind of proof was brought by the E.O in support of the allegation during the course of inquiry.
11. The E.O superficially recommended the appellant for the award of suitable punishment which is against the norm of justice.
12. To clarify the actual position the E.O was required to record the statement of the following person during the course of inquiry. These persons are the star witnesses and closely related to the incident.

- i. Bakhtpur khan S/o Khalid khan R/o Ibrahim khan Kaley.
- ii. Constable Qasid No. 1512 Ps Saddar Mardan.
- iii. Raved S/o Nadar khan R/o Jehanbaz Sher Azam koroona.
- iv. Mst. Bakhtawar W/o nadir khan R/o Jehanbaz Sher Azam koroona.
- v. Mst. Naseem W/o Alam zeb R/o Jehanbaz Sher Azam koroona.
- vi. Jehanzeb S/o nadir khan R/o jehanbaz Sher Azam koroona.
- vii. Khan Zeb S/o nadir khan R/o Jehanbaz Sher Azam koroona.
- viii. Aurangzeb S/o Nadir khan R/o Jehanbaz Sher Azam koroona.
- ix. ASI Sabir khan PS Saddar.
- x. Si Taj Muhammad (I.O).

By not recording the statement of the mentioned persons a gross irregularity has been resulted in the proceeding of inquiry. The legal formalities as laid down for the inquiry were not complied. Beside the above irregularities the EO has observed the following points:

- a. At Para ii,iii of the inquiry finding the EO his described the dispute/ ill feelings between the parties.
- b. In support of para iv,v,vi, of the recommendation, the Eo did not brought any kind of evidence on inquiry file. And

ATTESTED

~ 21

without any evidence marked the appellant to be responsible for miss conduct.

c. From the above discussion it is crystal clear that the inquiry so concocted is not according to the law and full of numerous vacuum.

13. The instant case was registered on 09/02/2019 while the complainant has submitted the complaint/ application against the appellant on 25/03/2019. There is a delay about two months which has created certain doubts and malafidy.

14. That till date the complainant and his family members are pursuing the case against the accused Zafar khan and had not pardoned him.

15. Supplementary statement of the complainant.

The most important aspect of the episode is that the complainant submitted application/ complaint against the appellant on 25/03/2019. On 07/10/2019 the supplementary statement of the complainant was recorded in the court of judicial magistrate 2nd Mardan U./s 164 CRPC. In this statement complainant has again charged accused Zafar khan along with others for the commission of offence. (copy of statement U/s 164 crpc is enclosed).

16. Volunteer Statement of the complainant: The complainant has now voluntarily stated that he has submitted application dated 25/03/2019 against the appellant due to miss understanding. Moreover he did not want to purse his application. (Copy of written statement is enclosed).

17. The appellant was enlisted as constable in Police Department in the year 1992 and since then he performed his duty with Zeal and efficiency. During this period of service was not dealt departmentally. Moreover the appellant was rewarded by the high up for his good and excellent performance at different occasion.

18. The appellant has serve for the department for more than 27 years approved service. The name of the appellant has been brought on list "F" and wish to get further permission in the future. The punishment so awarded to the appellant will certainly ruin the service career of the appellant.

19. The appellant is married with 04 kids and belong to poor family. All the family members are dependent on Police service of the appellant.

Keeping in view the above facts and circumstances, it is humbly requested that on the acceptance of the present appeal, the order of DPO Mardan may kindly be set aside by reinstating him in his rink from the date of reduction.

Dated: 17/01/2020

Yours obediently

Si Gohar Khan
Police lines Mardan
(Now ASI)

ATTESTED

Amir J
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ORDER.

This order will dispose-off the departmental appeal preferred by ASI Gohar Khan No. 47/MR of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of reduction in rank from Sub Inspector to his substantive rank of ASI vide OB: No. 104 dated 16.01.2020, on the allegations that he while posted as SHO Police Station Saddar, Mardan, one Parvez Son of Nadar Khan Resident of Chato Killey Sherazeen Koroono has submitted an application/complaint to the District Police Officer, Mardan dated 25-03-2019. The complainant alleged therein that his brother Alam Zeb was killed by unknown persons and he was informed by SI Gohar Ali SHO PS Saddar at DHQ Hospital Mardan that the deceased was his closed friend, who two days back, informed him that in case of his killing, one Zafar Khan shall be held responsible. It is worth mentioning here that after five days, he was re-informed by SHO Gohar Ali that Zafar Khan is innocent and in case of his arrest, he will be bailed-out U/S 107/151 CrPC, hence, he (SHO) advised the applicant to carry-out weapons for his defense.

To ascertain real facts, the application was initially enquired into through SP/Operations Mardan, who after fulfilling initial process, submitted his report, wherein he held responsible the delinquent Officer of gross misconduct on account of non-submitting reply, despite of repeated notices, meaning that he has nothing to offer in his defense & recommended him for departmental action

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Mr. Ayaz Khan Superintendent of Police Investigation, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he recommended the delinquent Officer for suitable punishment.

He was issued Final Show Cause Notice to which his reply was received and found unsatisfactory.

Keeping in view the recommendations of enquiry officer and other material available on record, the delinquent Officer was heard in Orderly Room held in the office of District Police Officer, Mardan on 14.01.2020, but could not produced any cogent reason in his defense nor satisfy the District Police Officer, Mardan.

ATTESTED

RPO Mardan

31/1/2020

- 23

Therefore, the District Police Officer, Mardan awarded him major punishment of reduction in rank from Sub Inspector to his substantive rank of ASI vide OB: No. 104 dated 16.01.2020

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 04.02.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations against the appellant have been proved. The appellant being a responsible Officer as SHO was supposed to discharge his official duties in a professional manner. But he did not bother to do so. However, keeping in view, the length of service of appellant, the undersigned is constrained to take a lenient view of the misconduct of the appellant.

Based on the above, I, **Sher Akbar, PSP S.St Regional Police Officer, Mardan**, being the appellate authority, the major punishment of reduction in rank i.e from the rank of Sub Inspector to his substantive rank of ASI is hereby modified into reduction in pay by five (05) stages.

Order Announced.


Regional Police Officer,
Mardan.

No. 1446 /ES, Dated Mardan the 07-02 /2020.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 53/LB dated 31.01.2020. His Service Record is returned herewith.

(*****)

ATTESTED

R. Rompudon

31/1/2020

Statement of Parvez Khan son of Nadir Khan aged about 22/23 years r/o Chanto Killi Janbaz Narai District Mardan u/s 164 Cr.P.C on oath; - 24 Annex K 9)

Stated that I am complainant in the instant case vide which I have charged accused Zaffar son of Zarbaz Khan alongwith unknown accused for the murder of my brother namely Alamzeb. Regarding unknown accused I alongwith the investigation staff was in search. Now from my personal satisfaction and that of the investigation conducted by the Investigation Officer I am satisfied that Nazar Gul son of Juma Gul r/o Khazan Dheri, Minar Gul alias Minaray son of Babu r/o Maho Narai were the accused who committed murder of my brother after receiving an amount of Rs.2-Lac from Jan Muhammad alias Jani son of Ayub Khan r/o Janbaz Narai, as head money (مہر). Motive of the offence is dispute over plot and its amount. I charge all the three accused for the commission of offence. This is my statement.

XX.... Accused not yet arrested.

R.O & A.C
07.10.2019

Parvez Khan
CNIC No.16102-7422838-7

SHERAZ TARIQ
Judicial Magistrate-II, Mardan.

Judicial Magistrate Mardan

ATTESTED

PAKISTAN National Identity Card	
Name: Parvez Khan	
Father Name: Nadar Khan	
Gender: M	Country of Birth: Pakistan
Identity Number: 16102-7422838-7	Date of Birth: 01.01.1983
Date of Issue: 14.09.2016	Date of Expiry: 14.05.2026
Holder's Signature	

بیان آزاں پرویز خان ولد نادر خان کدہ چانباڑ سرے

Page 2

میں حلفہ بیان کرتا ہوں کہ میں نے
 خود میں سے قبل گوہر خان بالغ H.O کی جگہ پر
 حروان کے صدف آفران پر لکھا جانے کو درخواست
 دیا تھا۔ کہیں برادر آرم کے حقل میں مجھے اصل
 حلفہ مل کر جو اصل حروان میں ہے
 میں نے گوہر خان کھدک غلط نہیں ہے
 درخواست کیا تھا۔ میں اپنی درخواست پر
 کسی قسم کی کارروائی کرانا نہیں چاہتا
 یہی صدف بیان ہے جو کہ درست ہے۔

الذرا پرویز خان

15/11/19

5/ پرویز خان ولد نادر خان کدہ چانباڑ سرے

0340-0192064

16102-7422838-7

ATTESTED



CERTIFICATE



This is to certify that

Fogues 26

Mr. Gohar Ali Rank SI District Mardan

has participated and successfully completed Two Weeks "Public Disorder Management Course" No. 13 held

at Police School of Public Disorder & Riot Management Mardan from 4/1/16

to 15/1/16

*OB/EC
for promotion.*

[Signature]
Deputy Inspector General of Police,
Training
Khyber Pakhtunkhwa, Peshawar.

*OB-2520
20-10-16*

[Signature]
Director
Police School of Public Disorder
& Riot Management Mardan.

ATTESTED



FIGHT
AGAINST
TRAFFICKING
in human beings

CERTIFICATE OF PARTICIPATION

This is to certify that

Gohar Ali si

*has successfully completed Anti-Trafficking Awareness Training for Pakistan National Police
16 November 2015, Islamabad, Pakistan*

Ali Trossero

*Elisa Trossero
Programme Manager
ICMPD Anti-Trafficking Programme*

16 November 2015

*OBJEC
For objection
N
DPO/Muhammad*

ATTESTED

This project is funded by the European Union and implemented by an international consortium led by the International Centre for Migration Policy Development (ICMPD) in partnership with:

CP No 2519

20.10.16





Pakistan Red Crescent Society
Khyber Pakhtunkhwa Branch

Pakistan Red Crescent Society
 انجمن صلال احمر پاکستان



ICRC

OB/EE
for motivation

Certificate

M
Dpoimadlee
7/10/15

This Certificate is awarded to

Mr. Gohar Ali

He has participated in the **10 hours**
Basic First Aid with CPR Training

From **17th** to **18th** September 2015

This Certificate is Valid for two years from the date of Training

Topics Covered:

- Introduction to RC/RC Movement
- First Aid and Qualities of First Aider
- Respiratory Emergencies
- Circulatory Emergencies
- CPR
- Burns and Scalds
- Shock and Faints
- Heat and Cold Exposure
- Poisoning
- Bleeding & Wounds
- Application of Bandages
- Bones Joints & Muscular injuries
- Short Distance Transportation

ATTESTED

96-
LEARN FIRST AID SAVE LIFE

Secretary PRCS KE

S. No. 1897/2015

Dated: 18/09/2015

Certificate of Appreciation

56

Mr./Ms. GOHAR KHAN SHO PS SADDAR

has successfully attended the

OB/Ec
For induction.

Model Police Station Induction Training

05- 06 October 2015

W
DPO/Mardan

TESTED

[Signature]
DPO Mardan

[Signature]

Shakeel Kakakhel.
Team Leader Aitebaar



OB-2521
20-10-16



AITEBAAR

30

POLICE SCHOOL OF INVESTIGATION
HAYATABAD, PESHAWAR.

S.No. 467/2018



This is to certify that

SI Gohar Ali MR/47

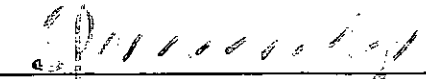
District

Mardan

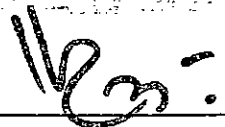
has Participated and Successfully Completed One Week Training on

Case File Management Course

held at Police School of Investigation Hayatabad, Peshawar. Dated. 23 to 27 April, 2018


Deputy Inspector General of Police
Training
Khyber Pakhtunkhwa, Peshawar.




Director
Police School of Investigation
Hayatabad Peshawar

ATTESTED

No. 13-17

POLICE DEPARTMENTDISTRICT MARDAN

Annual Confidential Report on the working of Assistant: Sub-Inspectors, Sub-Inspectors and Inspectors for the year ending 31st December, 2018.

Name, Provincial or Range No. Rank and Grade.	SI Gohar Ali No.MR/47
Father's Name	Mian Qadar
Where and on what duties employed during the past 12 months.	01.01.2018 to 01.02.2018 Police Lines 02.02.2018 to 07.02.2018 SHO PS Saddar 08.02.2018 to 16.05.2018 Police Lines 17.05.2018 to 09.07.2018 SHO PS Par Hoti 10.07.2018 to 11.07.2018 Police Lines 12.07.2018 to 28.08.2018 PS Rustam 29.08.2018 to 31.12.2018 SHO PS Rustam

Class of Superintendent of Police's Report, i.e. 'A' or 'B' or 'C'

"A"

Is he honest?

No Complaint

Remarks by: -

Good officer.

(1) Superintendent of Police

(2) Deputy Inspector-General of Police

(Wahid Mehmood) PSP
District Police Officer Mardan.
(24-06-2018 to 24-10-2018)

(Dr. Khurram Rashid) PSP
District Police Officer Mardan
(26-03-2018 to 23-06-2018)

Period is less than three months, hence no comments
(01-01-2018 to 25-03-2018)

(Dr. Mian Saeed Ahmad) PSP
District Police Officer Mardan

Period is less than three months, hence no comments
(25-10-2018 to 31-12-2018)

(Sajjad Khan) PSP
District Police Officer Mardan

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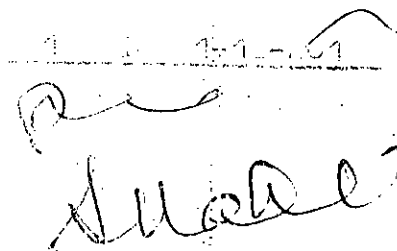

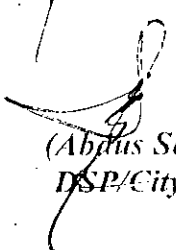

No. 13-17

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POLICE DEPARTMENT

DISTRICT MARDAN

Annual Confidential Report on the working of Assistant: Sub-Inspectors, Sub-Inspectors and Inspectors for the year ending 31st December, 2012.

Name, Provincial or Range No. Rank and Grade.	ASI Gohar Ali No. 1007/MR
Father's Name	Mian Qadar Khan
Where and on what duties employed during the past 12 months.	01.01.12 to 31.12.2012 I/C PP Labor (PS City)
Class of Superintendent of Police's Report, i.e. 'A' or 'B' or 'C'	A
Is he honest?	"No Complaint"
Remarks by: - (1) Superintendent of Police (2) Deputy Inspector-General of Police  	Dutiful, Obedient and responsible officer. Good public dealing & professional.  (Abdus Samad Khan) DSP/City, Mardan. I agreed with the above report.  (Khaliq Naseem Khan) DSP/City, Mardan. Agreed (Danishwar Khan) District Police Officer, Mardan

ATTESTED

POLICE DEPARTMENT

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DISTRICT MARDAN

Annual confidential report on the working of Assistant: Sub-Inspectors, Sub-Inspector and Inspectors for the year ending 31 st December, 2009.

Name, Provincial or Rang No. Rank and Grade.	ASI Gohar Ali No. 1007
Father's Name	Mian Qadar Khan
Where and on what duties Employed during the past 12 Months.	01.01.2009 to 31.12.09 I/C P.P Labour
Class of Superintendent of Police's Report, i.e. 'A' or 'B'	A
Is he honest?	No Complaint
Remarks by: - (1) Superintendent of Police. (2) Regional Deputy Inspector of Police	<p>A Very good Police Officer taking keen interest in his Job interests</p> <p>(SYED IMTIAZ ALI SHAH) QPM PPM UNPM SUB-DIVISIONAL POLICE OFFICER, CITY MARDAN</p> <p>agreed</p> <p>(TAUSEEF HAIDER) SUB-DIVISIONAL POLICE OFFICER, CITY MARDAN</p> <p>(HAJI WAQIF KHAN) PPM QPM L.M.</p>

(SYED AKHTAR ALI SHAH) PSP
DY: INSPECTOR GENERAL OF POLICE,
MARDAN REGION, MARDAN

ATTESTED

POLICE DEPARTMENT

DISTRICT MARDAN

34

Annual confidential report on the working of Assistant: Sub-Inspectors, Sub-Inspector and Inspectors for the year ending 31 st December, 2009.

