

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 930/2019

Date of Institution ... 10.07.2019

Date of Decision ... 22.07.2020

Hameed Ullah son of Khan Zada, R/O Sakhra Tehsil Matta, Swat Ex-Head Constable No. 2626, Police Line Kabal Swat. ... (Appellant)

VERSUS

District Police Officer, Swat and two others. ... (Respondents)

Arbab Saiful Kamal,  
Advocate.

... For appellant

Mr. Muhammad Riaz Khan Paindakhel,  
Asstt. Advocate General

... For respondents.

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MR. HAMID FAROOQ DURRANI,  
MR. MIAN MUHAMMAD

... Chairman.  
... Member (Executive)

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. Instant judgment is proposed to dispose of also Service Appeal No. 932/2019 (Arif Versus District Police Officer Swat and two others) as the facts and circumstances in both the cases are similar. Besides, the issues and legal propositions involved in the matter are identical.

2. The appellants, performing duty as constables in the Police Department, were implicated in offence recorded under different sections of law. Departmental enquiry was initiated by the respondents and upon conclusion of the proceedings they were awarded major penalty of dismissal from service through order dated 23.12.2015. After exhausting departmental



remedy the appellants preferred service appeals before this Tribunal which were disposed of on 04.09.2018. The impugned orders of the respondents were set aside and they were directed to conduct denovo enquiry strictly in accordance with the law while the appellants were reinstated in service for the purpose.

Consequent to the judgment of this Tribunal, respondents held denovo enquiry. The proceedings again culminated into passing of impugned orders dated 01.01.2019, whereby, the appellants were awarded penalty in shape of dismissal from service. They preferred departmental appeals which also could not find favour and were rejected vide order dated 16.06.2019, hence the appeals in hand.

3. Learned counsel for the appellants as well as learned Assistant Advocate General on behalf of the respondents heard and available record gone through.

4. Learned counsel for the appellants vehemently contended that in the first round of proceedings against the appellants the charge contained in the impugned orders was never part of statements of allegations or the show cause notices. The appellants, therefore, were practically not provided an opportunity of properly defending their cause. In that regard learned counsel referred to the judgment of this Tribunal pronounced in the previous round and pressed into service its Paragraphs 6 and 7. In his view the denovo proceedings were also not in accordance with the spirit of judgment and the law on the point. He referred to the enquiry report, though undated, as submitted before the competent authority, and stated that the same

recommended reinstatement of the appellants with all back benefits. The competent authority, while dissenting with the findings of enquiry officer did not provide any cogent reason for the purpose. Learned counsel also argued that the appellants were not initially nominated in the FIR while the star witness of the case namely Habibur Rahman resiled in his statement recorded under Section 164-Cr.PC. Coupled with the said fact the incidence of acquittal of appellants from a competent court of law on 27.04.2018 fully justified their reinstatement into service, however, the respondents did not prefer the same. He relied on judgment reported as 2011-SCMR-1504.

Learned Assistant Advocate General, while refuting the arguments from other side, referred to the enquiry report and stated that its recommendations were solely based on the acquittal of appellants from criminal case while it was not to have any bearing on the departmental proceedings. He referred to 2007-SCMR-562, in support of his arguments. In his view, the proceedings were properly held under the Khyber Pakhtunkhwa Police Rules, 1975 while the competent authority was not bound to concur with the enquiry officer. The appellants were, therefore, rightly awarded the penalty questioned through the appeals in hand.

5. We have minutely examined the record before us and have found that the respondents have committed material irregularity/illegality while dealing with the cases of appellants. As a first instance, reference can be made to the impugned orders dated 01.01.2019 whereby the competent authority after the proceedings of regular enquiry himself attempted to resort to summary enquiry proceedings and went on to examine the officials of the



department but without any opportunity of participation to the appellants. The relevant portion of the impugned order is worthy of reproduction herein below:-

*"The Head Constable was called in Orderly Room and heard in person. The case file was minutely perused and the delinquent officer was thoroughly interviewed which unfolded the whole incident. Therefore, the undersigned did not agree with the recommendation of the Enquiry Officer as he had not applied his judicial mind. Consequently, all concerned in the case were called. They were heard in person, thoroughly interrogated, cross examined and their statements were recorded."*

The above noted content from the impugned order suggests that not only the provisions of Section 5 of the rules *ibid* were blatantly violated in superseding a regular enquiry by summary proceedings, but also the fact that the competent authority himself became an enquiry officer which is diametrically opposite to the rules of natural justice and the law. It is also a fact that the respondents failed to make part of the record the material so collected by the competent authority/respondent No. 1. The so-called foundation of difference of opinion by respondent No. 1 with the enquiry officer is still shrouded in mystery.

6. The appellants preferred departmental appeals against the impugned orders dated 01.01.2019 which were decided by respondent No. 2 on 14.06.2019. A perusal of the orders suggests that the respondent No. 2 yet again ordered a third enquiry which was concluded and findings were submitted on 15.05.2019. It is worthwhile to reproduce hereunder the relevant portion of the order dated 14.06.2019:-

"Both, Ex-Head Constable Hamidullah No. 1564/2626 and Constable Arif No. 2683 were called in Orderly Room by the undersigned and their case was thoroughly perused. To further scrutinize the case, S.P. Investigation Swat and Addl. SP Swat were nominated to conduct denovo enquiry into the matter and submit findings report vide this office order No. 3982-84/E, dated 27.03.2019. The enquiry officer after conducting proper denovo enquiry into the matter submitted his finding report vide SP Investigation Swat Memo. No. 3440/C-Cell. Dated 15.05.2019 wherein he recommended that though the charges against both the officers i.e. Ex-Head Constables Hamidullah No. 1564/2626 and Constable Arif No. 2683 are wholly solely responsible for registration of fake case vide FIR No. 383 dated 20.08.2015 u/s 5-Exp/9-B CNS 15-AA/34-PPC P.S Kanju District Swat. Therefore, The undersigned uphold the order passed by DPO Swat wherein he has dismissed Head Constable Hamidullah No. 1564/2626 and Constable Arif No. 2683 from service. Their appeals are hereby rejected. Moreover, the punishment of reduction in pay by three (3) stages awarded by DPO Swat vide OB No. 216 dated 23.12.2015 to S.I Muhammad Siraj is hereby converted into dismissal from service with immediate effect as the delinquent officers are equally responsible for such illegal act as proved in denovo enquiry conducted by S.P Investigation Swat."

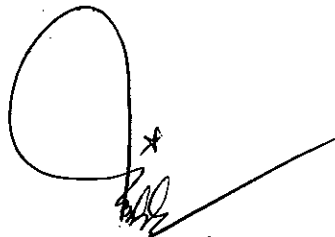
It is a sorry state of affairs that the respondents squarely failed to bring before this Tribunal any piece of record pertaining to the third enquiry dated 15.05.2019. For all intents and purposes, the holding of second and third enquiries could not be legally justified. Needless to note that the appellants were not associated with the subsequent proceedings at all.



It is also pertinent to note that the impugned orders dated 01.01.2019 and 14.06.2019 were passed by the respondents after the acquittal of appellant from criminal charge on 27.04.2018. It appears that the respondents had attempted to go all out against the appellants, therefore, the element of malafide on their part cannot be ruled out.

7. Resultantly, both the appeals are allowed and the appellants are reinstated into service. The period during which they have not performed duty shall be counted towards their respective leave of the kind due.

Parties are left to bear their respective costs. File be consigned to the record room.





(MIAN MUHAMMAD)  
Member (Executive)



(HAMID FAROOQ DURRANI)  
Chairman

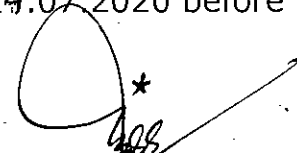
ANNOUNCED  
22.07.2020

| S.No | Date of order/ proceedings | Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.   |
|------|----------------------------|---|
| 1    | 2                          | 3   |
|      | 22.07.2020                 | <p><u>Present.</u></p> <p>Arbab Saiful Kamal, ... For appellant<br/>Advocate</p> <p>Mr. Muhammad Riaz Khan Paindakhel,<br/>Asstt. Advocate General ... For respondents</p> <p>Vide our detailed judgment, the appeal is allowed and the appellant is reinstated into service. The period during which he has not performed duty shall be counted towards leave of the kind due.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p>(Mian Muhammad)<br/>Member (Executive)</p> </div> <div style="text-align: center;">  <p>(Hamid Farooq Durrani)<br/>Chairman</p> </div> </div> <p><u>ANNOUNCED</u><br/>22.07.2020</p> |

30.06.2020

Appellant with counsel and Mr. Riaz Paindakhel learned Asst. AG alongwith Mr. Khawas Khan Inspetor for the respondents present.

Partial arguments heard. To come up for further arguments alongwith Service Appeal No. 932/2019 on 14.07.2020 before D.B.

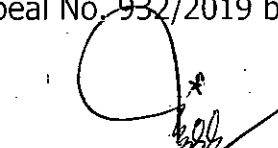
  
Member

  
Chairman

14.07.2020

Appellant with counsel and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Khawas Khan, S.I (Legal) for the respondents present.

To come up for order on 22.07.2020 alongwith service appeal No. 932/2019 before this D.B.

  
(Mian Muhammad)  
Member

  
Chairman



02.03.2020

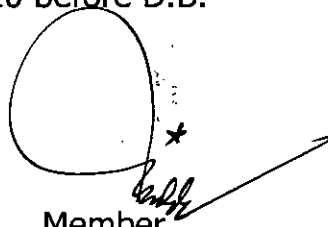
Counsel for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Mir Faraz Khan, DSP (Legal) for respondents present. Representative of respondents submitted copy of statements of witnesses recorded during enquiry proceedings, which is placed on file. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 12.03.2020 before D.B.


  
Member

  
Member

12.03.2020

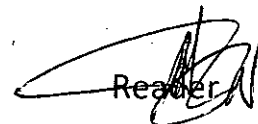
Appellant with counsel present. Mr. Ziaullah, DDA alongwith Mr. Mir Faraz, DSP (Legal) for respondents present. Arguments heard. To come up for order on 25.03.2020 before D.B.

  
Member

  
Member

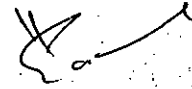
25.03.2020

Due to public holiday on account of COVID19, the case is adjourned to 30.06.2020 for the same as before.

  
Reader

17.01.2020

Appellant in person present. Jehanzeb Constable representative of the respondent department present. Lawyers community is on strike on the call of Khyber Pakhtunkhwa Bar Council. Learned Member (Executive) is not available. Adjourned for 04.02.2020 before D.B.




Member

04.02.2020

Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Adjourned to 13.02.2020 for arguments before D.B.

(Ahmad Hassan)  
Member



(M. Amin Khan Kundi)  
Member

13.02.2020

Appellant alongwith his counsel and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Rashid Ali, Constable for the respondents present. Partial arguments heard. Perusal of the inquiry report reveals that the inquiry officer has recorded the statements of 10 witnesses but the said statements are not available on the record. Representative of the department namely Rashid Ali present in the court is directed to furnish the complete record of inquiry including statements of witnesses recorded during inquiry on the next date positively. To come up for record and arguments on 02.03.2020 before D.B.



(Hussain Shah)  
Member



(M. Amin Khan Kundi)  
Member

12.11.2019

Appellant in person and Addl. AG alongwith Mir Faraz Khan, DSP (Legal) for the respondents present.

Representative of respondents has furnished parawise comments of the respondents. Placed on record.

To come up for arguments before D.B on 18.12.2019. The appellant may submit rejoinder, within a fortnight, if so advised.

  
Chairman

18.12.2019

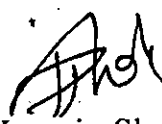
Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourn. To come up for further proceedings/arguments on 30.12.2019 before D.B.

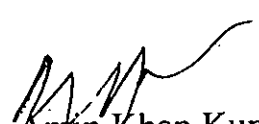
  
Member

  
Member

30.12.2019

Appellant with counsel present. Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Khawas Khan Inspector for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 17.01.2020 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

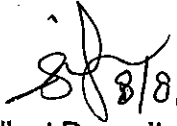
A-No. 930/2019  
Hameedullah vs Govt

08.08.2019

Counsel for the appellant present.

Contends that in pursuance to the judgment of this Tribunal passed in service appeal No. 257/2016 denovo enquiry was conducted by the department. In the enquiry report it was recommended that as allegations against the appellant were not proved, he was entitled to all back benefits. Despite the competent authority without providing cogent reasons awarded major punishment of dismissal from service to the appellant. Similarly, his departmental appeal was also rejected.

In view of arguments of learned counsel and available record, instant appeal is admitted for regular hearing. 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 16.09.2019 before S.B.

  
8/8/19  
Appellant Deposited  
Security & Process Fee

  
Chairman

16.09.2019

Appellant in person and Addl. AG alongwith Mir Faraz Khan, DSP (Legal) for the respondents present.

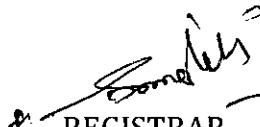
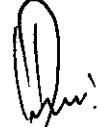
Representative of the respondents requests for time to submit reply. Adjourned to 08.10.2019 on which date the requisite reply/comments shall positively be submitted.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 930/2019

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1     | 15-07-2019                | <p>The appeal of Mr. Hameed Ullah resubmitted today by Mr. Saad Ullah Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"><br/>REGISTRAR</p> |
| 2     | 18/07/19                  | <p>This case is entrusted to S.B for preliminary hearing to be put up there on <u>08/08/19</u>.</p> <p style="text-align: right;"><br/>CHAIRMAN</p>   |


P-27

The appeal of Mr. Hameedullah son of Khanzada r/o9 Sakhra Tehsil Matta Swat Ex-Head Constable No.2626 Police Line Kabal Swat received today i.e. on 10.07.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Memorandum of appeal may be got signed by the appellant.
- 4- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1190 /S.T,

Dt. 11-7-2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr.Saadullah Khan Marwat Adv. Pesh.

*Dr*  
Re-submitted after completion  
  
15-07-19.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 930/2019

Hameed Ullah

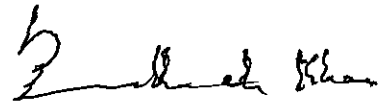
versus

D.P.O & Others

**INDEX**

| S. No | Documents                          | Annex | P. No. |
|-------|------------------------------------|-------|--------|
| 1.    | Memo of Appeal                     |       | 1-3    |
| 2.    | Copy of Appeal, 17-03-2016         | "A"   | 4-9    |
| 3.    | Judgment dated 04-09-2018          | "B"   | 10-12  |
| 4.    | Reinstatement order dated 25-10-18 | "C"   | 13     |
| 5.    | Charge Sheet dated 29-10-2018      | "D"   | 14-15  |
| 6.    | Reply to Charge Sheet, 07-11-2018  | "E"   | 16-18  |
| 8.    | Findings of enquiry                | "F"   | 19-21  |
| 9.    | Letter for compliance, 10-12-2018  | "G"   | 22     |
| 10.   | Dismissal order dated 01-01-2019   | "H"   | 23-24  |
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| 12.   | Rejection order dated 14-06-2019   | "J"   | 27-28  |

Through Appellant



Saadullah Khan Marwat  
Advocate.

21-A Nasir Mansion,  
Shoba Bazaar, Peshawar.

