

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 191/2023.

Shakeel Nasir s/o Nasir Jan Ex-Constable Special Branch

..... (Appellant)

VERSUS

Deputy Inspector General of Police Special Branch, Khyber Pakhtunkhwa and two 2 others

.....(Respondents)

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5925

Date: 14/6/2023

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(1)

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REPLY BY RESPONDENTS.

PRELIMINARY OBJECTIONS:-

- a) That the appellant has no cause of action.
- b) That the appeal is badly barred by law & limitation.
- c) That the appellant has been estopped by his own conduct to file the appeal.
- d) That the appeal is not maintainable in its present form.
- e) That the appellant has not come to the Hon'ble Tribunal with clean hands.
- f) That the appeal is bad for misjoinder and non joinder of necessary parties.

FACTS:-

1. Pertains to record, needs no comments.
2. Incorrect, Appellant while posted in field office SB AGO Hangu got directly charged/involved in criminal case vide FIR No. 6 dated 05.01.2020 u/s 302/324/148/149 PPC PS Yaqoub Khan, Karak, wherein he committed culpable homicide murder of Ajmal Khan s/o Shanamir, Karak by using his pistol.
3. Incorrect and denied, the appellant was not present on duty but in his village on the day of occurrence as per Call Detail Record (CDR) of his phone, while the remaining Para pertains to record, needs no comments. (CDR Data is enclosed as Annexure A).
4. Correct to the extent that Charge sheet and Statement of allegations based on said charges were issued to the accused officer vide this office Endst No. 526-27 dated 24.01.2020. (Charge Sheet, Statement of allegations and Reply of Appellant of Charge Sheet are enclosed as Annexure B & C)
5. Pertain to record, needs no comments.
6. Incorrect and misleading. Tariq Habib SP/Peshawar Region was nominated as Enquiry officer to dig out the real facts of the case and conduct of accused officer/Appellant with reference to the charge sheet leveled against him. The

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enquiry officer in his findings recorded that the accused officer/Appellant is found guilty as the appellant was not present at his duty point at Tall district Hangu on the day of occurrence. Also the finding report revealed that according to the CDR Photocopy, his location was traced out in his village/district Karak, not in his place of duty at district Hangu on the day of occurrence. (Inquiry Report is enclosed as Annexure D)

7. Correct to the extent that Final Show Cause Notice was issued against the appellant to which he also has submitted his reply. However, it was not found satisfactory.
8. Incorrect, the allegations were proved against the appellant.
9. Correct to the extent that appellant was dismissed, however, before imposing major punishment he was issued Final Show Cause Notice and also heard in person by the competent authority. Appellant denied the allegations leveled against him however, his reply to the Final Show Cause Notice was not satisfactory as it proved beyond shadow of doubt during enquiry proceedings that accused officer is indeed involved in a criminal case.
10. Correct, to the extent the departmental appeal was rejected on 04.08.2020 by the appellate authority for reason that the appeal was found unsatisfactory having no substance.
11. Correct the extent that the appellant's revision petition was also rejected for reason that the review Board did not see any ground and reason for acceptance of the petition.
12. Para is correct to the extent that the appellant was later acquitted by court of law in case FIR No. 06, however, it is pertinent to mention that criminal proceedings and departmental proceedings are two entities, fate of one does not affect other.
13. First para of Para 13 pertains to record, however the appellant has got no cause of action therefore, the instant appeal my kindly be dismissed on the following grounds;

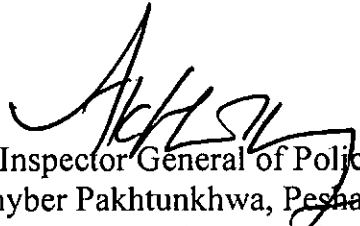
GROUND:-

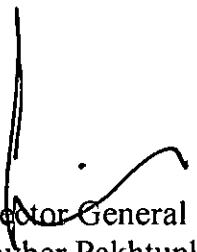
- a) Incorrect, the appellant was dismissed from service for involvement in a heinous criminal case.
- b) Incorrect, proper enquiry was conducted wherein he was given due opportunity of defence. However, as per findings, he was found guilty.
- c) Incorrect, the appellant was awarded major penalty by the competent authority keeping in view gravity of his misconduct.
- d) Incorrect already explain above.


e) Incorrect, the appellant's dismissal order is according to rule/law and according to the constitution of Pakistan and no malafide is involved.

PRAYER:-

Keeping in view of above facts & submission it is therefore humbly prayed that on acceptance of reply to the appeal, the instant appeal may kindly be dismissed with costs, please.