Name, Provincial or Rang No. Rank and Grade.	ASI Gohar Ali No. 1007
Father's Name	Mian Qadar Khan
Where and on what duties Employed during the past 12 Months.	01.01.2009 to 31.12.09 I/C P.P Labour
Class of Superintendent of Police's Report, i.e. 'A' or 'B'	A
Is he honest?	No Complaint
Remarks by: - (1) Superintendent of Police, (2) Regional Deputy Inspector of Police	<p>A Very good Police Officer taking keen interest in his job</p> <p><i>(Signature)</i> (SYED IMTIAZ ALI SHAH) OPM PPM UNPM SUB-DIVISIONAL POLICE OFFICER, CITY MARDAN</p> <p><i>agreed</i></p> <p><i>(Signature)</i> (TAUSEEF HAIDER) SUB-DIVISIONAL POLICE OFFICER, CITY MARDAN</p> <p><i>(Signature)</i> (HAJI WAQIF KHAN) PPM OPM T.SI DISTRICT POLICE OFFICER</p>

(SYED AMRAN ALI SHAH) PPM
DY: INSPECTOR GENERAL OF POLICE,
MARDAN REGION, MARDAN

ATTESTED

No. 13-17

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DISTRICT MARDANPOLICE DEPARTMENT

Annual Confidential Report on the working of Assistant: Sub-Inspectors, Sub-Inspectors and Inspectors for the year ending 31st December, 2018.

Name, Provincial or Range No. Rank and Grade.	SI Gohar Ali No.MR/47
Father's Name	Mian Qadar
Where and on what duties employed during the past 12 months.	01.01.2018 to 01.02.2018 Police Lines 02.02.2018 to 07.02.2018 SHO PS Saddar 08.02.2018 to 16.05.2018 Police Lines 17.05.2018 to 09.07.2018 SHO PS Par Hoti 10.07.2018 to 11.07.2018 Police Lines 12.07.2018 to 28.08.2018 PS Rustam 29.08.2018 to 31.12.2018 SHO PS Rustam
Class of Superintendent of Police's Report, i.e. 'A' or 'B' or 'C'	A

Is he honest?

No complaint

Remarks by: -

Good officer.

(1) Superintendent of Police

(2) Deputy Inspector-General of Police

(Wahid Mehmood) PSP
District Police Officer Mardan.
(24-06-2018 to 24-10-2018)

(Dr. Khurram Rashid) PSP
District Police Officer Mardan
(26-03-2018 to 23-06-2018)

Period is less than three months, hence no comments
(01-01-2018 to 25-03-2018)

(Dr. Mian Saeed Ahmad) PSP
District Police Officer Mardan

Period is less than three months, hence no comments
(25-10-2018 to 31-12-2018)

(Sajjad Khan) PSP
District Police Officer Mardan

ATTESTED

Part 'D'
36

KHYBER PAKHTUNKHWA POLICE



COMMENDATION CERTIFICATE CLASS III GRANTED BY

Mr. Sajjad Khan PSP

District Police Officer Mardan

To SI Gohar Khan SHO Saddar

Son of _____

District Mardan

In Recognition of

For his good performance in case.

FIR No. 257 dated 22.9.18 U/S 302/134

PS Saddar

O.B No 538

Dated 06-03-2019


District Police Officer
Mardan.

ATTESTED



KHYBER PAKHTUNKHWA POLICE - 37



**COMMENDATION CERTIFICATE
CLASS III
GRANTED BY**

Mr Syjad Khan PEP
District Police Officer Mardan

To Sr Gohar SHO Sadda

Son of _____

District Mardan

In Recognition of

His good performance in recovery
during the month of Feb 2019.

O.B No 534

Dated 6-3- 20 19


District Police Officer
Mardan.

ATTESTED

38

Police No. 107.
Form No. 15.3 (c).

GS&PD, NWFP. -309 F.S. -50,000 F. -3-1-88-(19)



N.-W. F. P. POLICE.

COMMENDATION CERTIFICATE

Class III

Granted to ASI Gohar Ali Khan PS Lunel Khwar,
son of _____, resident of _____ village,
_____ Police Station, Mardan District,

in recognition of his good performance vide Case FIR No. 623/08 u/s 365A
1487149/ FIR NO 624/08 u/s 324/353/1487149/2ATA PS Kharwar

21.52
The... 18/9/08 }

Superintendent of Police.
[Signature]
Distt. Police Officer
Mardan.

ATTESTED

Note—(1) If a Police Officer, rank and number in final.
(2) Cash reward if any, to be specified.

NORTH WEST FRONTIER PROVINCE POLICE



Commendation Certificate

Class II

Granted by

Mr. SYED AKHTAR ALI SHAH

**DEPUTY INSPECTOR GENERAL OF POLICE
MARDAN REGION MARDAN.**

TO ASI GOHAR ALI

Son of -

District MARDAN

In Recognition of

GOOD AS WELL PERFORMANCE IN CASE FILE NO. 779 /2009

U/S 454/380/14 ISLAMIC LAW P.S CITY AN TR NO. 1072

AWD O/A 324/34 P.O. Police Station City Mardan

also granted Cash Award Rs.2000/-

O.B. NO. _____

DATED _____



[Signature]
Deputy Inspector General of Police
Mardan Region Mardan.

ATTESTED



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Commendation Certificate

CLASS II

SYED AKHTAR ALI SHAH

DEPUTY INSPECTOR GENERAL OF POLICE N.W.A.F.P.
MARDAN REGION-1, MARDAN.

ASI GOLAR ALI INCHARGE POLICE POST LABOUR COLONY MARDAN

MARDAN.

in Recognition of

GOOD PERFORMANCE IN CASE FIR NO. 22 DATED 3.1.2010 U/S 3/4
AF/13 A.O, CASE FIR NO. 57 DATED 8.1.2010 U/S 3/4 AF/13 A.O,
CASE FIR NO. 62 DATED 9.1.2010 U/S 3/4 AF/13 A.O, CASE FIR
NO. 65 DATED 9.1.2010 U/S 3/4 AF/13 P.S CITY MARDAN.

AA Shah
Deputy Inspector General of Police,
MARDAN REGION- MARDAN.

ATTESTED



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CLASS II

SYED AKHTAR ALI SHAH

DEPUTY INSPECTOR GENERAL OF POLICE N.W.F.P.
MARDAN REGION-1, MARDAN.

IN CHARGE POLICE POST LABOUR COLONY MARDAN

MARDAN.

In recognition of
FOR HIS GOOD PERFORMANCE OF DUTY.

A. J. Khan
Deputy Inspector General of Police,
MARDAN REGION-I, MARDAN.

ATTESTED

North West Frontier Province Police - 42



Commendation Certificate

CLASS III

Granted by

MR WAQIF KHAN

District Police Officer Mardan.

To MR GOHAR ALI ASI

Son of POLICE POST LABOUR COLONY

District MARDAN

in Recognition of

GOOD Performance in a Case Wherein
The ASI recovered (30) Bottles wine
Police Station City

O.B. No. 186

Rs 300/-

Dated 11/9 - 01 - 2010


District Police Officer

Mardan

ATTESTED

حکومت جناب ڈی پی او صادق سردار

درخواست جناب سردار مافوقی کارروائی بخلاف قرض و لہذا برائیاں ① اسم سکن نامعلوم ②

مقدمہ عدالت ۱۹۵۰ م ۳۵۲/۳۴

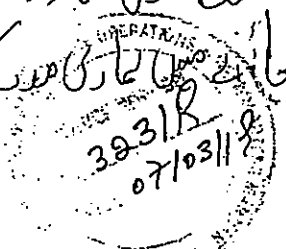
جناب عالی!

گواہوں کے لئے اس سائل کا جواب مرحوم عالمگیری کو مورخہ ۲۰/۸/۷۱ پر دیا گیا ہے۔
 دوسرے گواہوں کے قتل کیا ہے جو کہ مورخہ ۲۰/۸/۷۱ پر سوار تھے الفیہ ان آرہیں اس ماہ میں
 ہو چکا ہے جو کہ سالہ لفظ ہے۔ مورخہ ۲۰/۸/۷۱ میں جان سہرہ روڑ کرکڑی و لہذا شافوہ
 پر مارٹرنگ کر کے قتل کیا گیا ہے اور اسی وقت تھانہ لہذا مورخہ ۲۰/۸/۷۱ گاڑی لہذا کرکڑی قتل ہو گیا
 مورخہ ۲۰/۸/۷۱ جسٹریٹ خانہ لہذا ۱۹۵۰ ڈیوٹی پر تھا جبکہ لہذا مقصد میں مذکور میں ایک شخص گرفتار ہوا جو
 اور اسی معاملے میں ۸۸۵ تھانہ لہذا کو دھرا جانے میں لہذا قتل کر کے طرف واقعہ میں ہے کہ
 اس طرف نہی آرہی ہے بارے میں مورخہ ۲۰/۸/۷۱ نے مجھے خود بتایا تھا کہ اگر مجھے کچھ نہ کہہ دیتا تو
 میرا خیرم طرف نہی تھا جو ۴۱۱ میں نامزد ہو چکا ہے۔ عدالت مذکورہ طرف نہی گواہوں کے
 متعلق ۸۸۵ تھانہ لہذا کی رپا ہے کہ یہ ملزم نہیں ہے بلکہ مزید یہ کہ روسیہ ملزم کے متعلق نہی
 لہذا تک کچھ معلوم نہ ہو سکا اور نہ ہی کسی قسم کی گرفتاری ہو چکی ہے تاکہ مقدمہ میں پیش کیا
 ہو سکے۔ جبکہ لہذا کے توالیہ سے ۴۱۱ میں لہذا سے قتل کا نہیں کیا گیا ہے الہی تک۔
 کیا فرمائیں اس وجہ سے پولیس کارروائی سے متعلق نہیں ہوا کیونکہ مقدمہ کے ۲۶ دن گذر چکے
 ہیں مگر کوئی خاطر خواہ کارروائی ہو کر مطلوب ہے نہ ہو سکی جبکہ متعلق ۸۸۵ لہذا
 مشکوک نظر آیا ہے۔

اپنے آپ صاحبان سے لہذا درخواست استماع ہے کہ

ASP/UBT

PL. For info. you under the jurisdiction and rep



الکلی

تسلیم فرمائیں

یونیورسٹی

ATTESTED

۵۳۶۰-۵۱۲۰۶۶

مورخہ ۱۳/۸/۷۱

یہ ذیل مدارد خان سلسلہ تنظیم انکم کوڈورہ جاہا زبیری جاہا سردار اور سردار

عنوان :-

درخواست بمراد دوبارہ کرنے انکوائری در مقدمہ ملت نمبری 196 مورخہ 09/02/2019 تحت
صدر مردان جرم PPC 302³⁴ برخلاف نامعلوم زمانہ منجانب سائل! کمپلیٹ پرویز وندہ نادر خان سائن
جاننا نرے، چالو کئے کچھیں وضع مردان

SI P. S. Sada
For Report
DEPT. W/P
4-19

جناب عالی!

درخواست سائل حسب ذیل عرض ہے

یہ کہ سائل کا تعلق موضع مردان سے ہے اور ایک شریف گھرانے سے تعلق رکھتا ہے، من سائل کبھی بھی کسی مقدمہ بشمول لوجھاری
یاد یوانی میں ملوث نہیں رہ چکا ہے، نہ ہی کسی گروہ کے ساتھ تعلق رکھتا ہے، نہ ہی محکمہ پولیس کو کسی بھی مقدمہ میں مطلوب ہے، اس
نسبت من سائل کا ریکارڈ محکمہ پولیس کیساتھ روز روشن کی طرح عیاں ہے۔
(نقل شناختی کارڈ لف ہے)۔

یہ کہ مورخہ 09/02/2019 کو من سائل اپنے بھائی مسکی عالمزیب متون کے ہمراہ میرٹس ہسپتال منڈی سے سوزہ
نمبری P.L-3660 کراچی میں نکل اپنے گھر جارہے تھے۔ راستہ میں بمقام بانے وقوعہ سائل، متنی تھائی کے پوسٹ
خریدنے کی خاطر رک گئے۔ اور اسی اثناء میں نامعلوم دو ملزمان بسواری سوزہ سائیکل 125CC جو کہ نقاب پوش تھے بعد
پستول آکر موٹر سائیکل مذکورہ پر پھینچے سیٹ پر بیٹھے ہوئے لازم نے ہماری گاڑی پر فائرنگ کی جسکی بازنگ سے سائل کا بھائی
عالمزیب لگس کر موقع پر جاں بحق ہوا۔
(نقل FIR لف ہے)

یہ کہ من سائل نے ذوالعی نسبت کی پیش ہمت پر مدت میں رپورٹ نسبت و آو۔ اور منسوزہ کے ایک سائل سے

یہ کہ چونکہ من سائل نے وقوعہ کے راز زمانہ کو نہیں دیکھے تھے یہ کہ وہ نقاب پوش تھے جبکہ نہیں تھے ہے سوزہ سائیکل کے نمبر
پلیٹ کو بھی کپڑے سے چھپایا تھا مگر جب کچھ دن بعد من سائل نے مسل پولیس بملاحظہ کیا نامعلوم ہوا کہ FIR میں ظفر تانی
شخص کو بھی ڈائریکٹ چارج کیا ہے۔

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یہ کہ سن سائل ایکسپلٹ نے مذکورہ نظر نامی شخص کے عرف سبھی نامی 'موجودہ' کی تہیں نا ہے، نہ کہ سن سائل۔ چھپس زمین۔
 کرتا معلوم ملزمان کے خلاف حوالہ دہی کی ہے، مذکورہ بلا نظر نامی شخص کو متعلقہ پولیس نے دوران تفتیش شہس کیا ہے اور اپنی عا
 طرف سے یعنی از جانب خود اس پر حوالہ دہی کی ہے نہ کہ سن سائل نے۔

یہ کہ مقدمہ ہذا میں تفتیش ابتدائی درست طور پر بھی نہیں ہوئی ہے کیونکہ میڈیکل رپورٹ اور پولیس رپورٹ نسبت زفات میں
 کافی تضاد ہے، جو کہ میڈیکل رپورٹ ورس پولیس سے سنا گیا ہے، یہ رپورٹ بھی مقدمہ میں Re-investigation
 ضروری ہے۔

یہ نہ پولیس ریکارڈ پر CDR نسبت متعلق موجود ہیں اس راس جانب تفتیش آئیے کے کوئی بھی توجہ نہیں دی ہے نہ ہی اس نسبت
 پوچھنا کر کے اصل حقائق کو صفحہ مسل پر لائے ہیں بدیں وجہ بھی مقدمہ قابل Re-investigation ہے۔

یہ کہ حالات و واقعات و ریکارڈ موجود بر مسل پولیس، میڈیکل رپورٹ و بیان کمپینٹ سے صاف واضح ہے کہ مقدمہ میں ابتدائی
 تفتیش بر مطابق قانون و اصول نہیں ہوئی ہے نہ ہی مذکورہ تفتیش ابتدائی کی روشنی میں اصل ملزمان تک رسائی ممکن ہے، بدیں وجہ
 مقدمہ میں دوبارہ Re-investigation کرنا اشد ضروری ہے۔

لہذا استدعا ہے کہ منظور کی درخواست ہذا مقدمہ بالا میں کسی غیر جانبدار، فرض شناس، ایماندار تفتیشی آفسر کے ذریعے
 مقدمہ بالا میں از سر نو تفتیش کئے جانے کا حکم صادر فرمایا جائے اور اصل ملزمان کو صفحہ مسل پر لائیں جائیں تاکہ قانون و انصاف
 کے تقاضے پورے ہوں۔ مقتول کے تیمر بچے تاحیات دعا گو رہیں گے

تحریر

پرایز و دنا در خان ساکن جانا ہا نرے، چانوکے
 چارسدہ روڈ تحصیل ذبیح مردان

سائل اسپیشٹ

Cell 0340 0192064

سرور سہ خاں

کاپی برائے

D.I.G مردان

G.P صاحب KPK پشاور

وزیر اعلیٰ KPK پشاور

چیف جسٹس پشاور ہائی کورٹ پشاور

چیف جسٹس پیرام کورٹ آف پکتان

ڈائریکٹر جنرل پولیس پاکستان سرحد

107-R.D
 5-11-19

ATTESTED

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**IN THE COURT OF ABDUL BASIT
ADDITIONAL SESSIONS JUDGE-I, MARDAN**

Petition no. 18/BA of 2019

Zafar..... versus The State.