Ph: 0300-5872676

0311-9266609

Dated.09-07-2019

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 930 /2019

Hameed Ullah S/O Khan Zada,  
R/o Sakhra Tehsil Matta, Swat,  
Ex-Head Constable. No. 2626,  
Police Line Kabal Swat . . . . . Appellant

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 942

Dated 10/7/2019

**Versus**

1. District Police Officer,  
Swat.
2. Deputy Inspector General  
of Police, Malakand Region,  
at Saidu Sharif Swat.
3. Provincial Police Officer,  
KP, Peshawar. . . . . Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974**  
**AGAINST OB. NO. 01 DATED 01-01-2019 OF R. NO.**  
**01 WHEREBY APPELLANT WAS DISMISSED FROM**  
**SERVICE OR OFFICE ORDER NO. 6572-75 / E DATED**  
**14-06-2019 OF R. NO. 02 WHEREBY HIS**  
**DEPARTMENTAL APPEAL WAS REJECTED FOR NO**  
**LEGAL REASON:**

Filed to-day  
Registrar  
10/7/19

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**Respectfully Sheweth:**

1. That facts and grounds of the subject matter has been fully narrated in the S.A. No. 257/16 dated, 17-03-2016 and in the judgment dated 04-09-2018 of the Hon'ble Tribunal and need not to again repeat the same. (Copy as annex "A")



2. That on 04-09-2018, the hon'ble Tribunal was pleased to set aside the then impugned orders dated 23-12-2015 and 03-03-2016 by dismissing appellant from service and rejection of departmental appeal with direction to respondents to conduct de-novo enquiry strictly in accordance with law and rules. (Copy as annex "B")
3. That in pursuance of the said judgment, appellant was reinstated in service on 25-10-2018 by R. No. 01. (Copy as annex "C")
4. That on 29-10-2018, appellant was served with Charge Sheet and Statement of Allegation on account of misconduct. (Copy as annex "D")
5. That on 07-11-2018, the said Charge Sheet was replied and denied the allegations that no one deposed against appellant in the matter. (Copy as annex "E")
6. That enquiry into the matter was initiated and the Inquiry Officer in the Finding of report categorically stated that allegations leveled against appellant were baseless and were not proved. He is innocent and recommended for reinstatement in service with all back benefits. (Copy as annex "F")
7. That on 10-12-2018, the AIG Complaint & Inquiry, KP, Peshawar directed R. No. 03 to follow recommendation of the Investigation Officer under intimation to his office. (Copy as annex "G")
8. That instead of reinstating appellant in service, R. No. 01 again dismissed him from service vide order dated 01-01-2019. (Copy as annex "H")
9. That on 04-01-2019, appellant submitted departmental appeal before R. No. 02 which was rejected on 14-06-2019. (Copies as annex "I" & "J")

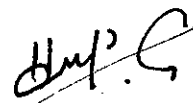
Hence this appeal, inter alia, on the following grounds:-

**GROUND S:**

- a. That during service tenure, appellant served the department with the best of his ability and to the entire satisfaction of the superiors without any complaint

- b. That during militancy in the area, the house of the appellant was burnt down by the miscreants for the reason that he was serving in Police Department and to this effect, proper FIR was lodged.
- c. That after acceptance of former appeal by the hon'ble Tribunal, De-Novo enquiry was conducted wherein recommendations not only for his reinstatement was made but also with all back benefits.
- d. That if the authority was not in agreement with the recommendations of Inquiry Officer, he was legally bound to serve appellant with Show Cause Notice stating therein the reasons of none agreement with the findings of the Inquiry Officer but not doing so, the authority deviated from the law and appellant was liable to reinstatement with all back benefits.
- e. That when the authority did not honor the recommendation of IO, then what was the need of holding of enquiry which means that the authority was bent upon to dismiss appellant from service. In the circumstances, such act of the authority is based on malafide.
- f. That after recording evidence in the criminal case against appellant etc the allegations were not proved in competent court of law and were acquitted from the baseless charges. On this score alone, appellant was legally entitled to reinstatement with all back benefits.

It is, therefore, most humbly prayed that on acceptance of appeal, impugned orders dated 01-01-2019 and 14-06-2019 of the respondents be set aside and appellant be reinstated from the date 23-02-2015 in service with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.




Appellant

Through



Saadullah Khan Marwat



Amjad Nawaz  
Advocates.

Dated 09-07-2019

17-3-16

A

4

SBEFORE THE KHYBER PAKHTOON KHWA SERVICES  
TRIBUNAL, PESHAWAR

Service Appeal No. 257/2016.

K.W.P. Provincial  
Services Tribunal  
Diary No. 234  
Dated 17-3-2016

Hamidullah H/C No.1564

R/O Mohalla Bakhto Sahra Tehsil Matta District Swat... Appellant

**V E R S U S**

1. District Police Officer, Swat.
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police, Malakand Region, Saidu Sharif Swat..... Respondents

APPEAL UNDER SECTION 4 OF KHYBER  
PUKHTUNKHWA SERVICES TRIBUNAL ACT  
1974 AGAINST THE IMPUGNED OFFICE  
ORDERS DATED:23.12.2015 AND  
03.03.2016.

PRAYER IN APPEAL:

On acceptance of this appeal the impugned Orders dated:23.12.2015 and 03.03.2016 dismissal from service of the appellant may kindly be set aside and the appellant may kindly be re-instated to his original rank with all back benefits of service.

Respectfully Sheweth:

1. That initially the appellant as constable joined the respondent/department since long and as such performed his duties with zeal and zest and till date dismissal from service.(Copies of Commendation Certificates are Annexure-A)

*[Handwritten signature]*  
12/3/16

*[Handwritten signature]*

*[Handwritten signature]*

2. That initially an FIR No.383 was lodged against one namely Mushtaq Ahmad and some un-known persons.(Copy of the FIR is annexure-B)
3. That latter on the appellant was implicated in the above mention case FIR and as such a so-called inquiry was conducted by the Respondents and on the basis of findings of the one-sided inquiry report the appellant was awarded major penalty i-e dismissal from service with immediate effect vide impugned office order dated:23.12.2015.(Copies of Inquiry Report and impugned office order dated 23.12.2015 are annexure-C)
4. That against the said order the appellant filed departmental appeal and as such the same was regretted vide order dated:03.03.2016.(Copy of Departmental appeal and order dated:03.03.2016 are annexure-D)

That being aggrieved from the impugned orders, the appellant approached this Hon'ble Tribunal on the following grounds amongst other inter alia:

**GROUND:**

- A. That the impugned office orders i-e dismissal from service of the appellant is against facts, law and procedure, hence, untenable being unjust and unfair.
- B. That the appellant was not treated in accordance with law and rules, thus acted in violation of the relevant laws laid down for the purpose.
- C. That the whole departmental proceedings against the appellant was based on personal ill will and with ill

*Handwritten signature*

intention a harsh and illegal penalty was imposed on the appellant.

- D. That no opportunity in shape of personal hearing was afforded to the appellant during enquiry proceedings and as such the statement and evidence was recorded in absence of the appellant which clearly showing the ill intention of the appellant.
- E. That the incompetent authority has awarded the penalty to the appellant so the punishment awarded to the appellant is illegal.
- F. That any other ground may be adduced during the course of argument, with the kind permission of this Hon'ble Court.

It is, therefore, most humbly prayed that On acceptance of this appeal, the impugned office Orders dated:23.12.2015 and 03.03.2016 i-e dismissal from the service of the appellant may kindly be set aside and the appellant may kindly be re-instated to his original rank with all back benefits of service.

Appellant

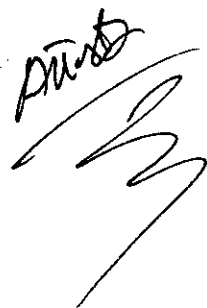
Hameedullah (H/C No.1564)

Through

  
**Shams ul Hadi**

Advocate, Peshawar.

Dated: 08/03/2016





*North West Frontier Province Police*

*Commendation Certificate*

CLASS I

Granted by

MALIK NAVEED KHAN

Inspector General of Police, N.W.F.P. KHYBER PAKHTUNKHWA.

CONSUL: HAMID ULLAH NO. 1564.

To \_\_\_\_\_  
Son of \_\_\_\_\_  
District \_\_\_\_\_

In Recognition of  
FOR HIS GOOD PERFORMANCE OF DUTY DURING SWAT OPERATION

(CASH REWARD OF RS. 10,000/-)

Dated 14 / 07 / 2009

*Malik Naveed Khan*  
Inspector General of Police,  
KHYBER PAKHTUNKHWA, PESHAWAR.

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پولیس کوئیٹہ

کوئیٹہ پولیس ایجنسی نمبر 6228613 نمبر شدہ زیر دستوریہ 20.08.2011 (مقامی عدالت) کوئیٹہ پولیس

نکل

فارم نمبر 15-10

### ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت 2 مہل دست اندازی پولیس رپورٹ شدہ زیر دستوریہ 102 مجموعہ ضابطہ نو جداری

|                       |   |
|-----------------------|---|
| کاٹو                  | علی سوات                                    |
| 383                   | 20/8/15                                     |
| 41                    | 15:10                                       |
| تاریخ وقت رپورٹ       | 20/8/15                                     |
| نام و کنوینینس ایڈریس | چاکیدٹی پیرچہ 16:20 بجے 20/8/15             |
| مقامی کنوینینس ایڈریس | MIC: 15602-8037531-3                        |
| مقامی کنوینینس ایڈریس | Mobi: 03462545332                           |
| مقامی کنوینینس ایڈریس | 5EXP-SUB-Act-9BCNSA-15AA-34                 |
| مقامی کنوینینس ایڈریس | کاٹو چوکٹ بغاقلہ اغولا ٹب جانب غرب از تھانہ |
| مقامی کنوینینس ایڈریس | 15602-2336262-7                             |
| مقامی کنوینینس ایڈریس | 03456162476                                 |
| مقامی کنوینینس ایڈریس | بہر سیدگی تحریری عراسلہ پیرچہ دیا بیا       |
| مقامی کنوینینس ایڈریس | بہ سبیلی ڈاکٹ                               |

ابتدائی اطلاع نیچے درج کرو۔ اس وقت ایک تحریری مراسلہ بنجایا گیا۔ محمد سیراج خان SHD بدست کنیشنل اسماعیل بہ 2518 موصول ہو کر ذیل ہے۔ محمد سیراج خان تھانہ کاٹو میں معہ نظری پولیس کاٹو چوکٹ میں ڈیوٹی پر تھا۔ اس وقت مقامی بالا ایک موٹر کار غواشی نمبر 3394 میں روڈ پر کھڑا ہوا جس سے ٹریک میں تھانہ واقع ہوئے۔ میں نے موٹر کار سے قریب جا کر ڈرائیور جس سے بعد 4 اپنا نام ستاؤ محمد دلدار کاٹو خان ساکن مشلوٹی خوازہ ذیلہ بنجایا۔ جو موٹر کار خود سے اتر گیا تھا جو بلا کر ٹریک پر کھڑی کھڑی کمرے کی وجہ سے پوچھی سو کورجھانے بتایا کہ وہ 4 ٹیپسی ڈرائیور سے آج بوقت 13:35 بجے خوازہ ذیلہ سے دو سسٹان جس میں ایک جوان العمر قدرے بڑا نسبت آتا ہے پھر قریب 28/30 سال کالے سہرتے اور سہرتے میں بیٹ ہے۔ افردہ سراسفید داڑھی والا پھر 53/54 سال کیسا تھ اپنی موٹر کار بالا ایک بٹوار روئے سیراج خان خوازہ ذیلہ سے سید و شریف ہسپتال روانہ تھا کرتے جس میں سفید ریش شخص بیٹ میں درد تظیف بیان کر رہا تھا۔ خوازہ ذیلہ میں پٹرول پمپ پہنچ کر جوان العمر شخص نماز ٹیلے پٹرول پمپ مسجد کی طرف آیا۔ کچھ دیر بعد واپس آکر منگورہ سے ہاتھ میں سب سے پٹی لاکھڑی لاکھڑی لاکھڑی لاکھڑی دی جس نے وہی پٹی سہرتے موٹر کار سے ڈیگی میں رکھی۔ کاٹو چوکٹ پہنچ کر پھر وہ نے کہا کہ ہم پٹا لگا پتے ہے۔ اور موٹر کار سے اترتے جو تھانہ ایوان سے ہوا۔ بسوں ہر دو کسان ہیں غائب ہوئے۔ ہر دو کسان سامنے آئے پھر شناخت کر سکتا ہوں۔ موٹر کار میں موجود پٹی کا ستر ستری معائنہ کر کے جس میں ایک بیٹہ پٹری دکھائی دی۔ حفاظت انعام سے خاطر فوری طور پر BDS سکواڈ کو اطلاع دی گئی۔ جنہوں نے آکر پٹی کو کھول کر جس میں سے ڈرائی 1180 گرام، ایک سفیدی فیور تار کا اسٹپ، ایک ہسٹول 30 پور پٹری MIL

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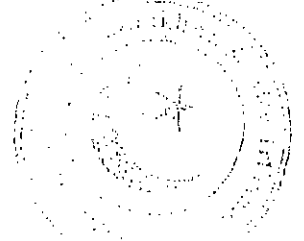
4-9-18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CAMP COURT SWAT.

Service Appeal No. 257/2016

Date of Institution ... 17.03.2016

Date of Decision ... 04.09.2018



Hamidullah H/C No. 1564

R/O Mohalla Bakhto Sahra Tehsil Matta District Swat.

... (Appellant)

VERSUS

1. District Police Officer, Swat and 2 others.

... (Respondents)

MR. SHAMS UL HADI,  
MR. IMDAD ULLAH,  
Advocates

--- For appellant.

MR. USMAN GHANI,  
District Attorney

--- For respondents

MR. AHMAD HASSAN,  
MR. SUBHAN SHER

--- MEMBER (Executive)  
--- CHAIRMAN

JUDGMENT

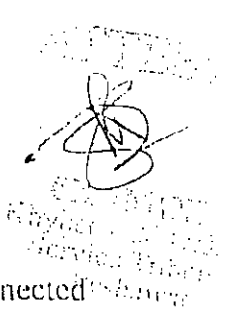
AHMAD HASSAN, MEMBER:-

This judgment shall dispose of the instant service appeal as well as connected service appeal no. 499/2016 titled Arif as similar question of law and facts are involved therein.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The brief facts are that the appellant was serving as Head Constable in Police Department. He was charged in a criminal case registered under Section-9 CNSA read with section 15AA/34PPC registered vide FIR no. 383 at PS Kanju dated 20.08.2015 and on the strength of the same disciplinary proceedings were initiated and the appellant removed from service vide impugned order dated 23.12.2015. He



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not procedural lapses but glaring illegalities each one was sufficient to vitiate the entire enquiry proceedings. It can be safely inferred that opportunity of fair trial and due process were denied to the appellant as such he was condemned unheard.

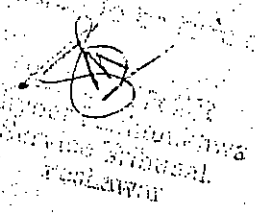
7. As a sequel to above, we deem it proper to set aside the impugned orders dated 23.12.2015 and 03.03.2016 and direct the respondent-department to conduct de-novo enquiry strictly in accordance with law and for the purpose of enquiry the appellant is treated as reinstated in service. Parties are left to bear their own costs.

File be consigned to the record room.