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 3)


Deputy Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 2)


Senior Superintendent of Police,
Special Branch, Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 1)

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..... (Appellant)

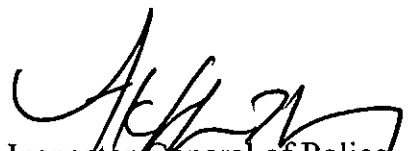
VERSUS

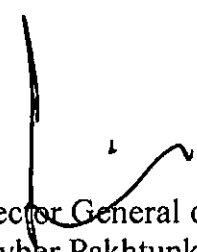
Deputy Inspector General of Police Special Branch, Khyber Pakhtunkhwa and two 2 others


.....(Respondents)

AUTHORITY LETTER

I, Javed Iqbal DSP Special Branch, Khyber Pakhtunkhwa Peshawar is hereby authorized to appear on behalf of the Respondents before the Hon'ble Service Tribunal Peshawar. He is authorized to submit all required documents and réplies etc pertaining to the appeal through the Government Pleader.


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 3)


Deputy Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 2)


Senior Superintendent of Police,
Special Branch, Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 1)

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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
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Service Appeal No. 191/2023

Shakeel Nasir s/o Nasir Jan Ex-Constable Special Branch
..... (Appellant)

VERSUS

Deputy Inspector General of Police Special Branch, Khyber Pakhtunkhwa and two 2 others
.....(Respondents)

AFFIDAVIT

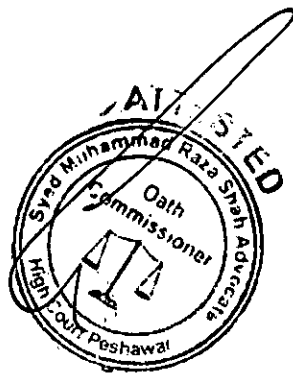
I, Javed Iqbal DSP Special Branch Peshawar, representative for Respondent No. 01 to 03 do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by us are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

It is further stated on Oath that in ^{this} appeal, the answering respondents have neither been placed ex-parte nor their defense is struck off.

Deponent

CNIC No. 17301-1444400-5

Cell # 03459128346



14 JUN 2023

FIR No. 6 dated 05.01.2020 u/s 302/324/34 PPC PS YKS

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Addressed
for search

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FIR No. 6 dated 05.01.2020 u/s 302/324/34 PPC PS YKS