Order....17
17.04.2019

Dy. PP Rafiullah for state present. Counsel for accused/petitioner and complainant along with counsel present.

Accused/petitioner Zafar son of Nadir Khan resident of Janbaz Naray seeks his post arrest bail in case FIR No. 196 dated 09.02.2019 u/s 302/324/34 PPC of P.S M.P.S Saddar, Mardan.

As per FIR, complainant Pervez reported to local police that he along with his brothers Rawid and Alamzeb were proceeding to their house from Mirwas vegetable market in motor car bearing registration No.PL-3660 Karachi driven by deceased Alamzeb. When they reached the place of occurrence, deceased Alamzeb stopped for purchase of meat. In the meantime Zafar son of Zar Baz Khan and an unknown person riding on motor cycle came there and Zafar sitting on rear seat started firing at Alamzeb with which he hit and died on the spot. That the occurrence is witnessed by his brother Rawid sitting in the car. Motive behind the occurrence was money dispute between deceased Alamzeb and Zafar.

I have heard arguments of learned counsel representing parties and have gone through case file.

Learned counsel for accused/petitioner argued that accused/petitioner has falsely been implicated in the case. He further argued that there is no independent witness to the occurrence. He argued that motive is not clear one. He added that despite being remained in police custody, accused/petitioner did not make any pointation nor confessed his guilt. Learned counsel further argued that recovery of incriminating has not been made from the accused/petitioner. He maintained that the accused/petitioner is entitled to the concession of bail.

While rebutting arguments advanced by learned defence counsel, learned Dy. PP assisted by private counsel for accused/petitioner strongly resisted the bail petition in hand. They argued that accused/petitioner is directly charged in the FIR. The evidence available on record in shape of site plan, medicolegal report, and recovery memos fully support the prosecution version. They argued that the accused/petitioner is not entitled to the concession of bail, therefore, they requested for the dismissal of bail petition.

Perusal of the record available record reveals that accused/petitioner is directly charged in a promptly lodged FIR. It is a day light occurrence having no chance of misidentification. Moreover, the site plan fully supports the prosecution version. Recovery of empties and a bullet has also been made from the place of accused/petitioner. Investigation in the case has yet not been finalized. Parties are close relatives to each other which excludes any possibility of

ATTESTED

false implication. Moreover, the case of accused/petitioner is of heinous in nature. At present, there is sufficient incriminating material available on record which prima facie connects the accused/petitioner with the commission of offence for which he has been charged. Offence carries maximum punishment which falls within the prohibitory clause of Section 497. Specific role of firing has been attributed to accused/petitioner. Medicolegal report fully supports the prosecution versions, therefore, bail application of accused/petitioner is not arguable for the purpose of bail; hence, same stands dismissed. Copy of this order be placed on judicial file for record.

Record be returned and file of this court be consigned to the Record Room after its completion.

Announced:
17.04.2019

(Abdul Basit)
Addl: Sessions Judge-I,
Mardan

2019

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**IN THE COURT OF ABDUL BASIT
ADDITIONAL SESSIONS JUDGE-I, MARDAN**

Petition no. 18/BA of 2019

Zafar..... versus The State.

Order....10
03.06.2019

Dy. PP Rafiullah for state present. Counsel for accused/petitioner and complainant along with counsel present.

Accused/petitioner Zafar son of Nadir Khan resident of Janbaz Naray seeks his post arrest bail on fresh ground that investigating authority during investigation declared him innocent in case FIR No. 196 dated 09.02.2019 u/s 302/324/34 PPC of P.S M.P.S Saddar, Mardan.

As per FIR, complainant Pervez reported to local police that he along with his brothers Rawid and Alamzeb were proceeding to their house from Mirwas vegetable market in motor car bearing registration No.PL-3660 Karachi driven by deceased Alamzeb. When they reached the place of occurrence, deceased Alamzeb stopped for purchase of meat. In the meantime Zafar son of Zar Baz Khan and an unknown person riding on motor cycle came there and Zafar sitting on rear seat started firing at Alamzeb with which he hit and died on the spot. That the occurrence is witnessed by his brother Rawid sitting in the car. Motive behind the occurrence was money dispute between deceased Alamzeb and Zafar.

I have heard arguments of learned counsel representing parties and have gone through case file.

Learned counsel for accused/petitioner argued that though previously post arrest bail of the accused/petitioner was refused by this court, however, during investigation accused/petitioner has been declared innocent. He further argued that accused/petitioner has falsely been implicated in the case. He further argued that there is no independent witness to the occurrence. He argued that motive is not clear one. He added that despite being remained in police custody, accused/petitioner did not make any pointation nor confessed his guilt. Learned counsel further argued that recovery of incriminating has not been made from the accused/petitioner. He maintained that the accused/petitioner is entitled to the concession of bail.

While rebutting arguments advanced by learned defence counsel, learned Dy. PP assisted by private counsel for accused/petitioner strongly resisted the bail petition in hand. They argued that accused/petitioner is directly charged in the FIR. That finding of investigating agency is not binding upon the court. The evidence available on record in shape of site plan, medical report, and recovery memos fully support the prosecution version. They argued that the accused/petitioner is not entitled to the concession of bail, therefore, they requested for the dismissal of bail petition.

Perusal of the record reveals that previously post arrest bail petition of accused/petitioner has already been declined by this court vide order dated 11.04.2019. Contention of learned counsel for accused/petitioner that during investigation accused/petitioner submitted application before DPO, Mardan for re-investigation upon which the case was reinvestigated and the I.O declared the accused/petitioner as innocent and in this respect daily diaries/zemnies 28.04.2019 and 30.04.2019 are available on file. This is held that the ground of innocence taken by learned counsel for accused/petitioner has already been taken by him in his earlier

ATTESTED

2019

filed application whereas, the application referred by learned counsel for accused/petitioner dated 05.04.2019 was also available on file, therefore, the ground of innocence cannot be agitated again especially when the same has been specifically raised in para no. 5 of the first earlier bail petition. Moreover, application u/s 169/63 CrPC for discharge of accused/ petitioner is also available on file which shall be put up before learned Judicial Magistrate who shall decide it as per law. Rest of the grounds have already been discussed in earlier bail petition and fresh ground of innocence taken by the accused/petitioner for his release is not convincing having already been taken up earlier, therefore, bail application of accused/petitioner is not arguable for the purpose of bail; hence, same stands dismissed. Copy of this order be placed on judicial file for record.

Record be returned and file of this court be consigned to the Record Room after its completion.

Announced:
03.06.2019

(Abdul Basit)
Addl: Sessions Judge-I, Mardan

11/06/2019

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IN THE COURT OF FARYAL ZIA MUFTI,
ADDITIONAL SESSIONS JUDGE-VI, MARDAN.

"Zafar Khan ... v/s ... the State"

No.685/BA of 2019

ORDER—03

Dt: 06.11.2019



1. Syed Abdul Mujeeb APP for State present. Accused/petitioner with counsel present. Complainant with counsel present. Record already received.
2. Accused/petitioner namely **Zafar Khan son of Zarbaz Khan resident of Charsadda Chowk District Mardan**, seeks his release on post arrest bail being charged in case FIR No.196 dated 09.02.2019 under Sections 302/34 PPC at Police Station Saddar, Mardan.
3. Brief facts as per contents of murasila are that the complainant Parvez while brought the dead body of his deceased brother Alamzeb reported the matter to local police at casualty D/HQ Hospital Mardan in terms that on the eventful day at about 16:50 hours, he along with his brothers Rawed and deceased Alamzeb were heading Mirwas towards their house in motorcar No.PL3660/BK Khyber. The motorcar was driving by his deceased brother. That while reaching to the spot his deceased brother has stopped the car in front of a butcher shop for the purpose of buying meat, in the meanwhile accused Zarbaz Khan resident of Charsadda Chowk duly armed with pistol arrived on spot from backside while driving Honda-125CC motorcycle Honda 125 accompanied by another unknown person having mask on his face, stopped his motorcycle and the person sitting on rear seat has started firing by his pistol upon brother of complainant as a result of which his brother hit and died on spot. The occurrence was witnessed by complainant.


ATTESTED


as well as his brother Rawaid. Motive behind the occurrence was money dispute between the deceased and that of accused Zafar. Later-on through supplementary statement of complainant the present accused/petitioner along with two others were charged for the commission of offence.

4. Arguments heard and record perused.
5. Record shows that on 17.04.2019 the bail petition of accused/petitioner was rejected by learned Additional Sessions Judge-I Mardan, while second bail petition was also refused by said Court on 03.06.2019 being filed on fresh grounds. Now petitioner submitted instant bail petition on the grounds that complainant is not deposing against him. The complainant Parvez recorded his statement to the effect that he has got no objection if the accused-petitioner Zafar Khan is released on bail as he is not prosecuting against him anymore. Furthermore, record reveals that vide supplementary statement recorded u/s 164 Cr.P.C the complainant has charged three other persons for the murder of his brother.
6. Keeping in view above stated facts & circumstances the accused/petitioner is admitted to bail provided he furnish bail bonds in the sum of Rs.1,00,000/- (one lac) with two sureties each in like amount to the satisfaction of this Court.

Requisitioned record be remitted while this Court file be consigned to the record room after its necessary completion & compilation.

ANNOUNCED:

Dt: 06.11.2019


FARYAL ZIA MUFTI,
ADDITIONAL SESSIONS JUDGE-VI,
MARDAN.

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THE
PESHAWAR HIGH COURT
PESHAWAR

No. 6479/Judl:

Dated Peshawar, the 27/7/2019

From

The Deputy Registrar (J),
Peshawar High Court,
Peshawar.

To

The SHO,
Police Station,
Saddar, District Mardan.

Subject

Cr. M BA No. 1723-P/2019.

Zafar s/o Zarbaz Khan ----Petitioner

Versus

The State & others ----Respondents

Case FIR No. 196, dated 09.02.2019, U/S: 302/34-PPC,
P.S, Saddar, District Mardan.

Memo:

I am directed to forward herewith copy of judgment dated 19.07.2019,
passed by this Hon'ble Court in captioned bail application alongwith relevant
record, for compliance.

Please, acknowledge receipt of this record.

Enclosed:

1. Copy of judgment.
2. Judicial File.
3. Police File.


DEPUTY REGISTRAR (J)

Endst No. _____/Judl:

dated: _____ 2019.

Copy forwarded for compliance to:

The District & Sessions Judge, Mardan.

DEPUTY REGISTRAR (J)

ATTESTED

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(P)

IN THE PESHAWAR HIGH COURT, PESHAWAR.

Cr. Misc (B.A) No. 1723 P /2019

Zafar son of Zarbaz Khan
R/o Charadda Chowk,
Tehsil and District Mardan
Presently Central Jail, Mardan **ACCUSED/ PETITIONER**

Versus

- 1) The State
- 2) Pervaiz s/o Nadir Khan
R/O Janbaz Narry, Chatto Kaley,
Tehsil and District Mardan..... **RESPONDENTS**

CASE FIR NO.196 DATED 09.02.2019
CHARGE U/S 302/34 PPC
POLICE STATION SADDAR (MARDAN).

APPLICATION U/S 497 Cr.P.C. FOR THE
GRANT OF POST ARREST BAIL TO THE
ACCUSED/ PETITIONER TILL THE FINAL
DISPOSAL OF THE INSTANT CASE.

Respectfully Sheweth;

1. That the petitioner has been falsely charged in the above mentioned case and is lying behind the bar since his arrest. (Copy of FIR is attached as Annexure 'A').
2. That the accused/ petitioner applied for his release on bail to the court of Sessions Judge, Mardan, who entrusted the same to ASJ-I, Mardan but the same was dismissed vide order dated 03.06.2019. (Copy of bail application and order dated 03.06.2019 are attached as Annexure 'B and C')

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N. JAY
Registrar
18 JUN 2019

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JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, PESHAWAR
(Judicial Department)

MB

Cr.MB No.1723-P of 2019

Zafar

Versus

The State and another

JUDGMENT

For Petitioner:	Mr. Saeed Akhtar Advocate.
For State:	Mr. Rabnawaz Khan, A.A.G
For respondent No.2:	Mr. Badshah Rehman Mohmand Advocate
Date of hearing	<u>19.7.2019</u>

SHAKEEL AHMAD, J.- Petitioner Zafar son of Zarbaz Khan has moved this petition for admitting him to bail till final conclusion of the trial in case FIR No.196 dated 09.02.2019 registered under sections 302/34 PPC at police station Saddar, Mardan. Vide order dated 03.6.2019, he was declined bail by learned Additional Sessions Judge-I, Mardan, hence the instant petition.

2. The prosecution case as unfolded in the crime report is that complainant Parvez reported to the local police that he alongwith his brothers Rawid and Alamzeb were proceeding to their house from Mirwas vegetable market in motorcar driven by Alamzeb; that when they reached the place of occurrence, Alamzeb stopped for purchase of meat. In the meanwhile Zafar son of Zarbaz Khan and an unknown person riding on motorcycle came there and Zafar, sitting on the rear

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riding on motorcycle came there and Zafar, sitting on the rear seat, started firing at Alamzeb with which he got hit and died on the spot.

(1/12)

3. It was mainly argued that during investigation, the complainant has submitted an application to the investigating officer of the case stating therein that he had not charged the petitioner for the alleged crime and refuted the version of the FIR and during investigation, the petitioner was found innocent and his name was placed in column No.2 of the complete challan, therefore, the case of petitioner requires further inquiry into his guilt being a case of two versions.

4. On the other hand, the learned counsel for the complainant vehemently opposed the contentions of learned counsel for the petitioner and argued that neither any application was submitted by the complainant nor he deviated from his earlier stance. He next contended that the petitioner has specifically been charged in the crime report for committing murder of the deceased in a promptly lodged FIR which rules out the possibility of false implication and deliberation. He next contended that the version of complainant is supported by medico-legal report. He went on to argue that during investigation, two empties were recovered and sent to F.S.L where it was opined that the same were fired from one and the same weapon which corroborates the version of the complainant.

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5. The learned A.A.G supported the contentions of learned counsel for the complainant and added that single accused has been charged in the crime report for the commission of offence; that the occurrence took place in a broad daylight and there is no chance of misidentification. He lastly contended that challan has been given and in such circumstances, the Court normally and ordinarily avoid granting bail as it may prejudice the case of prosecution, therefore, the petitioner is not entitled to the concession of bail.

6. Arguments heard and record perused.

7. Scanning of the record shows that the petitioner has specifically been charged for committing murder of brother of complainant by means of firearms. The medico-legal report, site plan and version of the complainant, if placed in juxtaposition, are consistent inter-alia. During spot inspection, two empties of 30 bore were recovered and sent to F.S.L where it was opined that the same were fired from one and the same 30 bore weapon. Coming to the contention of learned counsel for the petitioner that the complainant himself has submitted an application before the investigating agency wherein he stated that he had not charged the petitioner for the commission of offence and findings recorded by the investigating officer on his application, I would avoid to comment upon the same as it may prejudice the case of either party, because the complainant

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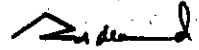
ATTESTED

vehemently denied the said contention of the learned counsel for the petitioner.