*Edf Ahmad Hassan*  
*Member*  
*comp. const. panel*  
*Edf. Subhan Shes*  
*Chairman*

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ANNOUNCED  
04.09.2018



*Arora*  
*[Signature]*

|             |                    |
|-------------|--------------------|
| Date of ... | 11-09-18           |
| Amount ...  | 1600               |
| ...         | 10.00              |
| ...         | 2.00               |
| ...         | 12.00              |
| Name ...    | <i>[Signature]</i> |
| Date of ... | 11-09-18           |
| Date of ... | 11-09-18           |

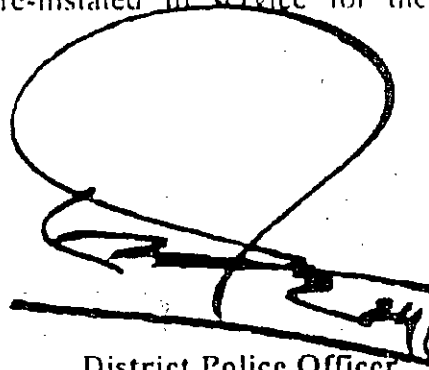
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25-10-18

ORDER

In compliance with the judgment of Service Tribunal, Khyber Pakhtunkhwa in Service Appeal No.257/2016, dated 04-09-2018 and directions received from CPO/Khyber Pakhtunkhwa, Peshawar vide Memo: No.3041/Legal, dated 05-10-2018, Ex-Head Constable Hamidullah No.1564 is temporarily re-instated in service for the purpose of denovo departmental proceedings.

  
District Police Officer,  
Swat

OB No. 171  
Dated 25/10/2018.

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D 14 29-10-18

CHARGE SHEET

I, Syed Ashfaq Anwar, PSP District Police Officer, Swat being competent authority hereby charges you Constable Hamid Ullah No. 1564 (Re-instated in service for the purpose of Denove Departmental Enquiry) as follows:-

You committed the following act/acts, which is/are gross misconduct on your part as defined in Rule 2 (iii) of Police Disciplinary Rules 1975 with amendments 2014 vide Notification No.3859/Legal, dated 27-08-2014 of the General of Police, Khyber Pakhtunkhwa, Peshawar.

You Head Constable (one step promotee) while posted as Naib Court Judicial Magistrate Matta remained involved in registration of a concocted FIR against one namely Mushuq s/o Kaki Khan r/o Mashkumai vide FIR No. 383 dated 20-08-2015 u/s 5 EXP 9B-CNSA/15 AA/34 PPC Police Station Kanju in connivance with Constable Arif No. 2582 and Constable Gul Sher No. 201/Ex-Service man. You have been re-instated in service for the purpose of Denove Departmental proceedings in compliance with the judgment of the Honorable Service Tribunal Khyber Pakhtunkhwa in service appeal No. 257/2016, dated 04-09-2018, conveyed to this office vide CPO Peshawar Memo: No. 304/Legal, dated 05-10-2018. You are therefore, issued this charge sheet and statement of allegations.

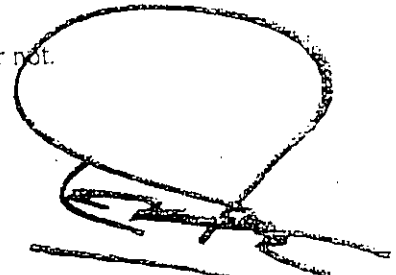
2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in Rule-4 of the Disciplinary Rules 1975.

3. You are, therefore, required to submit your written reply within two (02) days of the receipt of this Charge Sheet to the Enquiry officer.

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

5. Intimate as to whether you desire to be heard in person or not.

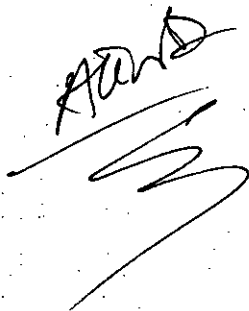
6. A statement of allegations is enclosed.



District Police Officer:  
Swat  
[Signature]

No. 90 /P.A.

Dated 29-10 /2018.



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DISCIPLINARY ACTION

1, Syed Ashfaq Anwar, PSP District Police Officer, Swat being competent authority, is of the opinion that he Constable Hamid Ullah No. 1564 (Re-instated in service for the purpose of Denove Departmental Enquiry) has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omissions as defined in Rule 2 (iii) of Police Rules 1975 with amendments 2014 and Notification No.3859/Legal, dated 27-08-2014 of the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, as per Provincial Assembly of Khyber Pakhtunkhwa Notification No. PA/Khyber Pakhtunkhwa/Bills/ 2011/44905 dated 16/09/2011 and C.P.O, K.P.K Peshawar Memo: No. 3037-62/Legal. dated 19/11/2011.

STATEMENT OF ALLEGATIONS

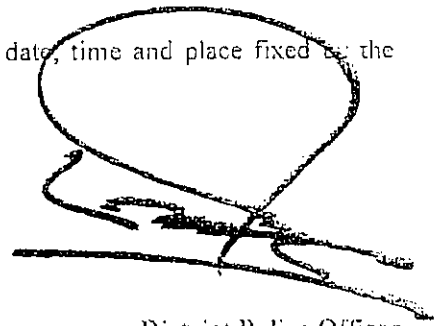
It has been reported that he while posted as Naib Court Judicial Magistrate Matta committed the following act/acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975,

He Head Constable (one step promotee) while posted as Naib Court Judicial Magistrate Matta remained involved in registration of a concocted FIR against one namely Mushtaq s/o Kaidi Khan r/o Mashkumai vide FIR No. 383 dated 20-08-2015 u/s 5 EXP 9B-CNSA/15 AA/34 PPC Police Station Kanju in connivance with Constable Arif No. 2582 and Constable Gul Sher No. 201/Ex-serviceman. He has been re-instated in service for the purpose of Denove Departmental proceedings in compliance with the judgment of the Honorable Service Tribunal Khyber Pakhtunkhwa in service appeal No. 257/2016, dated 04-09-2018, conveyed to this office vide CPO Peshawar Memo: No. 3041/Legal, dated 05-10-2018.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, SP Investigation, Swat is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its findings and make within two (02) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

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



District Police Officer  
Swat


No. 90 /PA. Dated Gulkada the 29-10 2018.

Copies of above to:-

1. SP Investigation, Swat for initiating proceeding against the accused Officer/Official namely Constable Hamid Ullah No. 1564 under Police Rules, 1975.
2. Constable Hamid Ullah No. 1564

With the direction to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceeding.

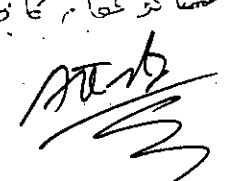
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پریس ہونے لگی

جانب عالی

جوالم جارح سٹہ ہری ۹۵ قمرہ ۱۵/۱۸ ۲۶ جارح حساب DSP حساب  
 سوات عدویں خدمت ہوں۔ تم میں حکم ہو لیں میں کشتہ کنٹرول سال 2001  
 میں بھرتی ہوا تھا۔ حسب الحکم اصرار بالا جوئی ننگولی میں جنرل ڈیڑھی  
 بریلیا تھا۔ تم میرا تبادلہ جوالم ۵B نمبر ۱۲7 حورج ۳۵/۱۵ جوئی ننگولی سے  
 بریلیا کوشن برابھ پر حکم حساب جو صوف کئی نسل اور غسل درآہد کرت  
 ہوئے حورج ۳۵/۱۵ کو میں دفتر میں DSP حساب لیکن کوشن ہوا اور  
 DSP حساب لیکن کل کردہ میں حاضری تھی۔ اور لہور جعفری کرے حساب DSP  
 لیکن کو جائز عرض درود میں کرے ہوئے تھے کشتہ نائیب کورٹ جوڈیشل کورٹ  
 کے عدالت میں حاضری کرے کی ہدایت تھی۔ حورج ۱۲/۱۵ کو ریڈر DSP حساب لیکن  
 نے کریری پروانہ نائیب کورٹ جوڈیشل کورٹ کوشن حورج سوات کے نام دیکر جوئے  
 عدالتوں کی چٹیاں تھی۔ قبل ازیں میرے ہوی کی تین ایریشن ڈاکٹر حساب  
 شاد اللہ جان نے کرائی تھی۔ صحائف کے خاطر حورج ۱۸/۱۵ کو میں نے ایسی ہوی  
 کو لہور سلاج حساب سید نور میڈیکل سٹڈی بکری گارڈن پشاور میں ڈاکٹر  
 کے پاس نے گئی تھی۔ وہاں صحائف کیلئے سیریل نمبر ۱۵ دیا تھا۔ لہور صحائف رات کے وقت  
 پشاور سوات کیلئے ٹیلی میں سوار ہو کر بوقت رات ۵:۵۵ نے حورج ۱۹/۱۵ کو درستی  
 کیج کر رات دارا کے گھر درستی میں گزاری اور حورج ۱۹/۱۵ پر بوقت ۱۱:۵۵ کے آبائی  
 گاؤں جٹوں سخرہ گیا۔ حورج ۲۵/۱۵ کو S1to کا کو محمد سراج نے ہرگز جویشل  
 فون نمبر 332 33462545 اطلاع دی۔ تم جوڈیشل کورٹ کوشن ہوا بارخان حورج  
 میں سے ایک ہے۔ اسکے ہوی اور ہے ہیں۔ آپ میرا بانی کرے انکے حساب روم سیریل  
 حساب یہ سمان چند، رضا خان وغیرہ کے دو برو ہوٹل جنی کیا تو کمرہ بک کرے  
 بات کرے کمرہ بک کیا۔ اور اطلاع حساب S1to صاحب محمد سراج متعین تھا  
 تھریٹ محمد بارخان کو دی گئی۔ اور شکر ادا کرتے ہوئے والی یہ سمان چند، رضا خان  
 دغیر، کسان کیا تو دو سہر کی دلوٹی کھائی۔ اور وہاں سے تھریٹ میں نے طالب ہرگز  
 باغ ڈھیری کو خود چلا گیا۔ مگر خود جانے جٹوں سخرہ میں رات گزار کر جمع ہوئے  
 فتح کنیران اصرار دغیر کسان آ رہے تھے۔ اور چھارے عسا کو تعانہ کا جو جاؤ۔ اور

۱ P.T.V.  


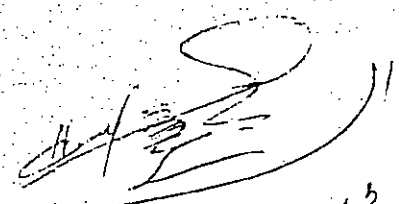
تہ جانب DSP صاحب کبیل ایکو بڈارے ہیں۔ میں اپنے ساتھ دو ماہہ پورے پورے 26/15 تک قضاہ کا جو کے موالات میں بند کر کے چھو یوم تک جس میں رکنا۔ اور عدلیہ 383/8/20 - کراچی - 9BCNSA-ISA-Sub Act-SEEP قضاہ کا جو چھو یوم بعد چارج کر کے مقدمہ متذکرہ میں گرفتار ہو گیا۔ اور جوئے 27/15 کو عدالت عمل کر کے میں پیش کر کے عدالت میں تین یوم حیراست یولیس منظور کردائی۔ بعد اہتمام حیراست یولیس چھو ڈر جیل کھوایا۔ عمر 22 یوم بعد میرا ضمانت منظور ہو کر میں برضانت رہا ہوا تھا۔ اور عدالت میری ضمانت ایڈیشن میں جج صاحب کبیل میں میں زیر ضمانت تھا۔ تم جوئے 27/18 کو مجھے مقدمہ عدلیہ 383/8/20 - کراچی - 9BCNSA-ISA-Sub Act-SEEP قضاہ کا جو میں عدم نفرت کے بنا پر باعدت طور پر بربری کرا گیا۔ نکل آرڈر کا پی لف ہے۔ میرا سروس ٹریبیونل میں میں میں رہا تھا۔ سروس ٹریبیونل عدالت حیرت بخون خواں لٹا اور نے اپیل نمبر 257 کے تحت جوئے 4/18 پر جملہ عمرات جیل گیا تھا۔ کشت حیرت بخون جیل بحال کرنے کا حکم ماہر کے پاس اور جوئے آرڈر ایک نمبر 171 جوئے 25/18 کو جج صاحب سوات نے چھو حکم یولیس میں واپس بحال کیا۔ اور جج صاحب کے حکم کی نکل کر کے ہوئے میں نے یولیس میں کبیل میں جوئے 30 ماہہ 31/18 حافی کی رپورٹ کرائی ہے۔ نکل عدالت ہے۔ جس مقدمہ میں چارج کیا تھا۔ اسی مقدمہ میں میرے خلاف کسی گواہ عدالت میں میرا نام نہیں لیا ہے۔ اور نہ ہی دوران تفتیش الوسی ٹین آخر میں خلاف کوئی گواہی لیا ہے۔ میرے خلاف ایک سازش کے تحت پلان تیار کر کے بے جا طور پر مقدمہ متذکرہ میں لٹا ہوا۔ جوئے میرا تبادلہ سرکل نمبر بحیثیت نایب کورٹ جوڈیشل جیٹ ہو گیا تھا۔ اور ڈیوٹی پر عدالت میں میں کر رہا تھا۔ جیم حالات و احکامات حدود قضاہ کا جو میں روزنامہ پورے تھے۔ حکم برلن ن اچھے کارکردگی دکھانے کی وجہ سے جج صاحب نے دو عدالتوں میں سرٹیفکیٹس دیئے۔ میرے اچھے کارکردگی کا وجہ ہے۔ اور ساتھ ساتھ میرے کیا کر کے ہے۔ 10000 روپیہ انعام دیئے۔ ساتھ علاوہ وزیراعلیٰ حیرت بخون خواں نے مجھے کئی حالات کے دوران میں 10000 روپیہ انعام دیئے۔ بیان دہشت گردوں کی طرف دھمکیاں چلی تھی کہ حکم یولیس میں لڑی ہو تو دو۔ بغور تہ پورے خانہ ان کو جلا دینے۔ طالبان دہشت گردوں نے ہمارے گھر حمل کر کے حیرت عدم جوڈی گوجیل کر میرے نہایت میں میں عدلیہ 282/11 - جیم 506/457/380/436/148/149

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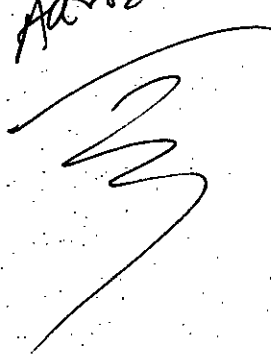


غلط قافا کر سکتا ہوں۔ - بچے ایک سازش اور پلان کے تحت حرم بالا میں  
 بسنا کر ملوث کیا تھا۔ جو اللہ تعالیٰ کے رحم و کرم کے بناء بددلت سے بھی  
 بری ہو گیا ہوں۔ اور روس ٹریبونل نے بھی میرے حق میں اصرار پر  
 مبنی ضلع سنا کر رکھا ہے۔ - میں بے گناہ ہوں۔ -

لیڈا عا جزائے استغنا کی جاتی ہے۔ - تم تجاریہ خارج نشت لیسٹر کسی کارروائی  
 کرنے ٹائل غواٹی جادیں۔ تو میں سائل تا حیات دعا لیتے تھا۔ کہ جو نہ تم عمر  
 تین سال بیت تکلیفیں برادر شہت کر چکی ہے۔ - ہے اور میرے بچوں کو تو کر دے  
 اٹھ کر نے دینی کو نہت پیچ چکی ہے۔ - جملے گناہی کے کا عذرات بہ دولت  
 پیش کرنے کو تیار ہوں۔ میں یہی سیرا حقیقت پر مبنی مانا ہے۔ - تم درست ہے

  
 صدر کونسل عبدالرشید  
 پولیس اسٹیشن یو۔ سی۔ اے  
 ۱۷۷

Date: - 7<sup>th</sup> April



فائنڈنگ رپورٹ۔

بحوالہ چارج شیٹ نمبر PA/90 مورخہ 29-10-2018 عماریہ جناب DFO صاحب ضلع سوات۔

برخلاف :- محمد اللہ نمبر RHC/2626 سابقہ نمبر 1564 متعین نامت کوٹ JM لہ حال JIS پولیس لائن کابل۔

جناب عالی!