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923449802742	923418544819	35600408763660	01/04/2020 11:10	INCOMING	372	459	64863	32.9433	71.0677	GSM	Village Sheedan Banda Tehsil Takht-e-Nasrati District Karak
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923449802742	internet	35600408763661	01/04/2020 11:32	UNKNOWN	14	459	6753	33.0079	71.0862	GPRS	BALA TAKHTI MUSTAT MUHALLH KHATI KHELA DISTRICT KARAK
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923449802742	Telenorx	35600408763660	01/04/2020 11:33	INCOMING	0	459	6753	33.0079	71.0862	SMS	BALA TAKHTI MUSTAT MUHALLH KHATI KHELA DISTRICT KARAK
923449802742	internet	35600408763661	01/04/2020 11:33	UNKNOWN	10	459	6753	33.0079	71.0862	GPRS	BALA TAKHTI MUSTAT MUHALLH KHATI KHELA DISTRICT KARAK
923449802742	internet	35600408763661	01/04/2020 11:33	UNKNOWN	6	459	6753	33.0079	71.0862	GPRS	BALA TAKHTI MUSTAT MUHALLH KHATI KHELA DISTRICT KARAK
923449802742	Telenorx	35600408763660	01/04/2020 11:33	INCOMING	0	459	6753	33.0079	71.0862	SMS	BALA TAKHTI MUSTAT MUHALLH KHATI KHELA DISTRICT KARAK
923449802742	Telenorx	35600408763660	01/04/2020 11:33	INCOMING	0	459	6753	33.0079	71.0862	SMS	BALA TAKHTI MUSTAT MUHALLH KHATI KHELA DISTRICT KARAK
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923449802742	Telenorx	35600408763660	01/04/2020 12:53	INCOMING	0	459	6753	33.0079	71.0862	SMS	BALA TAKHTI MUSTAT MUHALLH KHATI KHELA DISTRICT KARAK
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923449802742	923418544819	35600408763660	01/04/2020 17:27	INCOMING	17	459	17432	32.9628	71.0018	GSM	Ibrahim Khel P/o Jehangri, Tehsil Tahket Nasrati, Distt Karak
923449802742	923459862018	35600408763660	01/04/2020 18:04	INCOMING	51	459	32602	32.9305	71.032	GSM	Village Bangi Kala Takht Nusrati, Tehsil & Distt. Karak
923449802742	923418544819	35600408763660	01/04/2020 18:55	INCOMING	132	459	64861	32.9433	71.0677	GSM	Village Sheedan Banda Tehsil Takht-e-Nasrati District Karak
923449802742	923459862018	35600408763660	01/04/2020 19:45	INCOMING	27	459	64861	32.9433	71.0677	GSM	Village Sheedan Banda Tehsil Takht-e-Nasrati District Karak
923449802742	923418544819	35600408763660	01/04/2020 21:14	INCOMING	17	459	24533	32.877426	71.04253	GSM	Fateh Khan Banda
923449802742	923418544819	35600408763660	01/04/2020 22:19	INCOMING	28	459	64861	32.9433	71.0677	GSM	Village Sheedan Banda Tehsil Takht-e-Nasrati District Karak
923449802742	923418544819	35600408763660	01/04/2020 22:33	INCOMING	1434	459	17432	32.9628	71.0018	GSM	Ibrahim Khel P/o Jehangri, Tehsil Tahket Nasrati, Distt Karak
923449802742	923418544819	35600408763660	01/04/2020 22:58	INCOMING	30	459	17432	32.9628	71.0018	GSM	Ibrahim Khel P/o Jehangri, Tehsil Tahket Nasrati, Distt Karak
923449802742	7060	35600408763661	01/06/2020 15:29	INCOMING	0	459	6732	33.1302	71.1358	SMS	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak
923449802742	923451948854	35600408763661	01/06/2020 19:50	INCOMING	91	459	6742	33.1162	71.0976	GSM	Main Bazaar Kaka Khil Market Tehsil & District Karak
923449802742	923418544819	35600408763661	01/06/2020 19:52	OUTGOING	30	459	6732	33.1302	71.1358	GSM	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak
923449802742	Telenorx	35600408763661	01/06/2020 19:53	INCOMING	0	459	6732	33.1302	71.1358	SMS	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak
923449802742	Telenorx	35600408763661	01/06/2020 19:54	INCOMING	0	459	6732	33.1302	71.1358	SMS	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak
923449802742	923439612507	35600408763661	01/06/2020 19:55	INCOMING	330	459	6732	33.1302	71.1358	GSM	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak

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NO. 103 IN DATA

Attest

Ch. Nasir

11/11/20

923415546331	35600408763661	01/06/2020 20:47	INCOMING	43	459	6732	33.1302	71.1358	GSM	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak
92347222522	35600408763661	01/06/2020 20:59	INCOMING	871	459	6732	33.1302	71.1358	GSM	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak
923449802742	923480973207	01/07/2020 14:46	INCOMING	315	459	29112	33.1137	71.0919	GSM	Near City Town Hall, Karak
923449802742	internet	35600408763661	01/08/2020 04:46	UNKNOWN	8	459	6732	33.1302	GPRS	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak
923445802742	internet	35600408763661	01/08/2020 04:46	UNKNOWN	0	459	6732	33.1302	GPRS	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak
923449802742	internet	35600408763661	01/08/2020 04:47	UNKNOWN	8	459	6732	33.1302	GPRS	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak
923449802742	internet	35600408763661	01/08/2020 04:47	UNKNOWN	0	459	6732	33.1302	GPRS	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak

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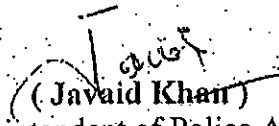
CHARGE SHEET.

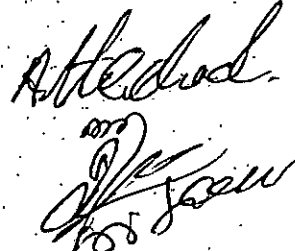
I, Javaid Khan, SP/Admn: Special Branch, Khyber Pakhtunkhwa Peshawar as a competent authority under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) hereby charge you Constable Shakil Nasir No.169 as follow:-

You while posted at field office SB AGO Hangu, got involved in Criminal case bearing FIR No.6 dated 05.01.2020 U/S 302/324/148/149 PPC, PS Yaqoob Khan Shaheed Takhti Nasrati, District Karak, wherein you were charged for committing culpable homicide/murder of Ajmal Khan s/o Shanamir r/o Kisaki Banda, Karak by using his pistol.