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8. At the moment, the tentative assessment of the record leads me to the conclusion that the petitioner is prima facie connected with the offence which falls within the prohibition contained in section 497 Cr.P.C and he is not entitled to the concession of bail. Accordingly, the instant petition being devoid of force is hereby dismissed.

Announced.
Dt: 19.7.2019.
Habib/*


JUDGE

(SB)
Hon'ble Mr. Justice Shakeel Ahmad


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میں ڈکری شدہ حالات۔ واقعات سے مدغم ظفر کا جائے وقوعہ پر مدغم جوڈیٹری مائی جانری ہے۔ القاف کے لئے لڑنے لڑنے کے لئے مدغم کے باقی اور ضمانت سے سنگریشی کیلئے سنگریشہ در خواست
ایڈیشن 63/69 افسانہ ڈکری شدہ لٹن میں جوڈیٹری ہو کر مدغم ظفر کا نام حارالان مارم کے خانہ لکھے میں رکھا جا کر مدغم کے خلاف مدغم میں مہور حارالان مہ اعتبار سے تجارت
گواہی مہور خانہ مدغم لکھیات حالات دیا جاتا ہے۔ جبکہ ان ٹریس ملنے ہی ٹریس کر کے کھلیے اور پھینس جاری کرکھا جاتا ہے۔ مستمالین فرمائی جاوے۔

SHO - Saddar.
02-5-2019

As Per directions of Wastung
D&SJ, Mardan, Forwarded to
Court for Trial.
30/08/19

مقام 2 وہ مقام ہے جہاں پر لوبت وقوع صدی مقدم پرور نے حشر کارنہ PL 3660 Karachi ارضم
 حیدر کے پیچھے سٹ میں اپنی موجودگی اور حالت بحشم خود دیکھنا بیان کیا۔

مقام 3 وہ مقام ہے جہاں پر لوبت وقوع گواہ محمد پرور نے حشر کارنہ PL 3660 Karachi ارضم
 حیدر کے پیچھے سٹ میں اپنی موجودگی اور حالت بحشم خود دیکھنا بیان کیا۔

مقام 4 وہ مقام ہے جہاں پر لوبت وقوع ملزم اسم ممکن مصلوم لبراری حشر سائیکل نمبر مصلوم ارضم 125
 کی ڈرائیونگ کرتے ہوئے آخر موجودگی اور لبر وقوع ملزم ظفر کے حشر سائیکل پر بیٹھے پر خراب ہونا بیان کیا۔

مقام 5 وہ مقام ہے جہاں پر لوبت وقوع ملزم ظفر مولد زرباز خان کی لبراری حشر سائیکل نمبر مصلوم ارضم
 125cc نمبر 125 کے ڈرائیونگ کے پیچھے سٹ پر آخر موجودگی اور اس مقام سے ملے ہوئے سٹ 5A پر
 آنا اور اسے لینول سے غائب ہونے پر بارادہ قتل خائننگ کرنا اور لبر وقوع حشر سائیکل پر
 دیکھ ملزم کیا جو سوار ہو کر خراب ہونا بیان کیا۔

مقام A وہ مقام ہے جہاں پر لوبت وقوع حشر کارنہ PL 3660 Karachi ارضم حیدر کے ساتھ مشمول ملزم
 کی موجودگی بیان کی جواب بھی اس مقام پر موجود ہے۔ کل ڈرائیونگ پرور سے ایک مشمول خون
 ارضم جائیداد حیدر دو سہ ہزارت موجود ہیں۔ جبکہ بطور ثبوت پرور حشر وقوع لینول میں کر کے پتہ
 پر بارادہ ملزم کیا گیا، کہ حشر کار بھی پرور وقوع لینول میں کر کے پتہ

مقام B وہ مقام ہے جہاں پر ٹیبلر سے بیٹے دو عدد خول کارنہ 3 بجے لبر تازہ چیلہ اور ایک گولی اسکے سالمہ نظام
 خول کارنہ کے باہری اور گولی سکے کے پھینک پر لبر کارنہ سے لے کر حفاظت کے پرور وقوع لینول میں کر کے
 پتہ پر بارادہ ملزم کیا گیا۔

مقام C اس مقام پر لوبت وقوع حشر سائیکل ارضم نمبر 125 بلر نمبر اذان ملزمان کی موجودگی اور لبر وقوع اس
 حشر سائیکل پر سوار ہو کر خراب ہونا بیان کیا۔

5A 1 15	5A 2 10 7	4A 1 10 5A 2 10 5A 3 18	3A 1 3 4A 2 10 5A 3 "	2A 1 12 3A 2 12 4A 3 "	حاصلہ جاگ x
		5A 4 5	5A 4 "	5A 4 "	
		B 5A SA 5 14	SA 5 5		
		C 1A 10	BL A 5		
			C 1B 6		

جناب عالی!
 اکتوبر تا جارج کارنہ کی پیر لاش
 کی پتہ میں حسب ذیل نامی صدی مقدم
 پرور نے گواہ محمد پرور نے بیان ان فارخان
 مصلوم وقوع کوک لاش وقوع پرور وقوع
 کوک مصلوم مصلوم مصلوم

Siddiq
 si oii Sadeer
 09-02-2019

اسکے علاوہ عدلیہ موجودگی میں آپ نے توڑ کار نمبری PL-3660 Karachi
 نمبر 423287-423287 SA310-423287 کے ساتھ
 حصول عالمی بیگ بریڈ فرڈ فیڈ لائسنس میں آپ کے بیج جلدیہ لہجہ کاغذات
 شتم لائسنس میں کے آپ نے تقاضا کیا ہے کہ خدوات ختم شدہ لائسنس
 میں سے ختم ہونے والے جملہ خدوات پر سہولت دینا بطور گواہ درست ثابت
 دینا۔ یہی حیدر بیان ہے۔ جو کہ درست ہے۔

09 02
 2019

3) صدر خان اولہ اکبر خان لیسر 53 سال سابق باجوڑ لوہاروں کی فزری نے ہر ماہیہ بیان
 کیا کہ میں آپ نے تقاضا کیا ہے کہ موجودہ عدلیہ موجودگی میں آپ نے تقاضا کیا ہے
 PL 3660 Karachi کے ساتھ
 جبکہ دوران سہولت ختم ہونے کے بعد فریڈ فرڈ فیڈ لائسنس میں آپ کے بیج جلدیہ لہجہ کاغذات
 شتم لائسنس میں کے آپ نے تقاضا کیا ہے کہ خدوات ختم شدہ لائسنس میں سے ختم ہونے
 والے جملہ خدوات پر سہولت دینا بطور گواہ درست ثابت دینا۔ یہی حیدر بیان ہے۔ جو کہ
 درست ہے۔

4) نعت پور خان ولد خالد خان فرم افغان لیسر 44 سال سکھہ امر اسیم خان کا بیٹا
 بیان کیا کہ آج عدلیہ موجودگی میں میں نے تقاضا کیا ہے کہ خدوات ختم شدہ لائسنس
 میں سے ختم ہونے والے جملہ خدوات پر سہولت دینا بطور گواہ درست ثابت دینا۔ یہی
 حیدر بیان ہے۔ جو کہ درست ہے۔

5) نعت حاصد 512 صاحب ہر ماہیہ بیان کیا کہ امجدیہ صدر خان کا بیٹا
 فرم افغان لیسر 44 سال سکھہ امر اسیم خان کا بیٹا
 بیان کیا کہ آج عدلیہ موجودگی میں میں نے تقاضا کیا ہے کہ خدوات ختم شدہ لائسنس
 میں سے ختم ہونے والے جملہ خدوات پر سہولت دینا بطور گواہ درست ثابت دینا۔ یہی
 حیدر بیان ہے۔ جو کہ درست ہے۔

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4 حیاتیات وید ولد نار خان قوم افغان لعم 110/112 سال تسلیم جاننا
 نے نے سید اعظم لورہ نے دریاقت بیان کیا کہ فوراً 2/9 کو لبرارد
 ام کلیم بیگ لعم 113/115 سال کو بھگتا جانے وقت
 خان تسلیم جا سندن چون مردان اور ایک لعم اسم و مسلک نافعدم
 نے قتل کیا ہے جسکی نسبت لبرارد ام لبرہ لبرہ 5115 ہسپتال مردان میں
 اڈاٹ کے ہے اور لعم خان کے خلاف رکولڈ ای کے ہے جو کہ درست ہے
 و ہم بخار رستم کا بتا زخم ہے جس میں لبرارد ام قتل سندن علمتیب کے قتل
 کا لبرلاف ظفرہ لبر لبر خان اور ایک لعم اسم و مسلک نافعدم رکولڈ ای
 لبروں ہی میں بیان ہے

5 خان وید ولد نار خان قوم افغان لعم 135/134 سال تسلیم جاننا لبرہ نے سید اعظم لورہ نے
 نے دریاقت بیان کیا کہ فوراً 2/9 کو لبرارد ام علمتیب لعم 135/34 سال کو بھگتا جانے وقت
 لعم ظفرہ لبر نار خان تسلیم جا سندن چون مردان اور ایک لعم اسم و مسلک نافعدم نے
 قتل کیا ہے جسکی نسبت لبرارد ام لبرہ لبرہ 5115 ہسپتال مردان میں اڈاٹ کے ہے اور
 لعم خان کے خلاف رکولڈ ای کے ہے جو کہ درست ہے و ہم بخار رستم کا بتا زخم ہے جس میں
 لبرارد ام قتل سندن علمتیب کے قتل کا لبرلاف ظفرہ لبر لبر خان اور ایک لعم اسم
 و مسلک نافعدم رکولڈ ای میں بیان ہے

6 اور لبر لبر ولد نار خان قوم افغان لعم 29/28 سال تسلیم جاننا لبرہ نے سید اعظم لورہ نے
 نے دریاقت بیان کیا کہ فوراً 2/9 کو لبرارد ام علمتیب لعم 34/35 سال کو بھگتا جانے وقت
 لعم ظفرہ لبر نار خان تسلیم جا سندن چون مردان اور ایک لعم اسم و مسلک نافعدم نے قتل
 کیا ہے جسکی نسبت لبرارد ام لبرہ لبرہ 5115 ہسپتال مردان میں اڈاٹ کے ہے اور لعم خان
 کے خلاف رکولڈ ای کے ہے جو کہ درست ہے و ہم بخار رستم کا بتا زخم ہے جس میں لبرارد ام
 قتل سندن علمتیب کے قتل کا لبرلاف ظفرہ لبر لبر خان اور ایک لعم اسم و مسلک
 نافعدم رکولڈ ای میں بیان ہے

حصہ اول (بیرونی)

رپورٹ ضمنی

ضلع مردان

تھانہ صدر

ابتدائی اطلاعی رپورٹ نمبر 196

تاریخ و مقام وقوع 09/2/19

19 جنوری نمبر 19

تھانہ میں موصول ہونے کا وقت و تاریخ
تھانہ سے روانگی کا وقت

302-34

جرم

تاریخ بمقام وقت جس پر کارروائی کرائی	رپورٹ کا نمبر شمار سلسلہ وار	از علاقہ	حالات تفتیش مرد تہ
--------------------------------------------	------------------------------------	----------	-----------------------

نذیر اللہ لہرویلہ ولد نادر جان ساکن جانساز لہری
نہا کو ظہور لہری بازار نہ جان آباد چار دیواری
ضابطہ

15-2-19
16:00

صدر تھانہ مفضل حالات قبل ازین بر طرف سے دیکھے ہیں۔ صدر
نہا این ملزم ہوا کہ گرساری و طلبہ تھی۔ جو کہ 10 لکھتے شروع
حالت صحت الملائکہ و نشاندہی ظہیر بھنگام صفت مل جل
ضابطہ گرساری کا کارڈ گرساری علیہ جاری کیا گیا
ملزم کو لہر لہری لہری صاحبہ ملاشی ہوئی کہ وہ نہ پھر
بیسراہ تھا کہ لاکر نہ پھر حالات تھا کیا گیا۔ پھر کو لہری
بھوگی نہ ملزم ابلا کہ گرساری رہا ہے صفت - 0540
اور نہ تفتیش کیے ایمپارڈ شیفٹ کے کلمہ و کلمہ
کریں اس قدر حالات کافی ہیں لہذا رپورٹ شروع

17:00

[Handwritten Signature]

SDP
15-2-19

ATTESTED

کارڈ گنری

فہرہ نمبر ۱۹۶ ح ۲/۱۴ ۵۹/۱۴ ۳۵۹/۳۴

بناک - ظفر علی زریار، سہ جان آباد چار دیوے

حکومت عوامی

صاحب علی

مقررہ عنوان و جرم بالا میں ملزم بالا کی گنری و مطلوب سبھی
حکومت عوامی کے سب اہلکار و شاخہ جی جی جی جی جی جی جی جی جی جی
گنری کارڈ گنری علیہ جاری ہے
ملزم درجہ کارڈ گنری میں



SDR 91-25-

15-2-19

مل ملزم و مل ج

۱) عمومی شہر عمارت

۲) گنری رینک

۳) شہر سہ پیر

۴) ۵-۶ نومبر ۱۹۶۹ سال

۵) گنری فیس مال

ATTESTED

مخاندنہ

منظر

لقلہ 34 روزنامی 15/2/19

مد 34 واپسی / بندہ می منظم / روانگی جاوید احمد 15 وقت 1700 ای مور صبح
 میں مو بعد بیان رفتہ حوالہ مسلمان لہذا زشت علق سے واپس آئے دور
 ست لو وقت 16:30 صبح اٹلے و نشانہ می محمد منظم ظفر ولد زرباز
 ساکن خان آباد مدر ان مطلوبہ حوالہ مقدمہ عد 196 مور 2/19 و 34/1
 مخاندنہ کو مقام منصف لایا گیا پر قابو نہ کر سکو مقدمہ عد میں صبح
 گرفتار کر کے حاد گرفتاری علیحدہ جاری کی گئی منظم ظفر گرفتار کر کے کو
 تھانہ لے کر لے لیں مگر وہ فائدہ نلانی بند حوالہ تھانہ لے کر مزید تفتیش
 تکمیل کے لیے حوالہ انچارج سب ڈپٹی سیشن ٹائپا جیلہ میں مو پھر بیان واپس
 علاقہ گشت روانہ ہوں

جناب عالی

مقتل سبطانہ علیہ

محمد
 محمد 55 DP

15-2-19

ATL

0340

حقیقتاً کثرتِ اہل حق و انصاف سے بڑھ کر کثرتِ اہل باطل و فساد ہے۔
ہرگز نہ اس لئے کہ باطل سے زیادہ حق ہے بلکہ اس لئے کہ باطل سے زیادہ باطل ہے۔
تاریخ میں دیکھو۔

4. کھیت و قوتِ ہندو اب بھی ہے جو وہ ہے؟
2. یہاں ان کے بارے میں کچھ بھی نہیں ہے۔

3. ان کے عقائد و نظریات کیا ہیں؟
ان کے عقائد و نظریات میں کچھ بھی نہیں ہے۔

2. ان کے عقائد و نظریات کیا ہیں؟
ان کے عقائد و نظریات میں کچھ بھی نہیں ہے۔

3. ان کے عقائد و نظریات کیا ہیں؟
ان کے عقائد و نظریات میں کچھ بھی نہیں ہے۔

2. ان کے عقائد و نظریات کیا ہیں؟
ان کے عقائد و نظریات میں کچھ بھی نہیں ہے۔

0340

TEST

APP 1305/20 WAKALAT NAMA

IN THE COURT OF KPK Service Tribunal Peshawar

Gohar Ali

Appellant(s)/Petitioner(s)

VERSUS

Police and others

Respondent(s)

I/We Applicant do hereby appoint **Mr. Khaled Rehman**, Advocate, Supreme Court & **Mr. Muhammad Amin Ayub**, Advocate High Court in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by

Khaled Rahman,
Advocate
Supreme Court of Pakistan

Signature of Executants

&

Muhammad Amin Ayub
Advocate, High Court

4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458

C

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

Service Appeal No. 1305/2020

Gohar Khan SI, Police Station Toru, Mardan

.....Appellant;

VERSUS

1. Regional Police Officer, Mardan
2. District Police Officer, Mardan

.....Respondents

Para-wise comments by respondents:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.