چارج شیٹ بالا عماریہ جناب DFO صاحب ضلع سوات برخلاف الزام الیہ محمد اللہ نمبر 2626 جس کی روست زبردستی کو انکوائری آفیسر

مقرر فرمایا ہے۔

تفصیل الزام :-

الزام الیہ محمد اللہ نمبر RHC/2626 سابقہ نمبر 1564 پر بروئے چارج شیٹ بالا الزام ہے کہ انہوں نے دیگر شریک جرم ملزمان کنڈیشن ان عمارت نمبر 2683 اور گل شاہ نمبر EXA/201، جہانگیر کے ساتھ مل کر کسی مشتاق احمد ولد کا کی خان ساکن مشکوئی خوازہ حیلہ کے خلاف من گھڑت مقدمہ عدالت 383 مورخہ 20-08-2015 جرم 20-08-2015-Exp/15-AA/9C-CNSA 5 تھانہ کاجو درج رجسٹر کروایا ہے۔ الزام الیہ محمد اللہ RHC کو معزز سربراہ ٹریبونل کے سرورس اپیل نمبر 257/2016 حکم محررہ 04-09-2018 کی تعمیل میں اور CPO چٹا در چھٹی نمبر 3041/Legal مورخہ 05-10-2018 کے تابع جناب DPO صاحب سوات نے Denovo حکمانہ انکوائری کے لئے بحوالہ OB نمبر 171 مورخہ 25-10-2018 عارضی طور پر ملازمت پر بحال کر کے چارج شیٹ بالا جاری کیا ہے۔

تفصیل تحقیق :-

1- الزام الیہ محمد اللہ RHC کو طلب کیا گیا۔ مذکورہ کو تفصیلی طور پر سنا گیا۔ اور چارج شیٹ حسب ضابطہ حوالہ دیا گیا۔ اور اگلے تاریخ پر بیان تائید کیا گیا۔ جنہوں نے اپنے اوپر لگانے گئے الزامات کی تردید کی۔ اور اپنی دفاع میں مقدمہ عدالت 383/2015 کے نسبت معزز عدالت ASJ کابل حکم محررہ 27-04-2018 نوٹو اسٹیٹ پیش کر کے عدالت سے بری ہونا بیان کیا۔

2- ذیل گواہان کو طلب کر کے منقرضات گئے۔ مذکورین ذیل کے بیانات قلم بند کر کے الزام الیہ کو ان پر جرح کرنے کا پورا پورا موقع دیا گیا۔

1- حبیب الرحمن ولد امیر زادہ ساکن چنیال، رتھیلہ بالا تحصیل منڈ

2- د. بھو رتھیلہ نمبر HC/3193 متعین تھانہ کاجو حال انچارج وردی گودام JIS پولیس لائن کابل۔

3- SI محمد سیراج خان سابقہ SHO تھانہ کاجو حال SHO تھانہ الجوری ضلع شانگلہ

4- نثار خان ولد انوار الحق ساکن الندر شانگلہ حال محلہ عظیم آباد کاجو۔

5- کنڈیشنل سب خان نمبر 1525 متعین چوکی ٹنگوئی حال JIS پولیس لائن کابل۔

6- مشتاق احمد ولد کا کی خان ساکن مشکوئی خوازہ حیلہ۔

7- کنڈیشنل نسیم والی نمبر Ex-A/516 متعین چوکی ٹنگوئی حال JIS پولیس لائن کابل۔

8- ASI احمد غفور خرقانہ کاجو حال تھانہ رجیم آباد۔

9- کنڈیشنل جرم داد نمبر Ex-A/634/HC متعین گارڈ ہیری کاجو۔

10- انسپیکٹر فضل وہاب OI تھانہ کاجو حال اپریشن سٹاف JIS پولیس لائن کابل۔

الزام الیہ محمد اللہ RHC کو سن کر ان کے بیان اور جملہ گواہان بالا کے بیانات، اور ملاحظہ ریکارڈ سے پایا گیا کہ مورخہ 20-08-2015 کو بوت 15:10 بجے SHO تھانہ کاجو SI محمد سیراج خان نے بہ تمام کاجو چوک ایک موٹر کار از قسم نوآئی نمبر K.K.S/PS-3394 روڈ پرنٹیک کی روانی میں خلل ڈالے ہوئے پاکر پتہ براری پر موٹر کار ڈرائیور نے اپنا نام مشتاق احمد ولد کا کی خان ساکن مشکوئی خوازہ حیلہ بتلایا۔ اور بیان کیا کہ اس کو بطور نیسی خوازہ حیلہ آڈہ سے دو کسان ایک جوان العمر سبز رنگت آنکھوں والا اور دوسرا سفید واڈھی والے نے ہسپتال سید و شریف تک بک کر کے جس میں داڈھی والے شخص کو بیمار ظاہر کر رہا تھا۔ اس کے ساتھ خوازہ حیلہ پیٹرول پمپ میں سیب کا ایک کاشن اکریت موٹر کار کی ڈگی میں رکھ کر ہر دون کہ ان نے کاجو چوک پہنچ کر پانی پینے کے لئے موٹر کار سے بغیر کرایہ ادا کے اتر کر فو چکر ہوئے۔ گاڑی میں موجود کاشن سیب کا سرسری معائنہ کر کے جس میں اینڈ گرنیز موجود پاکر BDS کو طلب کر کے جنہوں نے کریت مذکورہ سے موقع پر سڑھے ہوئے سیب، ایک اینڈ گرنیز، لفافہ میں 1180 گرام بارودی مواد، 16 فٹ سینٹی فیوز تار، ایک عدد پستول 30 بور

900 گرام چرس برآمد کی۔ جس پر SHO صاحب نے ملزم مشتاق احمد بشمول دو نفر ملزمان اسم مسکن نامعلوم مراسلہ بجرم Exp/15-AAV9B-CNSA-5 ضبطی تقریر میں لا کر مرسل تھانہ کیا۔ جس کی بنیاد پر مقدمہ علت 383/2015 بالا درج رجسٹر ہو کر فی الحال تفتیش حوالہ شعبہ تفتیش ہوا۔ ابتدائی طور پر SI مشرف خان اور مابعد انسپکٹر فضل وہاب خان OII تھانہ کا نجوم امور تفتیش ہوئے۔ سلسلہ تفتیش کو جاری رکھتے ہوئے تھانہ کا نجوم میں نصب CCTV کیمروں سے دو نامعلوم ملزمان پولیس اہلکاران کنسٹیبل عارف نمبر 2683 اور کنسٹیبل گل شاہ نمبر Ex-A/201 تصدیق ہو کر شامل تفتیش کئے گئے۔ کنسٹیبل عارف نے انکشاف کیا کہ انہوں نے وقوع کے روز چوکی ٹاؤن شپ کا نجوم سے الزام الیہ حمید اللہ RHC کے کہنے پر کوخازہ خیلہ میں SHO صاحب کی امانت ہے لانے کے لئے کنسٹیبل گل شاہ Ex-A کی معیت میں بذریعہ موٹر کار جس کو حبیب الرحمان جو حمید اللہ کا چھوٹی زاد اور الزام الیہ حمید اللہ RHC مذکورہ کا بیجا ہوا تھا چلا رہا تھا۔ نے کوخازہ خیلہ جا کر وہاں ٹیکسی سٹینڈ میں موٹر کار ٹوٹ گئی جس کو ڈرائیور مشتاق چلا رہا تھا۔ مبلغ 1000/- روپے پر بک کیا۔ بمقام کوخازہ خیلہ کاشف پیٹرول پمپ سب ٹاؤن مذکورہ حبیب الرحمان مذکورہ نے گاڑی میں رکھ دیا۔ اور حمید اللہ RHC سے بذریعہ فون رابطے میں رہ کر کا نجوم چوک پہنچنے پر گاڑی روک کر دونوں کنسٹیبلان موٹر کار سے اترے۔ تو SHO صاحب نے ڈرائیور مشتاق احمد سمیت موٹر کار کو تھانہ کا نجوم لے جایا جہاں سے موٹر کار سے برآمدگی ہوئی۔

O۔ اے کسی حبیب الرحمان کو شامل تفتیش کیا تو مذکورہ نے جملہ بیان کردہ صورتحال کی تصدیق کی۔ اس نسبت مذکورہ کا بیان زیر دفعہ 164 ضف قابل بند کر کے مذکورہ کے بیان کی روشنی میں الزام الیہ حمید اللہ RHC، کنسٹیبل عارف اور کنسٹیبل گل شاہ نمبر Ex-A/201 کو عبوری 24-08-2015 ملزمان نامزد کئے گئے۔ تینوں ملزمان کی گرفتاری عمل میں لائی گئی۔ الزام الیہ کنسٹیبل عارف اور گل شاہ بدوران تفتیش جرم خود سے انکاری ہوئے۔ تاہم روبرو عدالت جرم خود سے منحرف ہوئے اور جرمیٹھیل حوالہ تھانہ کیسجوائے گئے۔ جبکہ ملزم حمید اللہ نمبر RHC/2626 صحت جرم سے انکاری رہے۔ اور مزید حراست پولیس کے حصول پر جوڈیشل حوالہ تھانہ کیسجوائے گیا۔

تفتیش کے دوران الزام الیہ حمید اللہ RHC اور کسی جہانگیر ولد شاہ مدار ساکن ناٹگار مدین کے مابین روابط و تعلقات منظر عام پر آئے اور جو مقدمہ میں چارج شدہ ملزم مشتاق احمد کا بہنوئی تصدیق ہوا۔ کسی جہانگیر اور مشتاق احمد کے مابین خاندانی ناچاقی سامنے آئی۔ ناچاقی بمطابق مشتاق احمد تاحال موجود ہے۔ اور اسکی (مشتاق احمد کی) بہن کا والد کے گھر آنا جانا باطل بند ہے۔ کسی مشتاق احمد کو جھوٹی مقدمہ میں پھنسانے کے لئے کسی جہانگیر کا کردار عیاں ہوا۔ جس پر ملزم جہانگیر کو بھی ملزم مقدمہ نامزد کیا گیا۔ مذکورہ اپنی جائز گرفتاری سے دیدہ دانستہ طور پر گریزاں ہو کر مذکورہ کے خلاف کارروائی روپوشی عمل میں لائی گئی۔ دوران تفتیش حقائق کے بنیاد پر ملزم مشتاق احمد کو بچے گناہی دائرہ ملزمت سے نکال کر چالان فارم کے خانہ نمبر 02 میں ڈالا گیا۔ روپوش ملزم جہانگیر نے عدالت سے عبوری ضمانت قبل از گرفتاری حاصل کر کے جو مورخہ 31-10-2015 کو خارج ہو کر حسب ضابطہ گرفتار ہوا۔ تاہم دوران تفتیش صحت جرم سے انکاری رہے۔ اور مزید حراست پولیس کے حصول پر مورخہ 03-11-2015 کو جوڈیشل حوالہ تھانہ کیسجوائے گیا۔ انکوڑی سے ذیل قابل ذکر باتیں سامنے آئی ہیں۔

- 1- دوران تفتیش کنسٹیبل عارف کے انکشاف پر پرائیویٹ گواہ ثار خان ولد انوار الحق نے اپنے ابتدائی بیان میں واضح کیا کہ وقوع سے قبل ڈرامہ بالا رچانے کے لئے حمید اللہ RHC اور کنسٹیبل عارف نے اس کے دکان آکر اسے دو ہزار روپے دیے تھے۔ لیکن اس نے (ٹھانہ) انکار کیا تھا۔ اور رقم مذکورہ اس نے کنسٹیبل عارف کو بدست کنسٹیبل اصغر واپس کیا ہے۔ جو O.I.I.O نے بروئے فرد قبضہ پولیس کئے ہیں۔
- 2- بمطابق O.I.I.O انسپکٹر فضل وہاب خان الزام الیہ حمید اللہ RHC نے وقوع ہذا کے نسبت کنسٹیبل عارف نمبر 2683 کو بذریعہ ایزی پیسہ مبلغ 15000/- روپے ادا کئے ہیں۔ اگرچہ اس ٹرانزیکشن میں CNIC گناہم جبکہ موبائل نمبر حمید اللہ RHC کا استعمال ہوا ہے۔ رقم مذکورہ بطور ثبوت الزام الیہ کنسٹیبل عارف نمبر 2683 سے برآمد ہو کر قبضہ پولیس کیا گیا ہے۔
- 3- الزام الیہ حمید اللہ RHC کنسٹیبل عارف اور گل شاہ Ex-A کے خلاف گواہان حبیب الرحمان، ثار خان، شاہ فیصل، کاکی خان، کنسٹیبل نسیم ذاتی نمبر 516، کنسٹیبل عجب خان نمبر 1525 بشمول دیگر گواہان کے بیان زیر دفعہ 161/164 ضف بطور ٹھوس شواہد صفحہ مشل پر لانے گئے ہیں۔ الزام الیہ حمید اللہ، کنسٹیبل عارف کے درخواست ضمانت بدیں وجہ لوئیر کورٹس سے خارج ہو کر مابعد عدالت عالیہ ہائی کورٹ شیخ دارالقضاء، فٹنگ سوات سے ضمانت پر رہا ہوئے۔

انکوڑی ہذا سے یہ حقائق سامنے آئے کہ الزام الیہ حمید اللہ اور کنسٹیبل عارف نے وقوع سے ایک یوم قبل یعنی مورخہ 19-08-2015 کو

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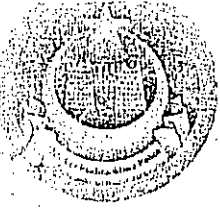
سیب کریٹ زیر بحث بذریعہ موٹر کار ڈرائیور حبیب الرحمان اس کے موٹر کار میں چونکی ٹکڑی حدود تھانہ کاجھوسے درختیہ بازار پہنچایا۔ اور وہاں موٹر کار ڈرائیور حبیب الرحمان نے امانت رکھ کر وقوعہ کے روز حمید اللہ RHC کی ہدایت پر ایک مرتبہ پھر کنسٹیبل عارف بشیر کنسٹیبل گل شاہ چونکی رحمان شپ کاجھوسے بذریعہ موٹر کار خود خواہہ چیلہ لاکر اور درختیہ میں رکھا ہوا سیب کریٹ خواہہ چیلہ پہنچا کر الزام الیہ کنسٹیبل عارف کو بمقام شوکت پٹیول پیپ حوالہ کیا۔ جو اس نے مشتاق احمد کے موٹر کار کے ڈگی میں رکھ دیا۔ اور ایک مرتبہ پھر کریٹ مذکورہ کو کاجھوسے تھانہ کاجھوسے مشتاق احمد کے موٹر کار میں کاجھوسے چونکی تک لایا گیا۔ اور وقوعہ ہزار و نما ہوا۔

دوران ٹرائیل مشل مقدمہ کا بنیاد گواہ حبیب الرحمان اپنے بیان (زیر دفعہ 164 ض ف) سے منحرف ہوا ہے۔ اور قابل اپنے قلمبند کردہ بیان مذکورہ سے بروئے بیان حلفی لا تعلقی کا اظہار کیا ہے۔ پرائیویٹ گواہ ثار خان بھی اپنے بیان 164 ض ف سے منحرف ہوا ہے۔ اور اس نسبت اس نے بھی بیان حلفی دائر کی ہے۔ دیگر بقایا گواہان کی شہادت کی تکمیل پر معزز عدالت ایڈیشنل سیشن جج صاحب سوات نے مشل مقدمہ میں بروئے حتمی تحریرہ 27-04-2018 چاروں ملزمان کو شک کا فائدہ دے کر بری کئے ہیں۔

مندرجہ بالا بحث سے حالات نمایاں ہے کہ الزام الیہ حمید اللہ نمبر RHC/2626 پر لگانے کے الزامات کورٹ میں ثابت نہ ہو سکے۔ مذکورہ کو اسی بنیاد پر معزز کورٹ سروس ٹریبونل نے بحال کیا۔ لہذا زیر دستخطی الزام الیہ RHC کورٹ تصور گردانتے ہوئے۔ All Back Benefit بحالی کی سفارش کی جاتی ہے۔

ہیڈ آف انوسٹی گیشن سوات

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Phone: 091-924-7947

Office of the Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar.