By the reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said rules.

1. You are, therefore, directed to submit your written defense within 7 days of the receipt of this Charge Sheet to the Enquiry Officer.
2. Your written defense, if any, should reach to the enquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case, ex-parte action will be taken against you.
3. You are also at liberty, if you wish to be heard in person.
4. Statement of allegation is enclosed.


(Javaid Khan)
Superintendent of Police Admn:
Special Branch Khyber Pakhtunkhwa,
Peshawar.


2020
205 JAWAN

(11)

SUMMARY OF ALLEGATIONS.

I, Javaid Khan, SP/Admn: Special Branch, Khyber Pakhtunkhwa Peshawar being competent authority, is of the opinion that Constable Shakil Nasir No.169/SB rendered himself liable to be proceeded against, as he has committed the following acts of omissions / commissions within the meaning of Khyber Pakhtunkhwa Police Rules 1975 (Amended 2014)..

STATEMENT OF ALLEGATIONS.

He, while posted at field office SB, AGO Hangu, got involved in Criminal case bearing FIR No.6 dated 05.01.2020 U/S 302/324/148/149 PPC, PS Yaqoob Khan Shaheed Takht-i-Nasrati, District Karak, wherein he was charged for committing culpable homicide/murder of Ajmal Khan s/o Shanamir r/o Kisaki Banda, Karak by using his pistol.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation, SP/Investigation Mr. Raheem Abdul Khay is appointed as Enquiry Officer to conduct Departmental Proceeding under Khyber Pakhtunkhwa Police Rules 1975 (Amended 2014).

3. The Enquiry Officer shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within 15 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

Javaid Khan
(Javaid Khan)

Superintendent of Police Admn:
Special Branch Khyber Pakhtunkhwa,
Peshawar.

No. 526-27 /EB: dated Peshawar the 24 / 01 / 2020.

Copy of above is forwarded to the:-

1. Enquiry Officer with the direction to initiate departmental proceedings against the accused under the ibid Rules and submit his findings in shortest possible time.
2. Official concerned.

At Hangu
SP/Investigation
Mr. Raheem Abdul Khay

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بیان ازاں شکیل ناصر 169 فیصد 169

صبا عالی

کوال مشعلی خارج سٹیٹ نمبری EB/27-26-5 صورت 24-1
2020
خصوصی خدمت ہوں۔ کچھ مسائل بہت عزت کے ساتھ گزارا کجاٹی 9

کچھ من مسائل کو مستحقین نے بوجھ رشتہ داری، بددیہی کی بنا پر

ایسا جھوٹا، خود ساختہ مقدم علیت کا صورت 5-1 بیم 302.324
148,149
تھان یعقوب خان مسیحا تخت لکھنی دعویٰ داری کی ہے۔

چونکہ اصل حقیقت یہ ہے کہ من مسائل برقرار وقوع صورت 5-1 لوٹ 08-1
2020

صبح انہی بہت علاج تھان ٹال صلاح منلو کار کا ط لوٹی پر موجود تھا۔

اس بابت مسائل ہر قسم گواہان پیش کر سکتا ہوں، یا تحریری بیانات

گواہان پیش کرنے کو تیار ہوں، جنہوں نے مسائل کو ط لوٹی سر انجام

دینے ہو لوٹت بالاد صورت بالاد کو دیکھا ہے۔

تحریری بیانات گواہان کف جواب میرا ہے، جلالہ نامہ ناکر وہ بالاد

بیم میں بے گناہ ہے، اور مسائل اس کے علاوہ بھی ہر قسم تسلی دینے

کو تیار ہوں

شکیل ناصر نمبر 169
26-1
2020

Abulhasan
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سوال چار 7 اشرفی 526-27/EB حذو انسن خال حیدرآباد حیدرآباد
24-01-2020
سنانہ سید کنڈ کی باندھ جو کہ میرا قریباً رشتہ دار ہے، جس نے رفتی کی بناء پر
ایک چھوٹے اور خود ساختہ شدہ ملک کہ روز 10-05-2020 سے 302-324 کے خانہ لیسٹ
سیدت رفتی ضلع کرک ذمہ داری کی ہے، ایسی شدہ میں میرے والد لیسٹ خال، اور
صبا بی بی چاہیدنا سر اور چچا رسول الرحمن میر بھی ذمہ داری (ملک بالا میں) کی ہیں۔