REPLY ON FACTS

1. Para to the extent of appointment of the appellant as constable pertains to record needs no comments, while rest of the Para is totally incorrect. As the entire service record of the appellant is tainted with bad entries of more than 23. Besides the appellant has been awarded 12 minor punishments & 01 major punishment at different occasions due to his slackness and lethargic attitude. Therefore, the service record of the appellant remained blemished and full of spots throughout. List of punishment/bad entries enclosed as annexure "A".
2. Correct to the extent that the appellant while posted as SHO PS Saddar District Mardan, a person namely Parvez s/o Nadar Khan r/o Chato Killy Sher Azeem Koroona submitted an application to the District Police Officer Mardan complained therein that his brother Alamzeb who was killed by some unknown persons, the appellant told him that his deceased brother was his closed friend who told him that in case of his

killing one Zafar Khan will be held responsible hence he charge the above name accused. However, after lapse of 05 days, the appellant asked the above name complainant the Zafar is innocent and he will be released after taking surety u/s 107/151 Cr.P.C. Hence, in order to ascertain real facts, the matter was preliminary enquired into through SP Operations Mardan who recommended the appellant for initiation of proper departmental enquiry proceedings.

3. The appellant was issued Charge Sheet and Statement of Allegations and enquiry was entrusted to the Superintendent of Police Investigation Mardan. The Enquiry Officer after fulfillment of all legal and codal formalities submitted his report wherein he held the appellant responsible hence recommended him for suitable punishment.
4. In light of recommendation of the Enquiry Officer, the competent authority issued Final Show Cause Notice to the appellant to which his reply was received and found unsatisfactory. He was also afforded opportunities of self defense and heard in Orderly Room by the District Police Officer Mardan but he bitterly failed to explain and produce any iota of evidence in his defense. Hence he was awarded major punishment of reduction in rank i.e from the rank of SI to his substantive rank of ASI which does commensurate with the gravity of misconduct of appellant.
5. Correct to the extent that the appellant preferred departmental appeal and the appellant authority took a lenient view of the misconduct of appellant and the major punishment reduction in rank was modified into major punishment reduction in pay by five stages.
6. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.


REPLY ON GROUNDS:

- A. Incorrect the appellant has been treated in accordance with law, rules, policy & norms of natural justice. Hence plea of the appellant is devoid of any merit.
- B. Incorrect. The appellant himself has stated in a categorical manner in the preceding para that he was issued Charge Sheet and Statement of Allegations and enquiry officer was nominated. Therefore stance of the appellant is totally ill founded.
- C. Para already explained needs no comments.
- D. Plea of the appellant is not plausible because he being a responsible Police Officer as SHO Police Station was supposed to discharge his legal duties in a professional manner but failed.

- E. Plea taken by the appellant is not based on facts rather he has tailored the instant story which has no legal footings in eye of law.
- F. Para explained earlier needs no comments.
- G. Para to the extent of joining Police Department pertains to record needs no comments while rest of the para is incorrect as the entire service record of the appellant is tainted with bad entries which clearly depicts the lethargy of appellant.
- H. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

It is therefore most humbly prayed that on acceptance of above submissions, appeal of the appellant may very kindly be dismissed with costs.


**Regional Police Officer,
Mardan.**
(Respondent No. 01)


**District Police Officer,
Mardan.**
(Respondent No. 02)

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

Service Appeal No. 1305/2020

Gohar Khan SI, Police Station Toru, Mardan

.....Appellant


VERSUS

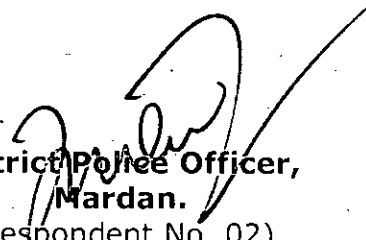
1. Regional Police Officer, Mardan
2. District Police Officer, Mardan

.....Respondents

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.


**Regional Police Officer,
Mardan.**
(Respondent No. 01)


**District Police Officer,
Mardan.**
(Respondent No. 02)

let on promotion
from 20-3-2006

Charge: - absence

Punishment: - 2 days with out pay and
extra drill wide thin Office
No. 826/88 dt 29/12/92

DPO
3

ROSR

Charge: Absence

Head Constable Gokul
District Police

Punishment: Two days with out pay & Four
extra drill wide thin Office
No. 380 dt 29/12/92

for shoulder pain
posted to PPC

Punishment: 1 day with out pay & three days extra
drill wide thin Office No. 638 dt 18/8/95

DPO made

holder Promotion

Charge: On account of his absence from duty
Punishment: Fined Rs. 20/-

D 170/mar
8

O.B. No: 1123
11-6-95

Charge: For his absence
Punishment: Accorded one day Extra drill

O.B. No: 1321

dt 23-7-96

Report by
SSP/Mar
A

CHARACTER ROLL OF

...ENSURES AND PUNISHMENTS—contd.

ROLL OF

Serial No.

Charge: For his absence
 Punishment: Awarded one day Exr deit
OB No 1904
DT: 21-10-96

SP/Meerut
 SP/Meerut

CP
 Perf

4/8 365

1/148/148

Charge: For his absence
 Punishment: Fine Rs 15/-

C.B No 2191
2-10-98

SP/Meerut

C.B No. 2

1-8/9/0

Fined Rs. 200/ for his absence vide
 OB No. 2092 dated 26-9-2001.

SP/Meerut

TWO-39

Draw Rs. 26000/- T. No. 317 dt 6-10-06
 DPO No. 228 dt 5/10/06

SP/Meerut
 SP/Meerut

offg.
 with effect
 from 1/10/06

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 and pay
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Granted CE II reward for his
 Performance

OB No = 248
20-1-2010

SP/Meerut
 SP/Meerut

Co. 156
 TITOP

Perf
 C. Lat

1	2	3	4	5	6	7	8	9	10	11
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive, appointment, or (ii) whether service counts for pension under Art, 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Officer	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	
									ORDER	
	Granted cc-III by DPO/Marden								Awarded	
	for his good performance								stoppage	
	OB NO. 538									
	06/3/19									
	DPO/Marden								effect as	
	Granted cc-III by DPO/Marden								from the	
	for his good performance								country	
	OB NO. 534									
	8-3-19									
	DPO/Marden								an de	
	ORDER:-								OB NO. 216	
									09-10-	
	Awarded a minor punishment								ORDER	
	by stoppage his one increment								Awarded	
	without cumulative effect								with	
	with immediate effect.								OB NO. 3	
	OB NO. 1927									
	16-9-19									
	DPO/Marden								23/11	

6	7		10	11	12	13		14	15
Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Officer	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference recorded punishment or censure, or reward or praise of the Government Servant
						Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
							Period	Government to which debitable	
				<u>ORDER:-</u>					
	DPO/Marden			Awarded him a minor punishment by					
	performance			stoppage his two increment with consequential					
	YR			effect and is reinstated in service					
	DPO/Marden			from the date of suspension with					
	performance			counting his suspension period					
	YR			as duty with immediate effect.					
	DPO/Marden			OB No. 216					
				09-10-19				YR	
								DPO/Marden	
				<u>ORDER:-</u>					
	one increment			Awarded a minor punishment & consequential					
	effect			with immediate effect.					
	effect.			OB No. 2511					
	YR			23/10/19				YR	
	DPO/Marden							DPO/Marden	

1	2	3	4	5	6	7	
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or, (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Gover
	ORDER:	Awarded a minor punishment of					
OB No. 81		Censure.			Dpo/Mandla Rv		
Dt: 13/01/2020	ORDER:	Warned to be careful in future.					
OB No. 2488					Dpo/Mandla Rv		
Dt: 18/11/2019	ORDER: ✓	Awarded a minor punishment of					
		Stoppage of one increment with					
		cumulative effect.					
OB No. 2494					Dpo/Mandla Rv		
Dt: 20/11/2019	ORDER:	Awarded a minor punishment by					
OB No. 2495		fining Rs 300/-			Dpo/Mandla Rv		
Dt: 20/11/2019							

Gohar J
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ابتدائی اطلاع نسبت قابل دست اندازی پولیس رپورٹ شدہ تاریخ دفعہ ۱۵ نومبر ضابطہ عدالتی

اڈولٹ پولیس اسٹیشن ۱۸۸

ضلع دربان ۱۶

2 جولائی 196

تاریخ دفعہ ۰۹ ۵۲/۵۱۹ وقت ۱۶:۵۵

تاریخ وقت رپورٹ ۰۹ ۵۲/۵۱۹ وقت ۱۶:۳۰	سکاڈ نمبر ۵۲/۵۱۹ وقت ۱۸:۰۵
نام و سکونت اطلاع دہندہ مستغیث	شاخ کارڈ نمبر / موبائل نمبر
ظفر ولد ناصر خان قوم افغان ۳۲ سال سکونت سمانیا نزد چار سیکل	مختصر کیفیت جرم (مہمہ دفعہ) حال اگر کچھ لیا گیا ہو۔
۳۰۲/۳۴	جائے وقوعہ فاصلہ تھانہ سے اور سمت
سینا چار سیکل روڈ بالائے اڈولٹ پولیس اسٹیشن	نام و سکونت ملزم
ظفر ولد ناصر خان سکونت سمانیا نزد چار سیکل (۲) اسم سکون اسلام	شاخ کارڈ نمبر / موبائل نمبر (۱) ظفر ولد ناصر خان سکونت سمانیا نزد چار سیکل
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	بہرہ رسیدگی اس معاملے خود سر قائم ہوا۔
تھانہ سے روانگی کی تاریخ وقت	ظفر ولد ناصر خان رپورٹ

ابتدائی اطلاع نیچے درج کرو۔ کو وقت صدر ایک تقریری سے اس معاملے میں

صدر خان از دست کنسٹبل جبران ۱۳۳۰ پر پولیس چوکی سے سکا میں قتل ہے۔ مقدمت SHO

دھانہ پور صدر اطلاع کیجی لٹی DHO تحصیل جبران اگر کیجی لٹی DHO تحصیل سرگودھا میں مسیحی نامی ولد ناصر خان

قوم افغان پھر فریب ۳۲/۳۳ سال سکونت سمانیا نزد چار سیکل نے نفسی بڑا خود مختار عالمی زندگی اور

خان قوم افغان پھر فریب ۳۵/۳۶ سال سکونت دیہات انڈیا کی نسبت کو وقت صدر ایک تقریری سے اس معاملے میں

صدر سردار ان ام میر پور مختار عالمی زندگی کے ایسی خود کار ارتقم نصیر پوری ۳۶۶۵ میں سکا پور صدر میں سکونت

میں کچھ خود چار ہے یعنی خود کار کچی ڈرائیونگ مراد ام مختار عالمی زندگی کرنا تھا۔ جب نظام چار کے پالا میں

قوم سردار ام مختار عالمی زندگی کو نسبت طرہ سے کئی حالتوں میں اڈولٹ پولیس اسٹیشن سے اطلاع دیا گیا تھا اور اس کے

کارروائی ہو گیا۔ کہ دین انہا کو وقت وقوعہ سے فوراً سکا پور کی ایسی نا معلوم ان قسم ۱۲۵۰۰ میں پھر مختار

نہر خان سکونت چار سیکل چوک مسلح بہ لیسٹول اور ایک دوسرے شخصوں اور سکا پور میں خود کار سکا پور کی

ڈرائیونگ کرنا تھا۔ اور عایدت میں پھر مختار عالمی زندگی کرنا تھا اور اس کے ساتھ پھر مختار

نے لیسٹول سے سردار ام میر پور ارادہ سکا پور ایک کے سکا پور ایک سے سردار ام مختار عالمی زندگی کرنا

تھا پھر۔ وقوعہ بعد اس کے چار سیکل خود کار میں وجود سردار ام میر پور کا حکم دید ہے۔ وجہ بیان

سردار ام مختار عالمی زندگی اور ظفر مذکورہ کے مابین فریق کے لین دین پر تنازعہ چار ارادہ تھا۔ میں

مختار عالمی زندگی کے قتل کرنے کا بہ خلاف ہر دو کے کدبان مالاد میں پھر پھر اس کے ساتھ مسیحی

خان ولد خالد خان قوم افغان پھر فریب ۴۹ سال سکونت سمانیا نزد چار سیکل کے سمانیا نزد چار سیکل

سکا پور کی ماہیکر لھور کی الویشن سکا پور کی پولیس میں کثرت سکا پور کے وجود پھر پھر سکا پور

سجایا گیا۔ در سکا پور کے اسرار پورٹ شورشیت سکا پور کے سکا پور میں لھور کی پولیس، مختار کے ساتھ

بکھنور جناب DPO صاحب ضلع مردان

درخواست برخلاف گوہر خان SHO تھانہ صدر مردان، بحوالہ نمبر 196

مورخہ 19-02-2019 تھانہ صدر بوقت 16:50

DPO OFFICE MARDAN
Diary... 417 c cell
Dated... 22-02-19

جناب عالی! گزارش حسب ذیل ہیں۔

- ۱۔ یہ کہ من سائل کا بھائی عالم زیب ولد نادرخان ساکن چائوکلے شیرا عظیم کورونہ جانباڑ بڑے دوکان سے گھر آ رہا تھا۔ اور راستہ روندہ موضع کوڑے کوڑے شاف سے گھر کے لئے گوشت خرید رہا تھا۔
- ۲۔ یہ کہ اس اثنا میں دو موٹو سائیکل سوار حالہ اسلحہ سے لیس تھے میرے بھائی پر فائرنگ شروع کر دی۔ اس دوران برادر ام نے اپنا موبائل پر DSP شاکر صاحب کو کال کر دیا۔ لیکن شاکر صاحب گویاں کہ میں نے موبائل فون Attend نہیں کیا ہے جس کی رویکارڈ CDR میں موجود ہے۔
- ۳۔ یہ کہ من سائل اس وقت اپنے مکان میں موجود تھا کہ فون کال موصول ہوا۔ اس کال پر سائل فوراً DHQJ ہسپتال میں حاضر ہوا۔
- ۴۔ یہ کہ اس دوران برادر ام کو پوسٹ مارٹم کے لئے اندر کر دیا گیا تھا۔ اور اس موقع پر SHO گوہر آیا اور مجھے بتایا کہ عالم زیب میرا بھائی تھا۔ اور دو دن قبل اس نے مجھے سب کچھ بتایا ہے۔ کہ اگر میں مر گیا تو میرا دعویٰ ظفر پر ہوگا۔ اور پانچ دن کے بعد دوبارہ میرے پاس آیا کہ ظفر نہیں ہے۔
- ۵۔ یہ کہ جو کہ مسمی ظفر ولد زرباز خان گرفتار ہوا تو SHO نے بتایا کہ مسمی ظفر 107/151 کے ضمانت پر رہا کریں گے۔ تو جناب عالی! اگر یہ میرا مجرم نہیں ہے کون میرا مجرم ہے۔
- ۶۔ یہ کہ موجودہ وقت میں ظفر گرفتار ہے اور نامعلوم لوگ ہمارے گھر میں اسلحہ سمیت آتے ہیں۔ اور ہمیں مجبور کر رہے ہیں۔ کہ ظفر کے ساتھ راضی نامہ کر لیں یہ کون لوگ ہے۔
- ۷۔ یہ کہ تھانہ صدر کے SHO سائل کو گویاں کہ اپنے ساتھ اسلحہ رکھیں کیونکہ تمہیں سخت خطرہ ہے۔
- ۸۔ یہ کہ سائل ایک غریب مزدور کار ہے دن بھر محنت مزدوری کرتا ہوں نہ کوئی دشمنی کیا ہے۔ اور نہ آئندہ دشمنی کا طلب گار ہوں۔ قانونی چارہ جوئی عمل میں لائی جائے۔ اور اس کے خلاف سخت کارروائی کریں۔

تحریر 25-03-2019

العبد

پرورد نادرخان سکنہ جانباڑ بڑے چائوکلے شیرازین کورونہ (مکمل ایف ایچ)

Steno

Pl: proceed.

call SHO and

yc DSB for concerned
official and complainant.