No. 1657 /E&I, dated Peshawar the 10 /12/2018

To: The District Police Officer,  
Swat.

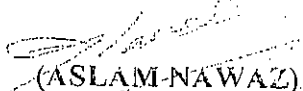
Subject: DENOVE DEPARTMENTAL ENQUIRY AGAINST  
EX-FC, HAMIDULLAH NO. 1564/2626

Memo:

Please refer to your office letter No 22029/E dated 06.12.2018, on the subject cited above.

2. Your good self being competent authority in the matter may proceed further in the light of recommendations of the enquiry officer, under intimation to this office.

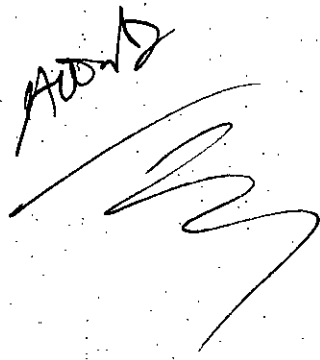
3. Being a court matter the proceedings shall be completed within the limitation period to avoid further legal complications.

  
(ASLAM NAWAZ)  
Assistant Inspector General of Police  
Complaint & Enquiry  
Khyber Pakhtunkhwa,  
Peshawar

No. /E&I,  
Copy of above is forwarded for information to:-

1. The Regional Police Officer, Malakand.
2. The PSO to IGP.

(ASLAM NAWAZ)  
Assistant Inspector General of Police  
Complaint & Enquiry  
Khyber Pakhtunkhwa,  
Peshawar





that they had no knowledge of the incident but were told by HC Hameed Ullah No. 1564 and FC Arif to depose against Mushtaq. Moreover, when Hameed Ullah, Arif and Gul Sher were challaned in this case after being declared as accuseds, the IO malafide'y did not change the earlier witnesses (Habib-ur-Rahman and Nisar) and as such both of them resiled in the court from their testimony against Hameed Ullah etc.

This whole case is a classic example of abuse of Police uniform and extreme violation of code of conduct for a Police Officer. Implicating an innocent individual in a heinous case by Police Officers in connivance of his relatives to teach him a lesson due to his family issues is not only ignoble but also inhuman. His conduct is abhorable and detrimental to discipline. He could not be re-instated in service. Hence, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules - 1975, J. Syed Ashfaq Anwar, PSI District Police Officer, Swat being competent authority, am constrained to again award him major punishment of dismissal from service.

Order announced.

District Police Officer  
Swat

O.B. No. 01

Dated: 01.01.2019

Copy to:-

1. Deputy Inspector General of Police (Internal Accountability) with reference to CPO Peshawar letter No. 357/E&I, dated 17-10-2018 please.
2. Establishment Clerk
3. OSI

For necessary action, please.

District Police Officer  
Swat

محکوم جناب ڈپٹی اسپیکر جنرل آف پولیس ملاکنڈ ڈویژن بمقام سید و شریف۔

اپیل بر خلاف حکم نمبر 01 مورخہ 01-01-2019 جناب ڈسٹرکٹ پولیس آفیسر صاحب ضلع سوات۔

جناب عالی!

اپیل ذیل عرض ہے:-

1- یہ کہ من سائیل محکمہ پولیس میں بحیثیت کنسٹیبل مورخہ 25-07-2007 کو بھرتی ہوا تھا۔ اور باقاعدہ طور پر پولیس ٹریننگ سکول شنگوے (9 مہینے کی تربیت حاصل کی۔ اور ٹریننگ مکمل کرنے کے بعد ضلع سوات میں مختلف پولیس سٹیشن اور بحیثیت نائب کورٹ عدالت جوڈیشل مجسٹریٹ مڈ میں بھی نیک نیٹی اور خوش اسلوبی کی ساتھ خدمات سرانجام دی۔ اور کبھی بھی افسران بالا کو کوئی شکایت کا موقع نہیں دیا۔

2- یہ کہ من سائیل نے کشیدہ حالات میں جب شریکوں نے ضلع سوات کے مختلف علاقوں کا کنٹرول سمجھالا اور بہت سے پولیس اہلکاروں کو شہید کیئے اور پولیس اہلکاروں کی گھروں کو جلایا اسی حالات میں بھی ایک نیڈر پولیس سپاہی کی طرح شریکوں کے سامنے ڈٹ کر مقابلہ کیا۔ اسی دوران شریکوں نے من سائیل کے گھر کو بھی جلا دیا تھا۔ جسکی مقدمہ علت تھانہ مڈ درج رجسٹر ہوئی تھی۔ اور یہ بات ریکارڈ پر موجود ہے جرم نمبر 282/08 506-457-149-148-436-380 نمبر کہ من سائیل نے کشیدہ حالات میں ایک دن بھی غیر حاضری نہیں کی ہے۔

3- یہ کہ من سائیل نے انتہائی بہادری اور جرات مندی کے ساتھ شریکوں کے خلاف مختلف سرچ آپریشنز میں حصہ لیا اور اپنے جان کی پروا کئے بغیر ہر وقت اور ہر آپریشن میں اگے اگے رہا۔ اسی بہادری اور جرات مندانہ صلاحیتوں کو مد نظر رکھتے ہوئے افسران بالانے من سائیل کو ترقی بھی دی۔ یعنی پولیس کنسٹیبل سے ہیڈ کانسٹیبل پر ترقی دی۔ اور کئی نقد انعامات کے ساتھ ساتھ IGP صاحب خیبر پختونخواہ نے Class-1 دو عدد سرٹیفکیٹ بمعہ دس ہزار روپے کا نقد انعام بھی دیا۔ اور اسی طرح وزیر اعلیٰ خیبر پختونخواہ ایک لاکھ روپے نقد بطور انعام دیا اور (بجبر جنرل آپریشن کمانڈر صاحب سوات) نے اعزازی تلوار اور بریگیڈیر عجب خان صاحب نے نقد انعام اور سرٹیفکیٹ سے بھی نوازا (سرٹیفکیٹ کی نقول لف ہے)

4- یہ کہ من سائیل کے بہادری اور اچھی ڈیوٹی سرانجام دینے کی تعریف افسران بالانے تحریری طور پر بھی کی ہیں جسکی نقول لف اپیل ہذا ہے۔

5- یہ کہ من سائیل کو مورخہ 20-8-2015 کو ایک بے بنیاد مقدمہ میں نامزد کیا گیا۔ بمعہ اور تین پولیس اہلکاران کے بوجہ بالا من سائیل کو سرکاری نوکری سے بھی برخاست کیا گیا۔ مقدمہ ہذا میں کارروائی شروع ہوئی بدوران مقدمہ تفتیش تفتیشی افسر نے مختلف لوگوں کی بیانات بھی قلمبند کئے لیکن کسی بھی شخص نے من سائیل کے خلاف بیان نہیں دیا اور نہ ہی کوئی ثبوت پیش کئے (نقول بیانات لف اپیل ہذا ہے) اور مقدمہ نمبر 383 مورخہ 20-8-2015 میں جن پولیس افسران یا اہلکاران نے کارروائی کی تھی یا حصہ لیا تھا۔ تمام کے تمام پولیس اہلکاران اور افسران کے بیانات معزز عدالت ایڈیشنل سیشن جج صاحب کبل سوات میں قلمبند ہوئے۔ مذکورہ بیانات میں من سائیل کے خلاف کوئی بھی ایسے بات سامنے نہیں آئی جن کی وجہ سے من سائیل کو کہنگار ثابت کر سکے۔ اور اس بناء پر معزز عدالت نے من سائیل بمعہ اور ملزمان کو باعزت طور پر بری کر دیا۔ (نقل فیصلہ معزز عدالت لف اپیل ہذا ہے۔)

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یہ کہ مذکورہ جامع فیصلہ کے خلاف محکمہ پولیس نے عدالت عالیہ پشاور ہائی کورٹ درالقضاء سوات بینچ میں اپیل دائر کی۔ اس کے بعد بوجہ کم وزنی محکمہ پولیس کی اپیل کو معزز عدالت عالیہ پشاور ہائی کورٹ درالقضاء سوات بینچ نے خارج کی۔ اس کے بعد من سائیل نے جناب DPO صاحب سوات کو ایک درخواست بابت بحالی نوکری گزاری لیکن جناب DPO صاحب نے مسترد کر دیا۔ اس کے بعد من سائیل نے معزز عدالت سروس ٹریبونل خیبر پختونخواہ میں اپیل نمبر 257/2016 دائر کی۔ جس پر معزز عدالت نے مورخہ 04-9-2018 کو من سائیل کے حق میں فیصلہ سنایا اور من سائیل کو نوکری پر بحال کرنے کا حکم دیا۔ اور محکمہ پولیس کو ہدایت دی کہ ایک De-novo انکوائری کرے کیونکہ بوقت برخاستگی من سائیل کو ذاتی کو اشتہائی کا موقع نہیں دیا گیا تھا۔ لیکن جناب DPO صاحب نے عدالت کے فیصلے کو جزوی طور پر تسلیم کرتے ہوئے من سائیل کو عارضی طور پر نوکری پر بحال کر دیا حالانکہ معزز عدالت نے اپنے فیصلے میں عارضی بحالی کا کوئی ذکر نہیں کیا ہے۔ (فیصلہ معزز عدالت سروس ٹریبونل خیبر پختونخواہ لف ہذا ہے)

یہ کہ جناب DPO صاحب سوات نے De-novo انکوائری کے سلسلے میں سائیل کو غیر قانونی طور پر ایک بار پھر چارج شیٹ نمبر 90/PA مورخہ 29-10-2018 دیا۔ اور مذکورہ De-novo انکوائری جناب S.P صاحب انوسٹی گیشن نے مکمل جان بین کی اور ایک بار پھر تمام گواہان کو طلب کیا اور ان کے بیانات قلمبند کئے۔ اور پھر من سائیل کو بھی طلب کیا گیا تفصیلی سوالات کئے۔ جس پر من سائیل نے تفصیلی جوابات دیئے اور اپنے اوپر لگائے گئے تمام الزامات کو مسترد کر دیا اور معزز عدالتوں کے فیصلے کی نقولات بھی دیئے جس میں من سائیل کو بیگناہ قرار دیا گیا ہے۔ جناب S.P صاحب انوسٹی گیشن نے اپنے تفصیلی رپورٹ میں بھی من سائیل کو بے قصور قرار دیا اور All back benefits کے ساتھ بحالی کی سفارش کی۔ اور جناب انسپکٹر جنرل آف پولیس خیبر پختونخواہ نے بھی اپنے دفتر سے جاری کردہ حکمنامہ نمبر 1557/E مورخہ 10/12/2018 کے ذریعے بھی جناب DPO صاحب سوات کو ہدایت کی تھی کہ چونکہ یہ ایک عدالتی معاملہ ہے اور عدالت نے مسی حمید اللہ کو تمام الزامات سے بھری کیا ہے تو اپ انکوائری آفیسر کے سفارشات کی روشنی میں اقدامات کرے۔ (نقول لف اپیل ہذا ہے)۔

یہ کہ جناب DPO صاحب سوات نے De-novo انکوائری آفسر کے سفارشات کے برعکس ایک دفعہ پھر من سائیل کو نوکری سے برطرف کیا گیا جو کہ انصاف اور قانون کے بالکل خلاف ہے۔ اور من سائیل کو ذہنی اذیت اور پریشانی میں مبتلا کر دیا ہے۔ جو کہ توہین عدالت کے زمرے میں بھی آتا ہے۔ نقل OB No.1 مورخہ 01-01-2019 (لف اپیل ہذا ہے)

لہذا استدعا ہے کہ یہ منظوری اپیل ہذا حکم و فیصلہ جناب DPO صاحب سوات کو کالعدم قرار دیا جائے۔ اور من سائیل کو De-novo انکوائری آفسر صاحب کے سفارشات کے روشنی میں بمعہ All Back Benefits نوکری پر بحال کرنے کا حکم فرمایا جائے تو من سائیل مذید عدالتوں کے چکروں سے بھی بچ جائیگا اور آپ صاحبان کے عمر درازی کے لیے ہمیشہ دعا گو رہیگا۔



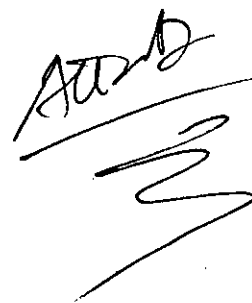
آیکا تالبدار

حمید اللہ سابقہ ہیڈ کنسٹیبل نمبر 2626

گانوں سخرہ تحصیل من ضلع سوات

رابطہ نمبر 03442000402

عریفہ





OFFICE OF THE  
REGIONAL POLICE OFFICER, MALAKAND

AT SAIDU SHARIF SWAT.

Ph: 0946-9240381-88 & Fax No. 0946-9240390

Email: [dignitakand@yahoo.com](mailto:dignitakand@yahoo.com)

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ORDER:

This order will dispose of appeals of Ex-Head Constable Hamidullah No. 1564/2626. Constable and Ex-Constable Arif No. 2683 for reinstatement in service.

Brief facts of the case are that Ex-Constable Arif No. 2683 in connivance with Ex-Head Constable Hameed Ullah No. 1564 and Constable Gul Sher No. 201/Ex-Serviceman placed 01 Hand Grenade, 1.2 kg explosives, 16 fuses, 01 pistol 30 bore and 900 gm charas in the Car of one namely Mushtaq s/o Kaki Khan r/o Mashkumal and got him arrested through local Police of PS Kanju. A case FIR No. 383 dated 20/08/2015 u/s S-Exp/9-BCNSA/15-AA/34-PPC PS Kanju was thus registered against him. Smelling foul, a regular enquiry was conducted against the delinquent officers i.e. SI Muhammad Siraj the then SHO PS Kanju (now at District Shangla), Head Constables Hamidullah No. 1564, Constable Arif No. 2683 and it was proved that they implicated an innocent citizen in a fake case. Subsequently Head Constables Hamidullah No. 1564 and Constable Arif No. 2683 were dismissed from service vide DPO Swat, office OB No. 216 dated 23/12/2015 and SI Muhammad Siraj was awarded the punishment of reduction in pay by three stages vide DPO Swat office OB No. 216 dated 23/12/2015.