ایسی روز حورم 5 من سائل اپنی بی بیٹ ایریا علاقہ حضانہ ٹل ب ٹل بازار میں روٹین
کے مطابق بوت 08:00 بج صبح موجود تھا، چونکہ سائل کی ریٹیشن حضانہ ٹل میں ہے
اور صبح اسی روز اپنے کمرہ حضانہ ٹل سے ڈیوٹی پر آیا تھا، سید و بودگی ٹل بازار
میں وہاں پر موجود لوگوں سے لیسٹ لینا بطور گواہ پیش کر کے کہتا ہوں، چھوٹے
سائل کو ہر روز وقت ڈیوٹی سر انجام دیتے ہوئے دیکھا ہے۔

ایسی روز سائل کو صلوم ہوا کہ من سائل پر حضانہ لیسٹ سیدت رفتی ضلع کرک میں شدہ
رد آج ہوا ہے، من سائل فوراً اپنی آفس SB حذو انسن خال 10:00 بج کر تمام سائل
انوال حیدرآباد 167/EB کو بیان کیا۔

سائل نے لیدلت حیدرآباد سٹیشن چچ صاحب منگو سے حورم 6 کو حیدرآباد BBA حذو انسن
کر داکر حورم 13 کو لیدلت حیدرآباد ایڈیشن سٹیشن چچ تحت رفتی ضلع کرک سٹیشن
پونے کا حکم صادر فرمایا، من سائل لیدلت حیدرآباد ایڈیشن سٹیشن چچ وقت رفتی ضلع کرک
کو پیش ہو کر لیدلت حیدرآباد سٹیشن چچ کے لید حورم 2 کو لیسٹ لیدلت حیدرآباد BBA حذو انسن
کر کے لید گزارنے کے بعد حضانہ تحت رفتی حورم 16 کو چیل کر کے چھوڑنے کا حکم صادر فرمایا
بعد گزارنے 2 ماہ چیل حورم 16 کو حضانہ پر رہا گیا، چونکہ سائل نے گناہ ہے، اور ایسی
شدہ سے کوئی تعلق نہیں ہے، لہذا صافی کا طلبگار ہوں۔

A. H. Khan
P.T.O

167/EB حذو انسن خال SB حیدرآباد
11-05-2020

++++ سوال نمبر 1 - کیا ایک گھنٹہ نامہ بوقت وقوعہ کیسے لیا جاتا ہے۔
جواب :- ہیکٹ ایریا میں بازار میں گھنٹوں سے لے کر دو گھنٹوں تک

++++ سوال نمبر 2 - کیا ایک کے پاس لائنوں کو ریمان موجود ہے جو اس بات کی گواہی دیتے ہیں کہ بوقت وقوعہ آیا اسے ایریا میں موجود تھا۔
جواب :- جی ہاں

++++ سوال نمبر 3 - اگر ایک کے پاس لائنوں کو ریمان موجود ہے تو اس وقت کی گواہی دینے کے لیے الزام علیہ پولیس افسر بوقت وقوعہ میں گھنٹوں سے لے کر دو گھنٹوں تک موجود رہنا چاہیے۔
جواب :- جی ہاں

++++ سوال نمبر 4 - کیا ایک مذکورہ مقدمہ میں Investigative کا رول تفتیش سے قطعاً ہے۔
جواب :- جی ہاں

++++ سوال نمبر 5 - کیا ایک نے دوبارہ تفتیش (ری اینڈ ری اینڈ) کے لیے افسران نامہ صافوں کو متعلقہ فورم پر درخواست دی ہے کہ نہیں۔
جواب :- نہیں دی ہے۔

رول نمبر 119

Attested
[Signature]

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DEPARTMENTAL ENQUIRY INITIATED AGAINST FC/169 SHAKEEL NASIR
OF SPECIAL BRANCH STAFF, TALL, DISTRICT HANGU
(PRESENTLY SUSPENDED AND CLOSED TO SPECIAL BRANCH,
HEADQUARTER, PESHAWR)

Brief facts of the allegations:

Shakeel Nasir FC/169 while posted as beat officer, SB office Hangu (now suspended and closed to SB/Hqrs, Peshawar) got involved in criminal case bearing FIR No: 6, dated 05-01-2020 u/s 302/324/148/149 PPC, PS Yaqoob Khan Shaheed Takht Nasrati, district Karak, wherein he was charged for committing culpable homicide/murder of Ajmal Khan s/o Shanamir r/o Kisaki Banda, Karak by using his pistol.

In order to dig out the real facts discreet enquiry as well as the statement of the following Police officers/officials were also recorded which is placed on file.