نوروز خان

تحصیل ضلع مردان

0340-0192064

بیان پرویز خان ولد نادر خان
۱۸
کلمہ جاننا زہری چالو علی -

حکایت

میں نے جو درخواست آپ صاحبان کو دی
وہی سچا بیان ہے جسکی میں تصدیق
کرتا ہوں میرا ہاٹا انصاف کیا جائے۔

اے

پرویز خان ولد نادر خان
0340-0192064



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

No. 162 /PA

Dated 25/4/2019

DISCIPLINARY ACTION

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority am of the opinion that SI Gohar Khan, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, SI Gohar Khan, while posted as SHO Police Station Saddar (Now under suspension Police Lines Mardan), One Parvez Son of Nadar Khan Resident of Chato Killey Sherazeen Korona has submitted an application/complaint to the undersigned dated 25-03-2019, complaining therein that his brother Alam Zeb was killed by unknown persons & he was informed by SI Gohar Khan SHO PS Saddar at DHQ Hospital Mardan that the deceased was his close friend, who (02) days back, informed him that in case of his killing, one Zafar Khan shall be held responsible.

It is worth mentioning here that after (05) days, he was re-informed by SHO Gohar Khan that Zafar Khan is innocent & in case of his arrest, he will be bailed-out U/S 107/151 CrPC with advising the applicant to carry-out weapons for his defense.

To ascertain real facts, the application was initially enquired into through SP/Operations Mardan, who after fulfilling initial process, submitted his Findings to this office vide his office letter No. 161/PA (Ops) dated 18-04-2019, holding responsible SI Gohar Khan of gross misconduct on account of non-submitting reply to SP/Operations Mardan, despite of repeated information, meaning that he has nothing to offer in his defense & recommended for departmental action.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Ayaz Khan SP/Inv: Mardan is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

SI Gohar Khan is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

A. Mostafa

SP-Inv: Mardan

(SAJJAD KHAN) PSP
District Police Officer,
Mardan.



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

2019

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

CHARGE SHEET

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority, hereby charge SI Gohar Khan, while posted as SHO Police Station Saddar (Now under suspension Police Lines Mardan), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach the Enquiry Officers within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.


(SAJJAD KHAN) PSP
District Police Officer,
Mardan.



OFFICE OF THE
SUPERINTENDENT OF POLICE
INVESTIGATION MARDAN

Phone No. 0937-9230121
Fax No. 0937-9230321
Email: invmdn@gmail.com

No. 872/PA / Inv:

Dated 27 / July / 2019.

To: The District Police Officer,
Mardan.

Subject: DEPARTMENTAL ENQUIRY AGAINST SI GOHAR KHAN
THEN SHO PS SADDAR.

Memo:

Kindly refer to your office letter No. 162/PA dated 25.04.2019, on
the subject noted above.

Enclosed kindly find herewith findings in departmental enquiry
against SI Gohar Khan then SHO PS Saddar for further necessary action please.

(Enclosure: 35 pages)

Superintendent of Police,
Investigation Mardan.

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ALLEGATIONS:

It was alleged that SI Gohar Khan, while posted as SHO PS Saddar (Now under suspension Police Lines Mardan), one parvez son of Nadar Khan r/o Chato Killy, Sherazeen Korona, has submitted an application/complaint to the DPO Mardan dated 25.03.2019, complaining therein that his brother Alam Zeb was killed by unknown persons & he was informed by SI Gohar Khan SHO PS Saddar at DHQ hospital Mardan that the deceased was his close friend, who (02) days back, informed him that in case of his killing, one Zafar Khan shall be held responsible.

It is worth mentioning here that after 05 days he was re informed by SHO Gohar Khan that Zafar Khan is innocent and in case of his arrest, he will be bailed-out u/s 107/151 CrPC with advising the applicant to carry weapon for his defense.

To ascertain real facts, the application was initially enquired into through SP/Operations Mardan, who after fulfilling initial process, submitted his findings to office of worthy DPO Mardan vide his office letter No. 161/PA (Ops) dated 18.04.2019, holding responsible SI Gohar Khan of gross misconduct on account of non-submitting reply to SP /Operations Mardan, despite of repeated information, meaning that he has nothing to offer in his defense & recommended for departmental action. Charge Sheet and Statement of Allegations issued against the above named SI and the undersigned was nominated as inquiry officer.

PROCEEDING:-

The undersigned initiated proper departmental inquiry and summoned the alleged SI Gohar Khan and applicant Parvez son of Nadir Khan r/o Shato Kally, complainant of case FIR No.196 dated 09.02.2019 u/s 302/324/34 PPC PS Saddar and LHC Shakir No. 134 then posted in DSB at PS Saddar Mardan. They were heard in detail, cross questioned and their statements recorded, which are placed on inquiry file.

I. STATEMENT OF SI GOHAR KHAN:

The alleged official strongly rebutted the allegations on following grounds that:

- i. On date and time of occurrence he was out from district Mardan in connection with official duty and was later informed about the occurrence through cell phone.

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SP. MV.
MARDAN

- ii. The complainant and his brother Ravid are eyewitnesses in the case as per contents of murasila / FIR and the report has duly been verified by one Bakth Pur Khan r/o the same village.
- iii. Presence of complainant Parvez and his brother Ravid have been verified at spot in light of statements of independent witnesses namely Sohail, Qudrat Ullah and Noor Bahadar who are shopkeepers and present over there at the time of occurrence.
- iv. Accused Zafar has directly been charged in FIR and motive behind the occurrence duly disclosed as dispute over cash amount.
- v. The eyewitnesses have pointed out the place of occurrence to the IO for preparation of site plan.
- vi. Brothers of deceased namely Ravid, Jehan Zeb, Khan Zeb, Aurang Zeb, Nadir, m/o deceased Mst: Bakhtawara and w/o deceased Mst: Nasim and their other family members have supported report of the complainant in their statements u/s 161 CrPC.
- vii. The complainant party has hired Bacha Rehman advocate to contest the case against accused Zafar. Resultantly, bail application of the accused has been turned down by the Court.

He also produced relevant record of case file i.e copy of murasila, FIR, site plan, case diary consisting of statements of above mentioned individuals which were perused and placed on inquiry file.

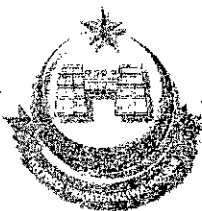
2. STATEMENT OF PARVEZ:

Applicant Parvez Khan (brother of deceased Alamzeb) stated that his application may be considered as his statement. In his application he alleged that on 19.02.2019 his brother Alamzeb was murdered on Mardan Charsadda road by accused Zafar s/o Zarbaz r/o Charsadda chowk Mardan and one unknown accused. He further stated that he charged accused Zafar on advise / assurance of SI Gohar Khan (SHO Saddar).

3. STATEMENT OF LHC SHAKIR:

LHC Shakir stated that he was then posted in DSB at PS Saddar Mardan and one Alam Zeb s/o Nadir Khan r/o Chato Kalay was his informer. He (Alam Zeb) gave him information that one Zafar s/o Zarbaz has kidnapped a woman and used her for illegal/immoral activities. He met the said Zafar through local informer and found the information false. During interaction, Zafar disclosed that the complaint (about abduction of woman) has been made against him by Alam Zeb (deceased) and his uncle as he has a dispute with them over landed property. After laps of about ten days, he was informed about murder of said Alam Zeb. He rushed to the spot and promptly informed SHO Gohar Khan about the murder.

Handwritten signatures and initials:
SP. HAU: MBDN



OFFICE OF THE
SUPERINTENDENT OF POLICE
OPERATIONS & HEADQUARTERS
MARDAN

Tell: 0937-9230117

Fax: 0937-9230111

E.Mail: Spops1506@gmail.com

No. 161 /PA,(Ops)

Dated 18/04/2019.

To The District Police Officer,
Mardan.

Subject: APPLICATION OF PARVEZ KHAN AGAINST SI GOHAR KHAN
SHO PS SADDAR MARDAN.

Memo:

Kindly find enclosed the application in original along-with relevant paper on the subject noted above.

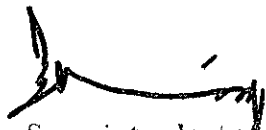
In the subject application the applicant stated on the eventful day while his brother was returning from shop on the way near Korkoray stop, two unknown persons boarded on a motorcycle opened indiscriminate firing on his brother Alamzeb Khan due to which he died. When he was informed regarding the incident he rushed to DHQ hospital Mardan whereby his brother was taken inside autopsy room. Meanwhile, SI Gohar Khan came near him and disclosed that the deceased Alamzeb Khan was his close friend he often used to share personal matters with him, two days prior to the incident he (the deceased) told him that if he was killed, one Zafar Khan will be responsible for same. But later on SHO Gohar Khan called him and stated that Zafar is not the real culprit and was further advised by the SHO to carry weapon for his self defense.

In this regard during enquiry proceeding, SI Gohar Khan was time and again called to this office but he failed to submit his written reply meaning thereby that he has nothing to present in his defense. Besides he was also served with a show cause notice by the ASP City under the allegations of abetting the applicant to charge one Zafar Khan in a murder case wherein he SI Gohar Khan was recommended for departmental proceedings. (S.C.N enclosed as annex: 'A')

Forgoing in view of the above departmental proceeding against SI Gohar Khan SHO PS Saddar may be initiated as the allegation leveled in application/complaint

~~disapproved.~~

Submitted please.


Superintendent of Police
Operations & Headquarters
Mardan

Rang 19/4

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بیان افغان شہر کے بارے میں DSB کی رپورٹ

نے بیان کیا کہ جس DSB کے نام سے تفتیشی عمل کیا گیا۔ دوران تفتیشی
میں عام ذہنی طور پر سوال کیا گیا کہ 1961ء میں 9/27 جم 02/324 کو کیا ہوا۔
جس کا انکار کر دیا گیا۔ نے بھی انکار کیا تھا۔ کہ میں نے اس وقت تک نہیں دیکھا۔

معدومہ تھا جسے دوران تفتیشی کو عدالت کو بتایا گیا تھا۔ اور اس کے
دو دیگر کام کرنے ہیں۔ جس نے جان آباد کیا وہاں پر ایک دوسرے انکار کر رہے
رہے۔ تاکہ تفتیشی فورہ کے اغوار ذہن کے بارے میں معلومات حاصل
کر سکیں۔ وہاں پر بھی اپنے انکار کرتے کیا۔ کہ تفتیشی آج بھی ہے۔ اور تفتیشی
سے کچھ طلب کیا۔ تفتیشی نے اپنے جواب دیا۔ اور کہا کہ میں خود
عورت میں اول جان بیان جہاں تفتیشی ہوئی ہے۔ بیمار ہے۔ ان کے ساتھ عدالت
میں تفتیشی سے منقسم ہے۔ خیر چہ اول جان پر راجح کرنا ہے۔ تفتیشی فورہ
میں عالم ذہن اور اس کے ساتھ جان سے کیا ہے۔ کہ بیمار کے خلاف شکایت اور خواہش
تفتیشی میں رہا ہے۔ جس نے اسی دن عالم ذہن کو فورہ سے کیا۔ کہ آپ نے
تفتیشی کے خلاف انکار کیا ہے۔ خود کو اول جان بیان جہاں تفتیشی ہوئی ہے۔ اور
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تفتیشی میں رہا ہے۔ جس نے اسی دن عالم ذہن کو فورہ سے کیا۔ کہ آپ نے
تفتیشی کے خلاف انکار کیا ہے۔ خود کو اول جان بیان جہاں تفتیشی ہوئی ہے۔ اور
تفتیشی کے ساتھ عدالت میں تفتیشی کا تفتیشی میں رہا ہے۔

Almas

SP.IMP. MDN

27.6.2012

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میں سمجھا تو ظفر نے جواباً میں فون سے رابطہ کرنے اختیار کیا تھا نہ کہ آیا وہ اس وقت
ریپ ہے۔ کہ اس دوران میں نے عالمی ٹریڈ کسٹومرز کو یہ فون پر لوٹتے
قریب 09:00 بجے 3/4 بار رابطہ کیا تھا۔ تاہم اس دوران مذکورہ کا واپس
لانا سے اجازت کر رہا تھا۔

اسی دن لوٹتے قریب 11 بجے میں فون سے ایک انفارمیشن ملی کہ ایک شخص جو ظفر کے
سوار تھا، جو دو موٹر سائیکل سواروں نے فائرنگ کرتے ہوئے گھر سے قریب قتل
کیا ہے۔ میں نے انفارمیشن کی بات کاٹ دی اور فوراً شوہر نے ان کے قتل
موقعہ پر توجہ دینا شروع کر کے تیار کیا۔ اور خود بھی موقعہ پر روانہ ہوا
سینٹرل اسپتال گیا۔ تو بائیں دستہ میں پڑا ہے۔ جو بزرگم Rescue 1122
لا گیا۔ جو yes ہو کر اس کے ساتھ کوئی بات نہیں ہوئی تھی۔ اور ایک دو سیکنڈ
بعد حالت کامیاب دی گئی تھی۔

تقریباً آدھ گھنٹہ بعد شوہر نے 1122 سے فون کیا اور کہا کہ میں ظفر
کے خلاف دعویٰ دائر کرتے ہیں۔ لہذا مقدمہ کو لاکھوں میں سے جواب
دوسرے کہیں ہیں۔ لہذا سے فون سے شوہر نے ڈی بی ڈی کے ساتھ رابطہ کر کے
ظفر کے خلاف دعویٰ دائر کیا۔ اور کہا کہ شوہر نے اس وقت جہاز
دعویٰ دائر کی ظفر گرفتار شدہ پر توجہ دینی ہے۔ لہذا شوہر نے 1122 کے ساتھ
رہے۔ یہی سہرا ہوا ہے۔ دیگر لاکھوں ہیں۔

Attested

SP. MAN

27.06.2019
0345-9884515

بجاء اجازت شب غیر PA 16:24 بجائے ڈسٹرکٹ پولیس افسر مردان معروضی
 قیوں جنہیں مجھے معروضی الزام پٹر ایلیا ہے۔ سر تم گوہر SHD مقامی
 مردان کو معروضی 25/19 کو روز روز ولد نادر خان سائن جانناز سب علاقہ مقامی
 مردان سے ایک درخواست دریا تھا کہ اس کے بھائی کو نامعلوم حملہ مردان
 نے قتل کیا ہے۔ اور درخواست کنندہ نے شکایت کی ہے۔ سر گوہر SHD مقامی
 نے DHO سے یہاں مردان میں بلایا۔ سر مختار بھائی کو ظفر ولد نادر خان سائن
 حارسہ جوٹ نے قتل کیا ہے۔ اس سلسلہ میں معروضی چھوٹی ہے۔

1 اس کی روز معروضی 09/19 کو میں جب الحکم DPO صاحب اور ASP سٹاٹ مردان
 کی خصوصی عدالت پر ایک انفارمیشن کے سلسلہ میں علاقہ مقامی کوٹلی اور حصار
 کوٹلی سے فارغ ہو کر اسلام آباد براہ راست موٹر وے اسلام آباد گیا۔ اور اس کی
 روز شام کے وقت مردان پہنچا۔ نرسخت واقف کی اطلاع مجھے موٹر وے
 صوبائی کا حدود میں ملی۔ حقیقت معلوم کرنے کے لیے میرا CDR بھی اسی روز
 کا حقیقت کرنا ضروری ہے۔

2 عدلی نے دعویٰ اڑی کے بارے میں DHO سے یہاں مردان میں ابتدائی رپورٹ
 دستی طور کے اپنے مقتول بھائی علی المزیب کی قتل کی دعویٰ اڑی ظفر پر کی ہے۔

3 رپورٹ کنندہ نے ابتدائی رپورٹ میں مقتول بھائی اور حاکم ظفر کے مابین رقم کا
 تنازعہ ظاہر کیا ہے۔