Later on Head Constables Hamidullah No. 1564 and Constable Arif No. 2683 filed appeals in the court of Honorable Service Tribunal, Khyber Pakhtunkhwa Peshawar. In compliance of Judgments of the Honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar in Service Appeal No. 257/2016, dated 04/09/2018 of HC Hamidullah No. 1564 and Service Appeal No. 499/2016 dated 04/09/2018 of Constable Arif No. 2683 both the dismissed officers were reinstated in service for the purpose of Denovo Departmental Enquiry. SP Investigation Swat was appointed as enquiry officer. The enquiry officer submitted his findings and recommended that both the officers be reinstated in service with all back benefits because the case could not be proved in the Court against the delinquent officials who were subsequently declared as accused in the same case. Both the officers were called in Orderly Room by DPO Swat and heard in person. The case file was minutely perused and the delinquent officers were thoroughly interviewed which unfolded the whole incident. Therefore, the DPO Swat did not agree with the recommendation of the enquiry officer as he did not apply his judicial mind. Consequently all concerned in the case were called. They were heard in person, thoroughly interrogated, cross examined and their statements were recorded. The DPO, Swat came to the conclusion that a plot was hatched by Head Constable Hameed Ullah No. 1564 with one Mr. Jehangir brother in law of original accused Mushtaq due to strained family relationship between the latter two. The Head Constable Hamid Ullah further hired Constable Arif No. 2683 and Constable Gul Shah No. 201/Ex-Serviceman on payment and provided them a wooden crate containing 900 gm charas, 01 hand grenade, 1.2 kg explosives, 16 fuses and 01 pistol 30 bore. Later on, Head Constable Hameed Ullah informed the SHO Muhammad Siraj of Police Station Kanju to arrest the accused. Interestingly, Mr. Habib Ur Rahman and Nisar Khan who were shown as witness against original accused Mushtaq in the case were pre-planned as the enquiry revealed that the former was first cousin of Head Constable Hameed Ullah No. 1564 while the later was a close friend of FC Arif. Moreover, they both admitted in front of the DPO, Swat that they had no knowledge of the incident but were told by HC Hameed Ullah No. 1564 and FC Arif to depose against Mushtaq. Moreover, when HC Hameed Ullah, FC Arif and FC Gul Sher were challaned in this case after being declared as accused, the Investigation Officer malafidely did not charge the earlier witness (Habib Ur Rahman and Nisar) and as such both of them resoled in the Court from their testimony against Arif etc. The whole case is classic

*Arif*  
*[Signature]*

Example of abuse of Police Uniform and extreme violation of code of conduct for a Police Officers. Implicating an innocent individual in a heinous case by Police Officers in connivance with his relatives to teach him a lesson due to his family issues is not only ignoble but also inhuman. Their conduct is abhorable and detrimental to discipline. They could not be re-instated in service. Hence, they both i.e Head Constable Hamidullah No. 1564 and Constable Arif No. 2682 were again dismissed from service vide DPO, Swat office OB No. 01 dated 01/01/2019. The allegations leveled in the Departmental appeals are baseless and vogue in nature. All the opportunities of self defense and hearing were provided to the delinquent officers but they failed to stratify the DPC, Swat regarding the serious allegations.

Both, Ex-Head Constable Hamidullah No. 1564/2626 and Constable Arif No. 2683 were called in Orderly Room by the undersigned and their case was thoroughly perused. To further scrutinize the case, SP Investigation Swat and Addl: SP Swat were nominated to conduct denovo enquiry into the matter and submit findings report vide this office order No. 3982-84/E, dated 27/03/2019. The enquiry officer after conducting proper denovo enquiry into the matter submitted his finding report vide SP Investigation Swat Memo: No. 3440/C-Cell, dated 15/05/2019 wherein he recommended that though the charges against both the officers i.e Ex-Head Constables Hamidullah No. 1564/2626 and Ex-Constable Arif No. 2683 could not be proved in the court and they were acquitted but they i.e SI Muhammad Siraj, Head Constable Hamidullah No. 1564/2626 and Constable Arif No. 2683 are wholly solely responsible for registration of fake case vide FIR No. 383 dated 20/08/2015 u/s 5-Exp/9-BCNSA/15-AA/34-PPC PS Kanju, District Swat. Therefore, I the Undersigned uphold the order passed by DPO Swat wherein he has dismissed Head Constable Hamidullah No. 1564/2626 and Constable Arif No. 2683 from service. Their appeals are hereby rejected. Moreover, the punishment of reduction in pay by three (3) stages awarded by DPO Swat vide OB No. 216 dated 23/12/2015 to SI Muhammad Siraj is hereby converted into dismissal from service with immediate effect as the delinquent officers are equally responsible for such illegal act as proved in denovo enquiry conducted by SP Investigation Swat.

Order announced.

*OB/EC*  
*14/6/2019*  
 District Police Officer  
 Swat

*[Signature]*  
 (MUHAMMAD SAJJAD), PSP  
 Regional Police Officer,  
 Mataland, at Saidu Sharif Swat  
 Bilal Naqi

No. 6572-75 /E,

Dated 14-06 2019.

*OB No. 98*  
*17.6.19*

- Copy of above is forwarded to the:-
1. Worthy Inspector General of Police, Khyber Pakhtunkhwa Peshawar with reference to ATG/ Complaint & Enquiry CPO Peshawar Memo: No. 1657/E&I dated 10/12/2018, No 5750/C-Cell dated 27/12/2018 (addressed to DPO Swat) and No. 325/C-Cell dated 18/01/2019 (addressed to DPO Shangla)
  2. District Police Officer, Swat for information and necessary action with reference to his office Memo: No. 1033/Legal, dated 21/01/2019 and No. 3411/E, dated 26/02/2019. Service Rolls and Fauji Missals of Ex-Head Constable Hamidullah No. 1564/2626 and Ex-Constable Arif No. 2683 containing complete enquiry files are returned herewith for record in your office.
  3. SP Investigation Swat with reference to his office Memo: No. 3440/C-Cell, dated 15/05/2019.
  4. District Police Officer Shangla for information and necessary action.

*[Signature]*

\*\*\*\*\*



Service Appeal No. 930/2019

Hameed Ullah S/O Khan Zada R/O Sakhra Tehsil Matta, Swat (Ex- Head Constable No.2626) Police Line Kabal

..... Appellant

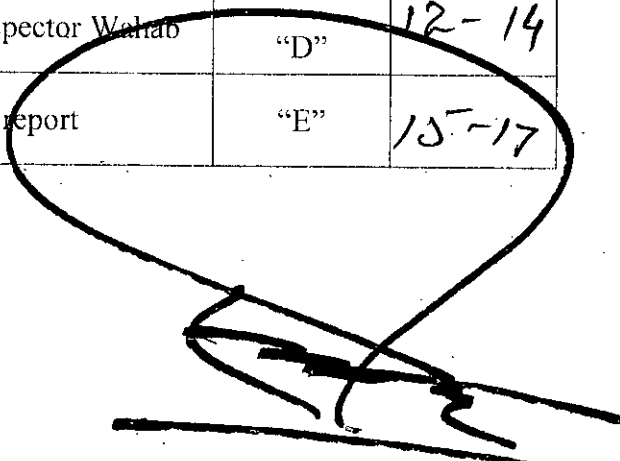
**VERSUS**

1. District Police Officer Swat.
2. Deputy Inspector General of Police, Malakand at Saidu Sharif Swat.
3. Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.

..... Respondents

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District Police Officer, Swat  
(Respondent No. 01)

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

**Service Appeal No. 930/2019**

Hameed Ullah S/O Khan Zada R/O Sakhra Tehsil Matta, Swat (Ex- Head Constable No.2626) Police Line Kabal

..... Appellant

**VERSUS**

1. District Police Officer Swat.
2. Deputy Inspector General of Police, Malakand at Saidu Sharif Swat.
3. Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.

..... Respondents

**PARAWISE REPLY BY RESPONDENTS**

Respectfully Shewith,

**PRELIMINARY OBJECTIONS**

1. That the appeal is badly barred by Law & limitation.
2. That the appellant has got no Cause of action and locus standi to file the present appeal.
3. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the instant appeal is not maintainable in its present form.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.
7. That the appellant has not filed departmental appeal before the respondent No.02 within time limit.

**FACTS:**

1. Pertains to record of service appeal No.257/16 dated 17-03-2016 wherein respondents department had submitted comprehensive reply to the service appeal of appellant. Copy of reply is enclosed as annexure "A".
2. Pertains to record of honorable Tribunal. The directions of honorable Tribunal have been complied with in accordance with law/rules.
3. Pertains to record. The appellant was re-instated for denovo enquiry and all opportunities of fair defense etc were provided to the appellant in accordance with law/rules.
4. Pertains to record, hence needs no comments.
5. Incorrect. The reply of appellant was found unsatisfactory and enquiry officer was appointed to probe into the matter.

*checked & correct*  
*[Signature]*  
*26/09/19*

6. Incorrect. Enquiry Officer has referred criminal case which has no effect on departmental probe as per ruling of apex Court. Furthermore, competent authorities are not bound to follow the remarks/findings of enquiry officer. Orders of respondents are well reasoned, speaking and based on facts. Copies enclosed as annexure "B" and "C".
7. Incorrect. District Police Officer is competent authority under the rules to award punishment after conducting of departmental enquiry against the appellant through enquiry officer.
8. Incorrect. Orders of respondents are well reasoned, speaking and based on facts. Appellant with others officials have planted a fake criminal case against innocent person by abusing uniform and violating code of conduct and the same fact was dig out during course of investigation. He was challaned to criminal Court for facing trial but got acquitted on technical grounds, which does <sup>not</sup> affect the departmental proceedings in any way.
9. Pertains to record. Order of respondent No.02 is speaking, well reasoned and justified under the rules.

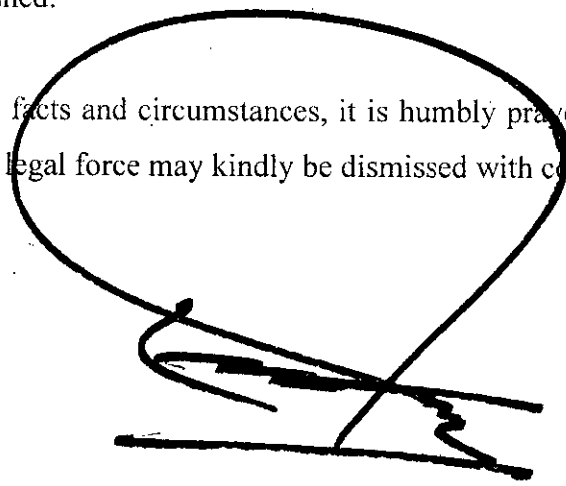
**GROUNDS:**

- a. Incorrect. The performance of appellant during service was not fully satisfactory as he wilfully absented from duty without permission or leave.
- b. Pertains to record, no detail/proofs regarding the burning of appellant's house have been attached for proper reply by the respondents.
- c. Correct to the extent that in denovo enquiry, the enquiry officer (SP Investigation) has recorded statement of material witness namely Fazal Wahab Inspector (Investigating Officer of case FIR No.383 dated 20/08/2015 U/S 5 Exp, 9B-CNSA, 15AA/34 Police Station Kanju) in the presence of appellant and the actual facts regarding abuse of Police uniform, extreme violation of code of conduct and implicating of innocent individuals in a heinous case by the appellant and his colleagues have been fully established vide last third para of finding report. Copy of statement of Inspector Wahab and finding report of Enquiry Officer are enclosed as annexure "D" and "E".
- d. Incorrect. There is no need of issuing of Show Cause Notice to the appellant under the rule. As explained in para "C", competent authority did not agree with last para of enquiry finding and has based his speaking order in the last third para of enquiry report and statement of investigating officer of criminal case FIR No.383.


- e. Incorrect. The competent authority has awarded appropriate punishment to the appellant in the light of proved serious nature charges during enquiry and personal satisfaction. Furthermore, the respondents have no malafide intention or grudges towards the appellant and the whole departmental proceedings was carried out in accordance with facts and rules.
- f. Incorrect. The criminal and departmental proceedings are separate in nature. In criminal investigation the appellant and his colleagues were found responsible for the charges and they were challaned to court in the light of evidence but during trial the witnesses retracted from their statements and the accused appellant was acquitted on technical grounds which does not affect the departmental proceedings wherein the charges of abuse of Police uniform, extreme violation of code of conduct and implicating of innocent persons in fake case were fully established.

**PRAYER:**


Keeping in view the above facts and circumstances, it is humbly prayed that the appeal of appellant being devoid of legal force may kindly be dismissed with costs.



**District Police Officer Swat  
(Respondent No. 01)**



**Regional Police Officer,  
Deputy Inspector General of Police  
Malakand Region  
(Respondent No. 2)**



**Provincial Police officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 03)**



Service Appeal No. 930/2019

Hameed Ullah S/O Khan Zada R/O Sakhra Tehsil Matta, Swat (Ex- Head Constable No.2626) Police Line Kabal

..... Appellant

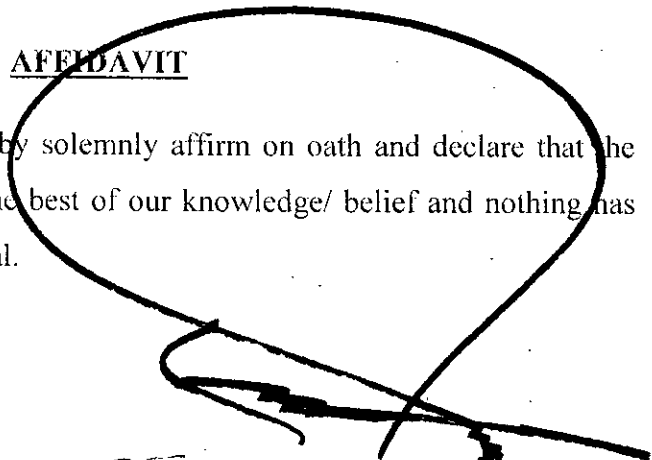
VERSUS

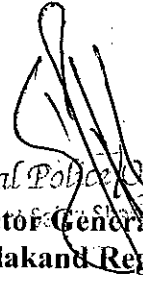
1. District Police Officer Swat.
2. Deputy Inspector General of Police, Malakand at Saidu Sharif Swat.
3. Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.


..... Respondents

AFFIDAVIT

We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/ belief and nothing has been kept secret from the honorable Tribunal.

  
District Police Officer, Swat  
(Respondents No.01)

  
Regional Police Officer,  
Deputy Inspector General of Police  
Malakand Region  
(Respondents No.02)

  
Provincial Police Officer  
Khyber Pakhtunkhwa Peshawar  
(Respondents No.03)

Service Appeal No. 930/2019

Hameed Ullah S/O Khan Zada R/O Sakhra Tehsil Matta, Swat (Ex- Head  
Constable No.2626) Police Line Kabal

..... Appellant

VERSUS

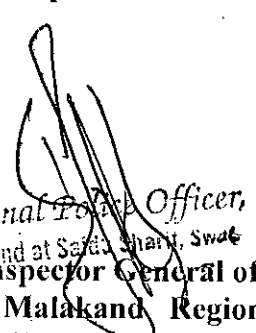
1. District Police Officer Swat.
2. Deputy Inspector General of Police, Malakand at Saidu Sharif Swat.
3. Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.


..... Respondents

AUTHORITY LETTER

We, the above respondents do hereby authorize Mr. Mir Faraz Khan DSP/Legal  
& Mr. Khawas Khan SI Legal to appear before the Tribunal on our behalf and submit  
reply etc in connection with titled Service Appeal.

  
~~District Police Officer Swat  
(Respondent No. 01)~~

  
Regional Police Officer,  
Malakand at Saidu Sharif, Swat  
Deputy Inspector General of Police  
Malakand Region  
(Respondent No. 2)

  
Provincial Police officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 03)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 257/2016.

Hamidullah HC No. 1564 r/o Mohallah Bakhti Sahra Tehsil Matta District Swat.

..... (Appellant)

VERSUS

1. District Police Officer, Swat
  2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
  3. Deputy Inspector General of Police, Malakand Region, Saidu Sharif Swat
- ..... (Respondents)

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Shewith

Preliminary Objections:-

1. That the Service Appeal is time barred.
2. That the appeal is bad due to misjoinder and non-joinder of necessary parties.
3. That the appellant has got no cause of action.
4. That the appellant is estopped due to his own conduct.
5. That the appellant has concealed material facts from this August Tribunal.