1. **Statement of Shakeel Nasir FC/169, alleged Police Official (Annex-A)**

Shakeel Nasir FC/169, Beat Officer SB Office Hangu (presently suspended and closed to SB Hqrs) stated in his statement that plaintiff Mujeebullah son of Shanamir resident of Kaski Banda, who is a close relative of mine has filed a false and self-incriminating case FIR No: 06, dated 05-01-20 u/s 302/324/148/149 PPC, PS Yaqoob Shaheed Takht Nasrati, Karak against him on the basis of hatred. His father Nasr Jan, brother Mujahid Nasir and uncle Rasool-ur-Rehman have also been claimed in the same case. On 05-01-2020 at 08:00 hrs: as a routine, he remained present in his beat area duty at Tall Bazaar, district Hangu. He resides in the jurisdiction of PS Tall and on that morning he went to his duty point Tall Bazaar and can confirm from the people of his beat area who have seen him performing duty on the day of occurrence. On the same day he came to know that a case has been registered against him in Police Station Yaqoob Shaheed Takht Nasrati, Karak. He immediately rushed to his office at 10:00 AM and told the detail to ASI Mukhtiar Gul. On 06-01-20, he obtained BBA from the court of Sessions Judge, Hangu. Later on, the Additional Sessions Judge Takht-e-Nasrat ordered him to appear before the court on 13-01-20. He appeared before the Additional Sessions Judge, Takht Nusrati on 13-01-20 where after giving different hearing dates, the same court canceled his BBA on 13-02-20 and ordered him to be sent to Karak jail on 16-02-20. He was released on bail on 16-04-20 after spending two months in Karak Jail. He is innocent and has nothing to do with this case. Therefore, he seeks justice.

2. **Statement of Inspector Saifur Rehman, SHO PS Pezu, Lakki Marwat, ex-Incharge Investigation PS Yaqoob Khan Shaheed, Karak (Annex-B)**

Inspector Saifur Rehman, SHO PS Pezu, Lakki Marwat, ex-Incharge Investigation PS Yaqoob Khan Shaheed, Karak stated in his statement that he has investigated a case FIR No: 6,

Shakeel Nasir
Saifur Rehman
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dated 05-01-20, u/s 302/324/34 PPC, PS Yaqoob Khan Shaheed Takht Nasrati, Karak. The plaintiff Mujibullah s/o Shanamir r/o Kaski Banda has claimed against Nasir Jan s/o Sultan Jan, Rasoolur Rehman s/o Sultan Jan, Shakeel Nasir s/o Nasr Jan and Mujahid Ali Shah s/o Nasr Jan residents of Kaski Banda in the above mentioned case. He investigated the case very carefully and on merit basis. The accused Shakeel Nasir, posted as Constable in Special Branch, Hangu has submitted an application about his innocence in the above mentioned case. In this regard SI Inayat Zaman has recorded the statements of the accused and the eye witnesses. During the course of enquiry, contradiction was found between the statements of accused/witnesses and the CDR data of the alleged Police official. According to the CDR, Shakeel Nasir was found in his house at the time of incident and after committing the offence, was found to be heading towards district Hangu. The location of the accused Shakeel Nasir was traced out through CDR that on the day of occurrence, he left towards district Kohat via Lachi Indus Highway at 11:00 hrs, which proves that he is lying. During the interrogation, the accused Shakeel Nasir not only spoke about the incident but also pointed out his companions who have also admitted their involvement in the crime. Furthermore, the accused's CDR data also verifies the case and the plaintiff's statement. In light of all the facts and the investigation process, the accused Shakeel Nasir was found guilty along with his colleagues against whom he had conducted a very impartial investigation.

Enquiry Finding:

Keeping in view the above facts, the undersigned reached to the conclusion that it is evident from the record that FC Shakeel Nasir was not present at the place of his duty point at Tall, district Hangu on the day of occurrence. According to the CDR photocopy, his location was traced out in his village/district Karak, not in his place of duty point at district Hangu on the day of occurrence.

Therefore, the undersigned reached to the conclusion that the allegation leveled against FC Shakeel Nasir has been proved. It is, therefore, suggested that legal opinion may be asked from DSP Legal whether the enquiry file may keep pending till the decision of the said case in the concerned Court or otherwise please.

Encls: (8) Pages)

Date: 05-06-2020

[Signature]
 Tariq Habib Khan,
 Superintendent of Police,
 Special Branch, Headquarter Peshawar.

[Signature]
[Signature]