4 رپورٹ کنندہ کی رپورٹ کا تائید بحث لوڑ ولد خالد خان جو مقتول کاماوی
 ہے نے باقاعدہ تائید کی ہے۔

5 ٹیسٹس افسر کو عدلی اور گواہان حاکم نے لکھتے موقع میں باقاعدہ
 ضولی تھک کی گئی ہے۔ گو کہ ٹیسٹس افسر بھی عدلی فریق کو دعویٰ اڑی
 در قائم رہنے کی تصدیق کی ہے۔

6 مقتول کے بھائی راویہ ولد نادر خان، بھانجریہ ولد نادر خان، خان نزیہ
 اور نازیہ لہران نادر خان اور نادر خان والہ مقتول ولد طارق خان
 سماء بختاوردہ والہ مقتول اور مقتول کی بیوی سماء نسیم حاکم

②

غیملی عبرانی سے جس رپورٹ بالا کی تائید اور دعویٰ اسی کی ہے۔ نقشہ موقع اور سبب
کے جواب سے آج۔ تمام غیملی عبرانی کے دعویٰ اسی بڑے زبانان ظفر کھلوان
ہے۔ میرا اور ظفر کا آپس میں کوئی دشمنی یا دلبردی نہیں۔ اور نہ ہی
میرا آپس کا کوئی سہارہ ہے۔ دعویٰ اسی کا علم FIR سے باخبر
ہوں گا۔

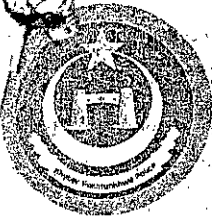
②۔ مندرجہ ظفر کو مختصر کی تائید پر حاویہ ای نے گرفتار کیا ہے۔ کارڈ گرفتاری اور سبب
کے جواب سے آج۔

③۔ مندرجہ کی ضمانت کی مسلم میں مقبول خریف نے مقدمہ لڑانے کے لیے باقاعدہ بنا چاہا
اور وکٹا کو نامزد کیا تھا۔ جو سرسری سماعت کے بعد مورخ 17/19 کو مندرجہ
ظفر کی ضمانت سے الٹا واسطہ آئی۔ مردان نے خارنہ کی ہے۔ اب مقدمہ مندرجہ
سماعت کے لیے اس اور باقی کورٹ کا ریکارڈ ہے۔

مندرجہ بالا الزامات کی روشنی میں کوئی حقیقت نہیں ہے۔ تاہم رپورٹ کنندہ کو
اگر مندرجہ کی بگڑا ہے کا علم تھا۔ تو اسے اسی رپورٹ میں دعویٰ اسی کے بعد
مقبول کی غیملی عبرانی نے کوئی ظفر پر دعویٰ اسی کی ہے۔ میرا شکوکہ سے باز آ رہا ہے۔
میں FIR کی حیرتوں کے موقع پر خود شبہاں میں موجود نہ تھا۔ جبکہ باقی
کمان کے حکم پر صوبہ سے باہر تھا۔ واقعہ تھا صاحب سسرزد ہوا۔ اور مجھے
اطلاع جب دی گئی۔ تو میں صوابی کے حدود میں اسلام آباد سے واپس آ رہا
تھا۔ اس مسلم میں حکم سے گناہ ہوں ہے۔ الزامات کا سنا حقیقت
میں کر رہا تھا۔

گوہر خان ای پو ایس لائن مردان

06 - 05 - 2019.



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

Tel. No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

No. 222 /PA

Dated 1/08/2019

FINAL SHOW CAUSE NOTICE

Whereas, you SI Gohar Khan, while posted as SHO Police Station Saddar (Now under suspension Police Lines Mardan), One, Parvez Son of Nadar Khan Resident of Chato Killey Sherazeen Korona has submitted an application/complaint to the undersigned dated 25-03-2019, complaining therein that his brother Alam Zeb was killed by unknown persons & he was informed by SI Gohar Khan SHO PS Saddar at DHQ Hospital Mardan that the deceased was his close friend, who (02) days back, informed him that in case of his killing, one Zafar Khan shall be held responsible.

It is worth mentioning here that after (05) days, he was re-informed by SHO Gohar Khan that Zafar Khan is innocent & in case of his arrest, he will be bailed-out U/S 107/151 CrPC with advising the applicant to carry-out weapons for his defense.

To ascertain real facts, the application was initially enquired into through SP/Operations Mardan, who after fulfilling initial process, submitted his Findings to this office vide his office letter No.161/PA (Ops) dated 18-04-2019, holding responsible you of gross misconduct on account of non-submitting reply to SP/Operations Mardan, despite of repeated information, meaning that you have nothing to offer in defense & recommended you for departmental action.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Ayaz Khan SP/Investigation Mardan vide his office letter No.872/PA/ Inv: dated 27-07-2019, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.162/PA dated 25-04-2019, holding responsible you of misconduct and recommended for suitable punishment.

Therefore, it is proposed to impose Major/Minor penalty as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules 1975.


Hence, I Sajjad Khan (PSP) District Police Officer Mardan, in exercise of the power vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this Notice, failing which, it will be presumed that you have no explanation to offer.

You are liberty to appear for personal hearing before the undersigned.

Received by _____

Dated: ____/____/2019


(SAJJAD KHAN) PSP
District Police Officer
Mardan

Copy to RI Police Lines to deliver this Notice upon the alleged officer & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.

جناب عالی:-

بجوالہ مشمولہ فائل شوکاژ نوٹس نمبری PA/222 مقدمہ مورخہ 01-08-2019 مجاریہ جناب DPO صاحبہ مردان
معروض خدمت ہوں۔ کہ چارج شیٹ ہذا میں میرے خلاف الزام لگایا گیا ہے۔ کہ مدعی مقدمہ بجوالہ علت 196، 2019 جرم
302 تھانہ صدر نے میرے کہنے پر ملزم ظفر کو چارج کیا ہے۔ اس بارے عرض ہے کہ:-

1- بروز وقوعہ مورخہ 09-02-2019 کو میں آپ صاحبان کے حکم پر ضلع صوابی اور بعد Arrival اسلام آباد چلا گیا تھا۔ جو
میرے CDR سے واضح ہے۔ لیکن انکوٹری افسر نے باوجود میرے استدعا کے میرے CDR کو کوئی اہمیت نہ دی۔
2- مدعی مقدمہ نے رپورٹ من SHO نے نہیں بلکہ صابر خان ASI نے کچھ لٹی ہسپتال DHQ مردان میں تحریر کیا ہے۔
رپورٹ میں ملزم ظفر باقاعدہ ملزم نامزد کیا گیا ہے۔ وجہ عناد بیان کیا گیا ہے۔ مدعی خود اور برادر اش وقوعہ کے چشم دید ہے۔
FIR کا باقاعدہ تاعید کنندہ موجود ہے۔ جائے وقوعہ پر موجود آزاد لاطعلق گواہان موجود تھے۔ جنہوں نے مدعیان کو بوقت
وقوعہ مقتول کے ساتھ موجود بتلایا۔ اس کے علاوہ مقتول کے وارثان نے اپنے بیانات زبردفعہ 161 ض ف میں ملزم ظفر کو
اصل ملزم گردانا گیا ہے۔ لیکن انکوٹری افسر صاحب نے نہ تفتیشی افسر کا بیان لیا ہے اور نہ ہی دیگر افراد میں کسی ایک کا بیان
انکوٹری ہذا میں اصل حقائق جاننے کیلئے نہیں لیا ہے۔

3- مدعی مقدمہ ایک طرف کہہ رہا ہے کہ ملزم ظفر غلط طور پر چارج کیا گیا ہے۔ جبکہ دوسری طرف ملزم مذکورہ کے خلاف مقدمہ
لڑانے کیلئے باقاعدہ باچہ رحمان ایڈوکیٹ کو نامزد کیا ہے اور ملزم کا ضمانت مورخہ 17-04-2019 کو سیشن کورٹ مردان
خارج ہو کر بعد پشاور ہائی کورٹ نے بھی ضمانت خارج ہوئی ہے۔ کیونکہ مدعی مقدمہ کی کسی دوسرے ملزم پر تاحال
دعویداری نہیں کی ہے۔ بلکہ ملزم ظفر چارج پر قائم ہے۔

4- انکوٹری افسر نے خود مدعی اور ملزم ظفر کے درمیان وجہ عناد تسلیم کیا ہے۔

5- درخواست گزار مدعی من SHO کے خلاف زبانی الزام لگایا ہے۔ اس سلسلہ مذکورہ نے تفتیشی افسر کو کوئی شہادت گواہ پیش
نہ کیا ہے۔ اور یہ بھی ظاہر کیا ہے کہ من SHO کے خلاف کسی قسم کی کارروائی کرانے نہیں چاہتا ہوں۔

6- جبکہ میری تبادلہ مورخہ 19-04-2019 کو تھانہ صدر سے پولیس لائن مردان ہو چکا ہے۔ دیگر تفتیش سے میں لاعلم ہوں۔

7- حقیقت یہ ہے کہ میں نہ موقع پر موجود تھا اور نہ میں نے مدعی سے رپورٹ لیا ہے۔ اور نہ ملزم اور نہ مدعی سے کوئی قبل ازیں
کوئی جان پہچان نہیں تھا۔ میں نے ہمیشہ ایمانداری اور دیانتداری سے ڈیوٹی کی ہے اور اعلیٰ کارکردگی سے بھی افسران بالا
کے توسیع انعامات سے نواز ہوں۔ اور نہ 27 سال سروس میں کسی قسم کا سزا محکمہ کی طرف سے نہیں ملی ہے۔

گوہر علی SI پولیس لائن مردان
مورخہ: 06-08-2019

استدعا ہے کہ فائل شوکاژ نوٹس فائل کرنے کا حکم صادر فرمائیں۔

Accountant
under
OR Review
rank
09/8/19

ضلع مردان

تھانہ صدر

مقدمہ علت 196 مورخہ 09/02/2019 جرم PPC 302/34 تھانہ صدر

بنام: ۱۔ ظفر وغیرہ

جناب عالی!

مقدمہ عنوان بالا میں مدعی مقدمہ پرویز نے برادر خود عالمزب کے قتل کی دعویداری ملزم بالا سمیت دیگر نامعلوم ملزم جو کہ ہلٹ پہنا ہوا تھا کے خلاف کر کے وجہ عنادر رقم کا تنازعہ بیان کیا ہے۔

دوران تفتیش ملزم ظفر کو حسب ضابطہ گرفتار کر کے مذکورہ کا دو یوم ریمانڈ حاصل کر کے انٹارویٹ کیا جا کر جس نے کوئی انکشاف بابت وقوعہ نہ کر کے بعد ضروری تفتیش چالان عدالت کر کے حوالات جوڈیشل بھیج دیا ہے۔

علاوہ ازیں مقدمہ ہذا مقتول سمیت برادران اش اور دیگر ضروری سم نمبرات کا CDR حاصل کر کے مدعی کے من پسند مقامات سمیت جائے وقوعہ کی جیوفننگ کرائی جا کر اسی طرح مدعی کے نامزد کردہ مشتبہ گان کو ہر پہلو پر انٹارویٹ کئے گئے ہیں۔ مگر بے سود بعدہ مدعی فریق نے متعدد درخواست ہائے افسران بالا کو دیکر ظفر نامزد گرفتار ملزم کو بے گناہ بیان کر کے دونوں ملزمان کو نقاب پوش ظاہر کئے۔ جو کہ حقیقت ہے۔

موصولہ CDR، جیوفننگ میں کوئی واضح حالات سامنے نہ آ کر امداد یان پولیس اور مخبران کو بھی فعال کر کے افسران بالانے مقدمہ ہذا کی غیر معمولی اہمیت کو مد نظر رکھ کر تفتیش کیلئے ایک خصوصی تفتیشی ٹیم تشکیل دیا ہے۔ جو ہر پہلو پر تفتیش کر رہی ہے۔ لیکن مدعی فریق تعاون نہ کر کے خفیہ اور ظاہری رنجش وغیرہ پولیس پر ظاہر نہیں کرتے ہیں۔ اور نہ ہی کسی کے خلاف دعویداری کرتے ہیں۔ مقدمہ ہذا میں حسب الحکم افسران بالا ریجنل ریویزیو بورڈ (RRB) مقرر ہے۔ مدعی مقدمہ کے نامزد کردہ مشتبہ گان ۱۔ جان محمد عرف جانے ۲۔ سبزیلی ۳۔ سہیل کو دوبارہ انٹارویٹ کئے گئے ہیں۔ مگر کوئی مفید مطلب کا انکشاف اخذ نہ ہوا۔ بعد تسلی حسب اجازت افسران بالا چھوڑے گئے ہیں۔ نیز جائے وقوعہ کے قریب ملزمان کی ویڈیو اور تصاویر CCTV کیمرہ سے بذریعہ USB اخذ کئے ہیں جو بغرض شاحت PFSA لاہور پنجاب ارسال کئے ہیں۔ جس کا انتظار ہے۔ تاہم مقدمہ ہذا میں ہر پہلو پر تفتیش ہو رہی ہے۔ امید ہے کامیابی ہوگی۔

رپورٹ عرض ہے۔

INSP/OII/Saddar

06-08-2019

محکم دلائل سے مزین و متنوع ومنفرد موضوعات پر مشتمل مفت آن لائن مکتبہ

ASP/city

Pl. take preventive and
total action as
per law

BA

درخواست پر عمل نہ کیا گیا ہے
اساتق اور اسما میں اساتق سے
مذاکرہ



Head
Issue
Explanation
SRO by O II
Time
BBA

کے لئے اس میں 7³/₁₉ سائیل کا بیٹی علیہ الزم علیہ الزم کے بیٹی سٹی وکٹوں کے لئے
سٹی وکٹوں کی وکٹوں کی سٹی وکٹوں کے لئے اسما علیہ الزم علیہ الزم کے سائیل
سٹی وکٹوں کے لئے سائیل کے سائیل کے لئے الزم علیہ الزم کے لئے اسما
تو الزم علیہ الزم کے لئے سائیل کے لئے اسما کے لئے اسما کے لئے
سٹی وکٹوں کے لئے اسما کے لئے اسما کے لئے اسما کے لئے
سٹی وکٹوں کے لئے اسما کے لئے اسما کے لئے اسما کے لئے
سٹی وکٹوں کے لئے اسما کے لئے اسما کے لئے اسما کے لئے
سٹی وکٹوں کے لئے اسما کے لئے اسما کے لئے اسما کے لئے
سٹی وکٹوں کے لئے اسما کے لئے اسما کے لئے اسما کے لئے

8³/₁₄

0343-9160604

الہ آبادی

Alam

تقریباً وہ بارہ سائیل کے لئے اسما کے لئے اسما کے لئے

8967485-9

0343-9160604

خدمت جناب ڈی پی او صاحب مہاراج

درخواست جواز قانونی مارروائی بھارتی ظفر ولد زبیر خان (1) اسم سکن نامعلوم (2)

مقدمت ۱۹۶ ۰۲/۱۶
ہم 302/34

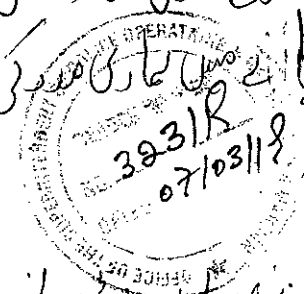
جناب عالی!