ON FACTS

1. Para No. 01 pertains to the Service record of the appellant, hence needs no comments.
2. Correct to the extent of registration of FIR No. 383/15 against one Mushtaq and some unknown accused, however, during investigation, appellant alongwith 2 others officials, have been identified as main culprits, who planted a fake case against accused Mushtaq in collaboration with SHO due to personal enmity.
3. Incorrect. During investigation it was revealed that Taxi Driver was falsely implicated in the case who was exonerated from charges, whereas the appellant who fabricated and conspired to implicate the Taxi Driver was nominated as Principal accused alongwith Constable Arif. The appellant was then committed to jail who was afterwards released on bail by the appellate court. The competent authority also took departmental action against the appellant and after proper departmental enquiry he was dismissed from service. Vide Charge Sheet, statement of allegations, Finding Report and Enquiry Papers as Annexure "A", "B", "C" & "D" respectively.
4. Pertains to record.

2

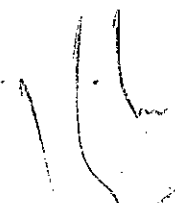
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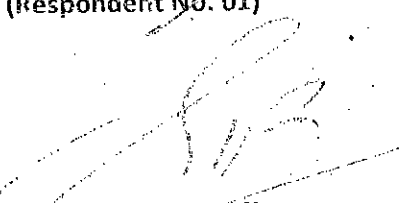
NEW GROUNDS

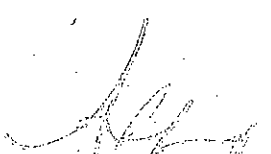
- A. Incorrect. The appellant was involved in fabricating a false story and implicating an innocent Taxi Driver in a criminal case, therefore, he was proceeded against departmentally and after being found guilty of charges he was dismissed from service. The order of dismissal is legal and justified.
- B. Incorrect. The appellant has been treated in accordance with law & rules.
- C. Incorrect. The appellant was himself found guilty of ill-will, malice and implication of innocent Taxi Driver. In such circumstances; the penalty awarded to the appellant is appropriate. The appellant was found guilty of gross misconduct.
- D. Incorrect. The appellant was associated with departmental enquiry and heard him in person by the competent authority, but he couldn't produce any cogent reason in his defense.
- E. Incorrect. The question of in competency can't be raised, because under Police disciplinary Rules 1975 Respondent No. 01 (DPO Swat) is competent authority in case of the appellant.
- F. The respondents also seek the permission of this August Tribunal to adduce more points and grounds at the time of arguments.

PRAYER

In view of the above comments on facts and grounds it is very humbly prayed that Appeal being devoid of merits may be dismissed with costs.

  
District Police Officer, Swat  
(Respondent No. 01)

  
Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 02)

  
Deputy Inspector General of Police,  
Malakand Division, Saidu Sharif Swat  
(Respondent No. 03)

188

Annex. 'B',  
attention to DIG Enquiry.

8

OK

ORDER

This order will dispose of Denove Departmental enquiry against Head Constable Hameed Ullah No. 1564 (re-instated in service for the purpose of Denove Departmental enquiry and allotted constabulary No. 2626). He while posted as Naib Court Judicial Magistrate Matta was alleged of gross misconduct as he implicated an innocent citizen in a case of heinous nature. He in connivance of Constable Arif No. 2683 and Constable Gul Sher No. 201/Ex-serviceman placed 01 hand grenade, 1.2 kg explosives, 16 fuses, 01 pistol 30 bore and 900 gm charas in the car of one namely Mushtaq s/o Kaki Khan r/o Mashkumai and got him arrested through local Police of Police Station Kanju. A case FIR No. 383 dated 20-08-2015 u/s 5Exp 9B-CNSA/15AA/34 PPC Police Station Kanju was thus registered against him. Smelling foul, a regular enquiry was conducted against the delinquent Head Constable and subsequently he was dismissed from service vide this office OB No. 216 dated 23-12-2015 after it was proved that he alongwith Constable Arif and Constable Gul Sher implicated an innocent citizen in a fake case.

In compliance of Judgment of the Honorable Service Tribunal Khyber Pakhtunkhwa in Service Appeal No. 257/2016, dated 04-09-2018, received in this office vide CPO Peshawar Memo: No. 3041/Legal, dated 05-10-2018, the dismissed Head Constable was re-instated in service for the purpose of Denove Departmental Enquiry. As such he was issued a charge sheet and statements of allegations vide this office No. 90/PA, dated 29-10-2018 and SP (Investigation) Swat was appointed as Enquiry Officer to conduct a regular enquiry against the re-instated Head Constable. The Enquiry Officer submitted his findings and recommended that the Head Constable be re-instated in service with all backs benefits because the case could not be proved in the court against the delinquent Head Constable who was subsequently declared as accused in the same case.

The Head Constable was called in Orderly Room and heard in person. The case file was minutely perused and the delinquent officer was thoroughly interviewed which unfolded the whole incident. Therefore, the undersigned did not agree with the recommendation of the Enquiry Officer as he had not applied his judicial mind. Consequently, all concerned in the case were called. They were heard in person, thoroughly interrogated, cross examined and their statements were recorded.

The undersigned came to the conclusion that a plot was hatched by Head Constable Hameed Ullah No. 1564 with one Mr. Jehangir, the brother in law of the original accused Mushtaq due to strained family relationship between the latter two. The Head Constable further hired Constable Arif No. 2683 and Constable Gul Shah No. 201/Ex-serviceman on payment and provided them a wooden crate containing 900 gm charas, 01 hand grenade, 1.2kg explosives, 16 fuses and 01 pistol 30 bore. Later on he informed the SHO of Police Station Kanju to arrest the accused. Interestingly, Mr. Habib Ur Rahman and Nisar Khan who were shown as witnesses against original accused Mushtaq in the case were pre-planned as the enquiry revealed that the former was first cousin of Head Constable Hameed Ullah No. 1564 while the latter was a close friend of FC Arif. Moreover, they both admitted in front of the undersigned

they had no knowledge of the incident but were told by HC Hameed Ullah No. 1564 and FC Arif to depose against Mushtaq. Moreover, when Hameed Ullah, Arif and Gul Sher were challaned in this case after being declared as accuseds, the IO malifidely did not change the earlier witnesses (Habib-ur-Rahman and Nisar) and as such both of them resiled in the court from their testimony against Hameed Ullah etc.

This whole case is a classic example of abuse of Police uniform and extreme violation of code of conduct for a Police Officer. Implicating an innocent individual in a heinous case by Police Officers in connivance of his relatives to teach him a lesson due to his family issues is not only ignoble but also inhuman. His conduct is abhorable and detrimental to discipline. He could not be re-instated in service. Hence, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules – 1975, I Syed Ashfaq Anwar, PSP, District Police Officer, Swat being competent authority, am constrained to again award him major punishment of dismissal from service.

**Order announced.**

District Police Officer  
Swat

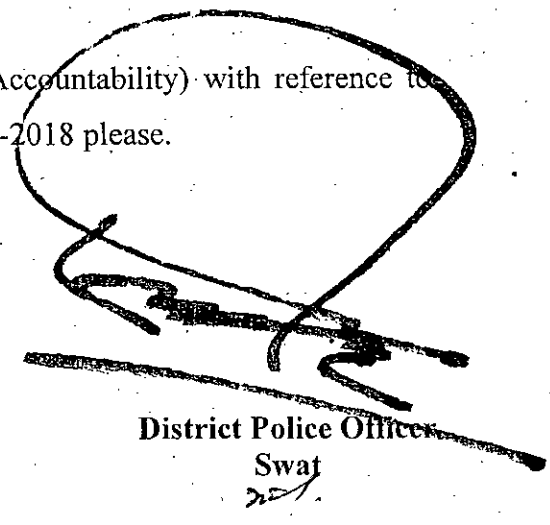
O.B. No. 01

Dated: 01-01-2019

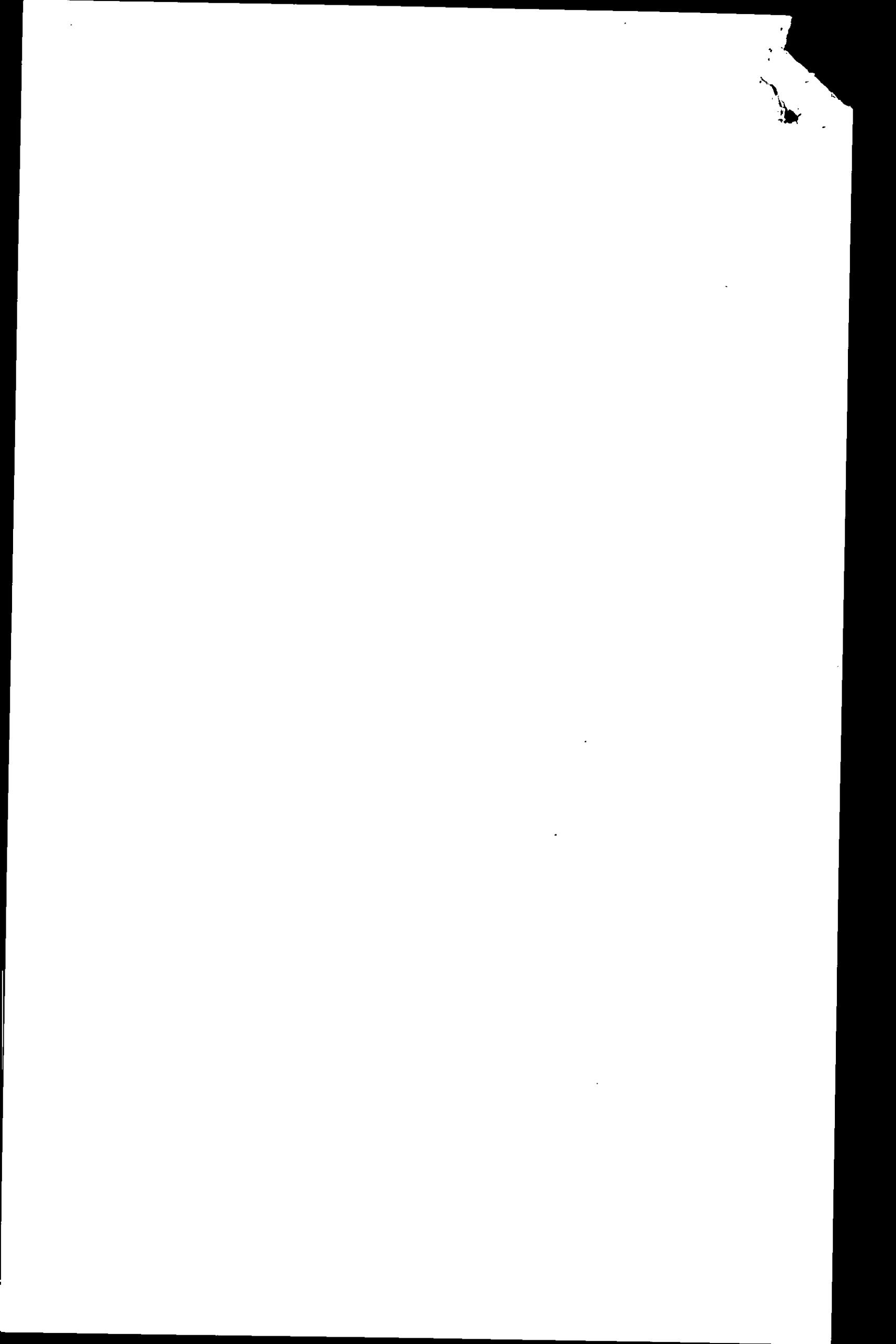
**Copy to:-**

- 1. Deputy Inspector General of Police (Internal Accountability) with reference to CPO Peshawar letter No. 1357/E&I, dated 17-10-2018 please.
- 2. Establishment Clerk
- 3. OSI

**For necessary action, please.**



District Police Officer  
Swat





Annex - C  
113-5-10  
482  
17.6  
2

OFFICE OF THE  
REGIONAL POLICE OFFICER, MALAKAND

AT SAIDU SHARIF SWAT.  
Ph: 0946-9240381-88 & Fax No. 0946-9240390  
Email: dighulakand@yahoo.com

ORDER:

This order will dispose of appeals of Ex-Head Constable Hamidullah No. 1564/2626, Constable and Ex-Constable Arif No. 2683 for reinstatement in service.

Brief facts of the case are that Ex-Constable Arif No. 2683 in connivance with Ex-Head Constable Hameed Ullah No. 1564 and Constable Gul Sher No. 201/Ex-Serviceman placed 01 Hand Grenade, 1.2 kg explosives, 16 fuses, 01 pistol 30 bore and 900 gm charas in the Car of one namely Mushtaq s/o Kaki Khan r/o Mashkumal and got him arrested through local Police of PS Kanju. A case FIR No. 385 dated 20/08/2015 u/s 5-Exp/9-BCNSA/15-AA/34-PPC PS Kanju was thus registered against him. Smelling foul, a regular enquiry was conducted against the delinquent officers i.e. SI Muhammad Siraj the then SHO PS Kanju (now at District Shangla), Head Constables Hamidullah No. 1564, Constable Arif No. 2683 and it was proved that they implicated an innocent citizen in a fake case. Subsequently Head Constables Hamidullah No. 1564 and Constable Arif No. 2683 were dismissed from service vide DPO Swat office OB No. 216 dated 23/12/2015 and SI Muhammad Siraj was awarded the punishment of reduction in pay by three stages vide DPO Swat office OB No. 216 dated 23/12/2015.

Later on Head Constables Hamidullah No. 1564 and Constable Arif No. 2683 filed appeals in the court of Honorable Service Tribunal, Khyber Pakhtunkhwa Peshawar. In compliance of Judgments of the Honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar in Service Appeal No. 257/2016, dated 04/09/2018 of HC Hamidullah No. 1564 and Service Appeal No. 499/2016 dated 04/09/2018 of Constable Arif No. 2683 both the dismissed officers were reinstated in service for the purpose of Denovo Departmental Enquiry. SP Investigation Swat was appointed as enquiry officer. The enquiry officer submitted his findings and recommended that both the officers be reinstated in service with all back benefits because the case could not be proved in the Court against the delinquent officials who were subsequently declared as accused in the same case. Both the officers were called in Orderly Room by DPO Swat and heard in person. The case file was minutely perused and the delinquent officers were thoroughly interviewed which unfolded the whole incident. Therefore, the DPO Swat did not agree with the recommendation of the enquiry officer as he did not apply his judicial mind. Consequently all concerned in the case were called. They were heard in person, thoroughly interrogated, cross examined and their statements were recorded. The DPO, Swat came to the conclusion that a plot was hatched by Head Constable Hameed Ullah No. 1564 with one Mr. Jehangir brother in law of original accused Mushtaq due to strained family relationship between the latter two. The Head Constable Hamid Ullah further hired Constable Arif No. 2683 and Constable Gul Shah No. 201/Ex-Serviceman on payment and provided them a wooden crate containing 900 gm charas, 01 hand grenade, 1.2 kg explosives, 16 fuses and 01 pistol 30 bore. Later on, Head Constable Hameed Ullah informed the SHO Muhammad Siraj of Police Station Kanju to arrest the accused. Interestingly, Mr. Habib Ur Rahman and Nisar Khan who were shown as witness against original accused Mushtaq in the case were pre-planned as the enquiry revealed that the former was first cousin of Head Constable Hameed Ullah No. 1564 while the later was a close friend of FC Arif. Moreover, they both admitted in front of the DPO, Swat that they had no knowledge of the incident but were told by HC Hameed Ullah No. 1564 and FC Arif to depose against Mushtaq. Moreover, when HC Hameed Ullah, FC Arif and FC Gul Sher were challaned in this case after being declared as accused, the Investigation Officer mala-fidely did not charge the earlier witness (Habib Ur Rahman and Nisar) and as such both of them resoled in the Court from their testimony against Arif etc. The whole case is classic



3-61

Example of abuse of Police Uniform and extreme violation of code of conduct for a Police Officers. Implicating an innocent individual in a heinous case by Police Officers in connivance with his relatives to teach him a lesson due to his family issues is not only ignoble but also inhuman. Their conduct is abhorable and detrimental to discipline. They could not be re-instated in service. Hence, they both i.e Head Constable Hamidullah No. 1564 and Constable Arif No. 2682 were again dismissed from service vide DPO, Swat office OB No. 01 dated 01/01/2019. The allegations leveled in the Departmental appeals are baseless and vague in nature. All the opportunities of self defense and hearing were provided to the delinquent officers but they failed to stratify the DPO, Swat regarding the serious allegations.