گزشتہ برسوں میں سائل کا بھائی مرحوم عالمگیری کو مورخہ ۲۲/۰۲/۱۹۶۲ء پر مذکورہ بالا شخص کے ساتھ
 روس کے سفر کے قتل کیا گیا ہے جو کہ مورخہ ۲۳/۰۲/۱۹۶۲ء کو سوار تھے الفیہ آئی آر اے اس مابین میں
 بیوہ کا بیٹا جو کہ سالہ لفظ ہے۔ مرحوم پر شاہراہ عام میں حادثہ روڑ کر ٹری وولر شاہراہ
 پر حادثہ کر کے قتل کیا گیا ہے اور اسی وقت فقار ولد موہاٹل گاڑی زریک کھڑی تھی جس میں
 موہاٹل افسر جاوید خان ASP ڈپٹی پریٹھاجنیکہ بعد مقصد میں مذکور میں ایک شخص گرفتار ہو گیا ہے
 اور اسی معاملے میں 840 فقار ولد کو بھرجان نے بھی لالچ کر کے لالچ واپس کر کے یہ کہہ کر
 اس طرف تھی آئی کہ بارے میں مرحوم عالمگیری نے مجھے فوراً بتایا تھا کہ اگر مجھے کچھ نہ پوچھا تو
 عیسوا خیرم طرف تھی لالچ ہو گا جو FIR میں نام لکھ دیا ہے۔ اگر اب مذکورہ ظوہاٹل شخص کے
 متعلق 840 سردار کو بھرجان کر رہا ہے کہ یہ ملزم نہیں ہے بلکہ مزید پتہ روس کے ملزم کے متعلق ہی
 لالچ کر کے معلوم نہ ہو گیا اور نہ ہی کسی قسم کی گرفتاری ہو چکی ہے تاکہ مقدمہ میں پیشرفت
 ہو سکے۔ بلکہ لالچ میں لالچ سے Hot Spots سے لالچ نہیں لیا گیا ہے لالچ میں۔
 کیلئے فرسائل اس وجہ سے پولیس مارروائی سے ملال نہیں ہوں کیونکہ مقدمہ کے 26 دن گزر چکے
 ہیں مگر کوئی خاطر خواہ کارروائی جو کہ ملال ہے یہ ہو سکی ہے بلکہ متعلق 840 سردار کی
 مشکوک نظر آیا ہے۔

اپنے آپ صاحبان سے بندوبست درخواست (مستعدا ہے کہ

فرسائل کی کارروائی کے لئے درخواست سے سخت قانونی کارروائی عمل میں لائی جائے۔

مورخہ ۱۳/۰۲/۱۹۶۲



الکلی

نیکو فرما لیں

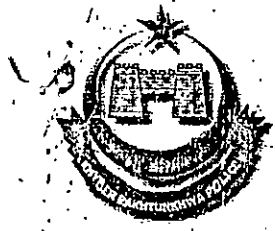
یہ وزیر خات

پیر ذی قعدہ ۱۳۸۱ھ سلطانہ نسیم کو روئے جاہان زری جاوید سردار

0340-01P2064

ASP/cit
 Pl. For n/a
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 and 74
 ort

Department of Police
 RA 99AR



منجانب: اسسٹنٹ سپرنٹنڈنٹ آف پولیس سٹی سرکل مردان۔

منجانب: SI/SHO گوہر خان تھانہ صلا۔

عنوان: (ایکسپلینیشن)

کار سیکرٹری تحریر ہے کہ آپ بطور SHO تھانہ صدر تعینات ہے۔ بحوالہ مقدمہ علت 196 مورخہ 09.02.2019 جرم 34/302 تھانہ صدر، چارج شدہ ملزمان میں ظفر ولد زرباز خان سکندر چارسدہ چوک (گرفٹار) سے آپ نے نہ آہ قتل برآمد کی ہے اور نہ ملزم نامعلوم کی ابھی تک گرفتاری کی ہے۔ جس سے مدعی فریق آپ سے مطمئن نہیں ہے جس میں آپ کو قبل ازیں بھی پروانہ بابت پراگرس رپورٹ جاری کی گئی تھی لیکن آپ نے کسی طرح کی پیش رفت نہیں کی ہے۔ جو کہ یہ عمل مسلسل آپ کے غفلت، اور لاپرواہی کے زمرے میں آتی ہیں۔ اور زیر دستخطی آپ کی کارکردگی سے مطمئن نہیں ہے۔

لہذا میں ASP سٹی سرکل آپ سے وضاحت طلب کرتا ہوں۔ مقدمہ ہذا میں 7 یوم کے اندر اندر اصل ملزمان کی گرفتاری کر کے پراگرس رپورٹ پیش کریں۔ بصورت دیگر آپ کے خلاف محکمہ کارروائی کے لئے تحریر کی جائیگی۔

اسسٹنٹ سپرنٹنڈنٹ آف پولیس،
سٹی سرکل مردان۔

ڈائری نمبر: 521 / سٹی مورخہ: 13/03/2019

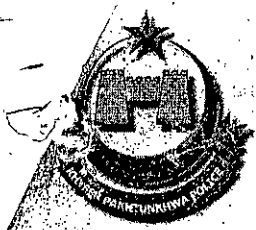
کاپی برائے اطلاع یابی و ضروری کارروائی

(1) جناب ڈسٹرکٹ پولیس آفیسر مردان۔

Sir,
Forwarded and recommended
for departmental enquiry
as he failed to submit his
reply and ensured any
Progress

Asstt Supt of Police
City Mardan

27/03/19



(2)

Frequency

مختاب: اسسٹنٹ سپرنٹنڈنٹ آف پولیس سٹی سرکل مردان۔

مختاب: جناب ضلعی پولیس سربراہ صاحب مردان۔

عنوان: انفارمیشن رپورٹ۔

جناب عالی!

مفروض خدمت ہوں۔ کہ SHO تھانہ صدر SLR گوہر علی جس دن سے تھانہ صدر میں SHO تعینات ہے۔ کارسکار میں دلچسپی نہیں لے رہا ہے۔ اور تمام اہم مقدمات تاحال پنڈنگ ہے۔ جو کہ ذیل ہے۔

- 1 مقدمہ طلت 402 مورخہ 25.03.2019 جرم 149-148-457-395، 5 لاکھ روپے نقد، 2 عدد پستول اور 5 تولہ سونا طلائی زیورات (تاحال انٹریس ملزم / ملزمان عدم گرفتار)
 - 2 مقدمہ طلت 372 مورخہ 13.03.2019 جرم 34-392، 20 لاکھ روپے نقد اور 1 عدد موبائل (تاحال انٹریس ملزم / ملزمان عدم گرفتار)
 - 3 مقدمہ طلت 347 مورخہ 12.03.2019 جرم 324، ملزم عدم گرفتار الہ فائر تاحال عدم برآمد۔
 - 4 مقدمہ طلت 186 مورخہ 08.02.2019 جرم A-381، چنگ پتی عدم برآمد ملزم / ملزمان عدم گرفتار، تاحال انٹریس۔
 - 5 مقدمہ طلت 257 مورخہ 22.02.2019 جرم 34-302، ملزم حبیب تاحال عدم گرفتار۔
 - 6 مقدمہ طلت 196 مورخہ 09.02.2019 جرم 34-302، نوٹ: مدعی پرویز کو SHO صدر نے غلط بیانی کر کے ملزم ظفر کے خلاف دعویداری کرنے پر اکسایا، جس سے ملزم ظفر بے گناہ گرفتار کیا۔ نتیجہ کے طور پر اصل ملزم تاحال عدم گرفتار ہے۔ اور آلہ قتل تاحال عدم برآمد ہے۔ جس سے مقدمہ ہذا کو شدید نقصان پہنچا ہے۔ اور مدعی فریق انتہائی ناراض اور ناخوش ہے۔
- نوٹ: متذکرہ بالا اہم مقدمات صرف 2 ماہ کے ہیں۔

استدعا ہے۔ کہ اگر مناسب سمجھ تو متذکرہ بالا حقائق کی روشنی میں SHO صدر کا تبادلہ کسی اور سرکل کے تھانہ کو کرایا جائے اور اسکے خلاف حکمانہ انکوائری کی سفارس کی جائے۔

اسسٹنٹ سپرنٹنڈنٹ آف پولیس،
سٹی سرکل مردان۔

Donwscia

ڈائری نمبر: 615 / سٹی مورخہ: 29/03/2019

کاپی برائے اطلاعاتی و ضروری کاروائی:

(1) جناب ریجنل پولیس سربراہ صاحب مردان۔

OS
720 Donwscia
01-04-2019



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com



No. 189-92 /PA

Dated 17/1/2020

ORDER ON ENQUIRY OF SI GOHAR ALI

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted as SHO PS Saddar (now Police Lines Mardan), proceeded against departmentally through Mr. Muhammad Ayaz SP Investigation Wing Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.162/PA dated 25-04-2019, on account of that one Parvez Son of Nadar Khan Resident of Chato Killey Sherazeen Koroona has submitted an application/complaint to the undersigned dated 25-03-2019, complaining therein that his brother Alam Zeb was killed by unknown persons & he was informed by SI Gohar Ali SHO PS Saddar at DHQ Hospital Mardan that the deceased was his closed friend, who (02) days back, informed him that in case of his killing, one Zafar Khan shall be held responsible.

It is worth mentioning here that after (05) days, he was re-informed by SI Gohar Ali that Zafar Khan is innocent & in case of his arrest, will be bailed-out U/S 107/151 CrPC with advising the applicant to carry-out weapons for his defense.

To ascertain real facts, the application was initially enquired into through SP/Operations Mardan, who after fulfilling initial process, submitted his Findings to this office vide his office letter No.161/PA (Ops) dated 18-04-2019, holding responsible SI Gohar Ali of gross misconduct on account of non-submitting reply, despite of repeated information, meaning that he has nothing to offer in his defense & recommended him for departmental action. The enquiry officer after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.872/PA/Inv: dated 27-07-2019, recommending the alleged official for suitable punishment.

In this connection, he was served with a Final Show Cause Notice under K.P Police Rules-1975, issued vide this office No.222/PA dated 01-08-2019, to which, his reply was received and found un-satisfactory.

Final Order

SI Gohar Ali was heard in O.R on 14-01-2020, who could not satisfy the undersigned, therefore, awarded him major punishment of reduction in rank with immediate effect, in exercise of the power vested in me under Police Rules 1975.

OB No. 104

Dated 16/01/2020

(SAJJAD KHAN) PSP
District Police Officer
Mardan

- Copy forwarded for information & n/action to:-
- 1) The Regional Police Officer Mardan, please.
 - 2) The DSP/HQrs Mardan.

Annex 'J'
28

ORDER.

This order will dispose-off the departmental appeal preferred by ASI Gohar Khan No. 47/MR of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of reduction in rank from Sub Inspector to his substantive rank of ASI vide OB: No. 104 dated 16.01.2020, on the allegations that he while posted as SHO Police Station Saddar, Mardan, one Parvez Son of Nadar Khan Resident of Chato Killely Sherazeen Koroonia has submitted an application/complaint to the District Police Officer, Mardan dated 25-03-2019. The complainant alleged therein that his brother Alam Zeb was killed by unknown persons and he was informed by SI Gohar Ali SHO PS Saddar at DHQ Hospital Mardan that the deceased was his closed friend, who two days back, informed him that in case of his killing, one Zafar Khan shall be held responsible. It is worth mentioning here that after five days, he was re-informed by SHO Gohar Ali that Zafar Khan is innocent and in case of his arrest, he will be bailed-out U/S 107/151 CrPC, hence, he (SHO) advised the applicant to carry-out weapons for his defense.

To ascertain real facts, the application was initially enquired into through SP/Operations Mardan, who after fulfilling initial process, submitted his report, wherein he held responsible the delinquent Officer of gross misconduct on account of non-submitting reply, despite of repeated notices, meaning that he has nothing to offer in his defense & recommended him for departmental action.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Mr. Ayaz Khan Superintendent of Police Investigation, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he recommended the delinquent Officer for suitable punishment.

He was issued Final Show Cause Notice to which his reply was received and found unsatisfactory.

Keeping in view the recommendations of enquiry officer and other material available on record, the delinquent Officer was heard in Orderly Room held in the office of District Police Officer, Mardan on 14.01.2020, but could not produced any cogent reason in his defense nor satisfy the District Police Officer, Mardan.

ATTESTED

R/O Mardan

31/1/2020

- 23


Therefore, the District Police Officer, Mardan awarded him major punishment of reduction in rank from Sub Inspector to his substantive rank of ASI vide OB: No. 104 dated 16.01.2020

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 04.02.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations against the appellant have been proved. The appellant being a responsible Officer as SHO was supposed to discharge his official duties in a professional manner. But he did not bother to do so. However, keeping in view, the length of service of appellant, the undersigned is constrained to take a lenient view of the misconduct of the appellant.

Based on the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, the major punishment of reduction in rank i.e from the rank of Sub Inspector to his substantive rank of ASI is hereby modified into reduction in pay by five (05) stages.

Order Announced.


Regional Police Officer,
Mardan.

No. 1446 /ES, Dated Mardan the 02-02 /2020.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 53/LB dated 31.01.2020. His Service Record is returned herewith.

(***)

ATTESTED


RPO Mardan
31/1/2020

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

Service Appeal No. 1305/2020

Gohar Khan SI, Police Station Toru, Mardan

.....Appellant

VERSUS

1. Regional Police Officer, Mardan
2. District Police Officer, Mardan

.....Respondents

AUTHORITY LETTER.

Mr. Atta-ur-Rahman Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.



**Regional Police Officer,
Mardan.**

(Respondent No. 01)



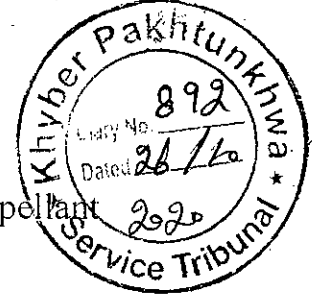
**District Police Officer,
Mardan.**

(Respondent No. 02)

DB 29/12

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1305 /2020



Gohar Ali Appellant

put up to the court with relevant appeal.

Versus

The PPO etc. Respondents

26/10/2021

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO REPLY FILED BY RESPONDENTS.

Rejoinder

Respectfully Sheweth,

Preliminary Objections:

That appellant has approached this Hon'ble Tribunal by asserting valuable facts and nothing has been concealed, therefore, the Hon'ble Tribunal having the jurisdiction to entertain the matter. Estoppel does not run against the law.

Facts:

1. Absolutely misconceived hence not admitted. It is apprised that appellant from the very inception of his service was never found to be guilty and rendered meritorious services spreading over long 28 years. So far as the minor punishments and bad entries are concerned, it is adduced that no such material were ever communicated to appellant rather he has gained good ACRs which are already annexed as Annex-O of the main appeal therein on the basis of his excellent performance he was awarded Cash Prizes on ten different occasions.
2. Regarding Para-2 of the Reply it is expounded that appellant has performed his duty as per the mandate of law neither appellant told him to charge a specific person nor such data is available rather appellant has requested the Inquiry Officer for requisition of CDR from the concern quarter but the same was unlawfully discarded which was essential for just decision.
3. Incorrect. As already explained hereinabove.

4. It is contended that reply to the final Show Cause Notice furnished by the appellant was not taken into consideration, therefore, the same reflects negation of Rule-7 of Khyber Pakhtunkhwa E&D Rules-2011 which mandates that after considering the reply the Authority shall be bound to aver his own opinion upon the charges which were level against the delinquent servant.
5. Regarding Para-5 of the reply it is stated that the assertion made by the appellant into appeal were not fully appreciated.
6. Incorrect

Grounds:

A&B: Not admitted appellant was not treated in accordance with law and Rules. Furthermore it is established legal principal of law that where a major penalty is to be imposed then a regular inquiry shall be conducted.

C. No plausible explanation has been advanced by the Respondents which amounts to admission.

D-G. Incorrect hence not admitted. The detailed reply has already been given in the preceding paras.

H. Needs no reply.

It is, therefore, humbly prayed that the reply of answering Respondents may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

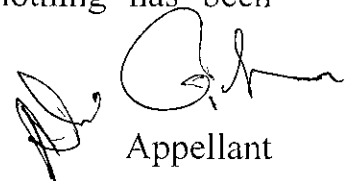
Appellant
Through

Khaled Rahman
Advocate, Peshawar

Dated: ____/10/2020

Verification

Verified that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Appellant

15/7/2021. D.B.

16/1/2020

Appellate
Order - 7/2/2020

S.A -

Journal Police -- 1992.

No opportunity of cross exam

No regular inquiry
Case laws: Judgments

He was eye witness - How he allege
that he was informed by appellant

FR-29 violation.

D.D.A/-

complaint was mis-quoted
(A)