Both, Ex-Head Constable Hamidullah No. 1564/2626 and Constable Arif No. 2683 were called in Orderly Room by the undersigned and their case was thoroughly perused. To further scrutinize the case, SP Investigation Swat and Addl: SP Swat were nominated to conduct denovo enquiry into the matter and submit findings report vide this office order No. 3982-84/E, dated 27/03/2019. The enquiry officer after conducting proper denovo enquiry into the matter submitted his finding report vide SP Investigation Swat Memo: No. 3440/C-Cell, dated 15/05/2019 wherein he recommended that though the charges against both the officers i.e Ex-Head Constables Hamidullah No. 1564/2626 and Ex-Constable Arif No. 2683 could not be proved in the court and they were acquitted but they i.e SI Muhammad Siraj, Head Constable Hamidullah No. 1564/2626 and Constable Arif No. 2683 are wholly solely responsible for registration of fake case vide FIR No. 383 dated 20/08/2015 u/s 5-Exp/9-BCNSA/15-AA/34-IPC PS Kanju, District Swat. Therefore, I the Undersigned uphold the order passed by DPO Swat wherein he has dismissed Head Constable Hamidullah No. 1564/2626 and Constable Arif No. 2683 from service. Their appeals are hereby rejected. Moreover, the punishment of reduction in pay by three (3) stages awarded by DPO Swat vide OB No. 216 dated 23/12/2015 to SI Muhammad Siraj is hereby converted into dismissal from service with immediate effect as the delinquent officers are equally responsible for such illegal act as proved in denovo enquiry conducted by SP Investigation Swat.

Order announced.

*OB/Ec*  
*SP Investigation Swat*  
*[Signature]*  
 District Police Officer

*[Signature]*  
 (MUHAMMAD SAJJAD), PSP  
 Regional Police Officer,  
 Malakand, at Saidu Sharif Swat  
 Naqvi

No. 6572-75 /E,

Dated 14-06 /2019.

*OB No. 98*  
*17.6.19*

- Copy of above is forwarded to the:-
1. Worthy Inspector General of Police, Khyber Pakhtunkhwa Peshawar with reference to AIG/ Complaint & Enquiry CPO Peshawar Memo: No. 1657/E&I dated 10/12/2018, No 5750/C-Cell dated 27/12/2018 (addressed to DPO Swat) and No. 325/C-Cell dated 18/01/2019 (addressed to DPO Shangla)
  2. District Police Officer, Swat for information and necessary action with reference to his office Memo: No. 1033/Legal, dated 21/01/2019 and No. 3411/E, dated 26/02/2019. Service Rolls and Fauji Missals of Ex-Head Constable Hamidullah No. 1564/2626 and Ex-Constable Arif No. 2683 containing complete enquiry files are returned herewith for record in your office.
  3. SP Investigation Swat with reference to his office Memo: No. 3440/C-Cell, dated 15/05/2019.
  4. District Police Officer Shangla for information and necessary action.

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بیان ازالہ اسپیکر فضل رضا خان اہل حقانہ کا جو حال اس وقت ہے

میں کہتے ہیں کہ سال 2015 میں وفاقی حکومت نے اہل حقانہ کو 20/8/15 کو

383 عدالت کے فیصلے کے تحت 20/8/15 کو SE.P. 15 AA عدالت کے فیصلے کے تحت 20/8/15 کو

کے تحت عدالت کے فیصلے کے تحت 20/8/15 کو SE.P. 15 AA عدالت کے فیصلے کے تحت 20/8/15 کو

کے تحت عدالت کے فیصلے کے تحت 20/8/15 کو SE.P. 15 AA عدالت کے فیصلے کے تحت 20/8/15 کو

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کے تحت عدالت کے فیصلے کے تحت 20/8/15 کو SE.P. 15 AA عدالت کے فیصلے کے تحت 20/8/15 کو

کے تحت عدالت کے فیصلے کے تحت 20/8/15 کو SE.P. 15 AA عدالت کے فیصلے کے تحت 20/8/15 کو

کے تحت عدالت کے فیصلے کے تحت 20/8/15 کو SE.P. 15 AA عدالت کے فیصلے کے تحت 20/8/15 کو

کے تحت عدالت کے فیصلے کے تحت 20/8/15 کو SE.P. 15 AA عدالت کے فیصلے کے تحت 20/8/15 کو

کے تحت عدالت کے فیصلے کے تحت 20/8/15 کو SE.P. 15 AA عدالت کے فیصلے کے تحت 20/8/15 کو

کے تحت عدالت کے فیصلے کے تحت 20/8/15 کو SE.P. 15 AA عدالت کے فیصلے کے تحت 20/8/15 کو





فائنڈنگ رپورٹ۔

بحوالہ چارج شیٹ نمبر PA/90 مورخہ 29-10-2018 جاریہ جناب DPO صاحب شملہ سوات۔

برخلاف :- حمید اللہ نمبر RHC/2626 سابقہ نمبر 1564 متعینہ نائب کورٹ JM مورخہ حال JIS پولیس لائن کابل۔

جناب عالی!

چارج شیٹ بالا جاریہ جناب DPO صاحب شملہ سوات برخلاف الزام الیہ حمید اللہ نمبر 2626 جس کی رو سے زبردستی کو انکار کیا گیا ہے۔

مقرر فرمایا ہے۔

تفصیل الزام :-

الزام الیہ حمید اللہ نمبر RHC/2626 سابقہ نمبر 1564 پر بروئے چارج شیٹ بالا الزام ہے کہ انہوں نے دیگر شریک ترم مزمان کنسٹیبلان عارف نمبر 2683 اور گل شاہ نمبر EXA/201، جہانگیر کے ساتھ مل کر کسی مشتاق احمد ولدہ کی خان ساکن مشکوئی خوازہ خیالہ کے خلاف سبقت مقدمہ عدالت 383 مورخہ 20-08-2015 جرم 20-08-2015 Exp/15-AA/9C-CNSA-5 تھانہ کاجو درج رجسٹر کر دیا ہے۔ الزام الیہ حمید اللہ RHC کو نمبرز سردس ٹریبونل کے سردس اپیل نمبر 257/2016 حکم محررہ 04-09-2018 کی قبیل میں اور CPO پشاور چھٹی نمبر 3041/Legal مورخہ 05-10-2018 کے تابع جناب DPO صاحب سوات نے Denovo حکمانہ انکوائری کے لئے بحوالہ OB نمبر 171 مورخہ 25-10-2018 ماضی طور پر ملازمت پر بحال کر کے چارج شیٹ بالا جاری کیا ہے۔

تفصیل تحقیق :-

1۔ الزام الیہ حمید اللہ RHC کو طلب کیا گیا۔ مذکورہ کو تفصیلی طور پر سنا گیا۔ اور چارج شیٹ حسب ضابطہ حوالہ کیا گیا۔ اور اگلے پورچ پر پتہ قلمبند کیا گیا۔ جنہوں نے اپنے اوپر لگائے گئے الزامات کی تردید کی۔ اور اپنی دفاع میں مقدمہ عدالت 383/2015 بالا کے نسبت معزز عدالت ASJ کابل مورخہ 27-04-2018 نوٹواٹھیٹ پیش کر کے عدالت سے بری ہونا بیان کیا۔

2۔ ذیل گواہان کو طلب کر کے منفر دہانے گئے۔ مذکورین ذیل کے بیانات قلمبند کر کے الزام الیہ کو ان پر جرح کرنے کا پورا پورا موقع دیا گیا۔

i۔ حبیب الرحمان ولد امیر زادہ ساکن چینالہ درخشاہ بالا تحصیل سہ

ii۔ مدد محرم محمد جمال نمبر HC/3193 متعینہ تھانہ کاجو حال انچارج وردی گودام JIS پولیس لائن کابل۔

iii۔ SI محمد سیراج خان سابقہ SHO تھانہ کاجو حال SHO تھانہ لپوری ضلع شانگلہ

iv۔ ثار خان ولد انوار الحق ساکن اولند رشانگلہ حال محلہ عظیم آباد کاجو۔

v۔ کنسٹیبل عجب خان نمبر 1525 متعینہ چوکی ٹٹلوی حال JIS پولیس لائن کابل۔

vi۔ مشتاق احمد ولدہ کی خان ساکن مشکوئی خوازہ خیالہ۔

vii۔ کنسٹیبل نسیم والی نمبر Ex-A/516 متعینہ چوکی ٹٹلوی حال JIS پولیس لائن کابل۔

viii۔ ASI محمد غفور محرم تھانہ کاجو حال تھانہ رحیم آباد۔

ix۔ کنسٹیبل رحیم داد نمبر Ex-A/634/HC متعینہ گارڈھیرنی کاجو۔

x۔ انسپکٹر فضل وہاب OII تھانہ کاجو حال اپریشن سٹاف JIS پولیس لائن کابل۔

الزام الیہ حمید اللہ RHC کو سن کر ان کے بیان اور جملہ گواہان بالا کے بیانات، اور ملاحظہ ریکارڈ سے پایا گیا کہ مورخہ 20-08-2015 کو بوقت 15:10 بجے SHO تھانہ کاجو SI محمد سیراج خان نے بمقام کاجو چوک ایک موٹر کارڈ قسم ٹواگٹی نمبر K.K.S/PS-3394 روڈ پرنٹیک کی روٹی میں غلط ڈالے ہوئے پا کر پتہ براری پر موٹر کارڈ را نیور نے اپنا نام مشتاق احمد ولدہ کی خان ساکن مشکوئی خوازہ خیالہ بتلایا۔ اور بیان کیا کہ اس کو بطور ٹیکسی خوازہ خیالہ آڈہ سے دو کسان ایک جوان العمر سبز رنگت آنکھوں والا اور دوسرا سفید داڑھی والے نے ہسپتال سید و شریف تک بک کر کے جس میں داڑھی والے شخص کو بیمار بنا کر رہا تھا۔ اس کے ساتھ خوازہ خیالہ پیٹرول پمپ میں سیب کا ایک کاشن 1 کریم موٹر کار کی ڈگی میں رکھ کر ہر دون کسان نے کاجو چوک پہنچ کر پانی پینے کے لئے موٹر کار سے بغیر کرایہ ادا کئے اتر کر فوجہر ہوئے۔ گاڑی میں موجود کاشن سیب کا سرسری معائنہ کر کے جس میں پینڈ گریڈ موجود پا کر BDS کو طلب کر کے جنہوں نے کریمت مذکورہ سے موقع پر سزے ملے ہوئے سیب، ایک پینڈ گریڈ، لفافہ میں 1180 گرام بارودی مواد، 16 فٹ لمبائی فیروز تار، ایک مدد پتہ طول 30 پور

900 گرام چرس برآمد کی۔ جس پر SHO صاحب نے ملزم مشتاق احمد بشمول دو نفر ملزمان اسم مسکن نام  
 مجرم Exp/15-AA/9B-CNSA-5 ضبط تحریر میں لا کر مرسل تھانہ کیا۔ جس کی بنیاد پر مقدمہ عدالت 383/2015 بالا درج رجسٹر  
 تفتیش حوالہ شعبہ تفتیش ہوا۔ ابتدائی طور پر SI شرف خان اور مابعد انسپکٹر فضل وہاب خان OII تھانہ کا نجو ماسور تفتیش ہوئے۔ سلسلہ تفتیش کو بدلتے  
 ہوئے تھانہ کا نجو میں نصب CCTV کیمروں سے دو نامعلوم ملزمان پولیس اہلکاران کنسٹیبل عارف نمبر 2683 اور کنسٹیبل گل شاہ  
 نمبر Ex-A/201 تھد یق ہو کر شامل تفتیش کئے گئے۔ کنسٹیبل عارف نے انکشاف کیا کہ انہوں نے وقوعہ کے روز چوکی ٹاؤن شپ کا نجو سے الزام الیہ  
 حمید اللہ RHC کے کہنے پر کہ خوازہ حیلہ میں SHO صاحب کی امانت سے لانے کے لئے کنسٹیبل گل شاہ Ex-A کی سمیت میں بذریعہ موٹر کار جس کو  
 حبیب الرحمان جو حمید اللہ کا چھوٹھی زاد اور الزام الیہ حمید اللہ RHC مذکورہ کا بھینجا ہوا تھا چلا رہا تھا۔ نے خوازہ حیلہ جا کر وہاں ٹیکسی سٹینڈ میں موٹر کار  
 غواگی جس کو ڈرائیور مشتاق چلا رہا تھا۔ مبلغ 1000/- روپے پر بک کیا۔ بمقام خوازہ حیلہ کاشف پیٹرول پمپ سب کاٹن مذکورہ حبیب الرحمان مذکورہ  
 نے گاڑی میں رکھ دیا۔ اور حمید اللہ RHC سے بذریعہ فون رابطے میں رہ کر کا نجو چوک پہنچنے پر گاڑی روک کر دونوں کنسٹیبلان موٹر کار سے اترے۔  
 SHO صاحب نے ڈرائیور مشتاق احمد سمیت موٹر کار کو تھانہ کا نجو لے جایا جہاں سے موٹر کار سے برآمدگی ہوئی۔

I.O نے سخی حبیب الرحمان کو شامل تفتیش کیا تو مذکورہ نے جملہ بیان کردہ صورتحال کی تصدیق کی۔ اس نسبت مذکورہ کا بیان زیر دفعہ  
 164 ضف قائم بند کر کے مذکورہ کے بیان کی روشنی میں الزام الیہ حمید اللہ RHC، کنسٹیبل عارف اور کنسٹیبل گل شاہ نمبر Ex-A/201 کو مجرم  
 24-08-2015 ملزمان نامزد کئے گئے۔ تینوں ملزمان کی گرفتاری عمل میں لائی گئی۔ الزام الیہ کنسٹیبل عارف اور گل شاہ بدوران تفتیش جرم خود سے  
 اقراری ہوئے تاہم رو برو عدالت جرم خود سے منحرف ہوئے اور جوڈیشل حوالات بھیجوائے گئے۔ جبکہ ملزم حمید اللہ نمبر RHC/2626 صحت جرم سے  
 انکاری رہے۔ اور مزید حراست پولیس کے حصول پر جوڈیشل حوالات بھیجوا یا گیا۔

تفتیش کے دوران الزام الیہ حمید اللہ RHC اور سخی جہانگیر ولد شاہ مدار ساکن ٹانگار مدین کے مابین روابط و تعلقات منظر عام پر آئے اور جو  
 مقدمہ میں چارج شدہ ملزم مشتاق احمد کا بہنوئی تھد یق ہوا۔ سخی جہانگیر اور مشتاق احمد کے مابین خاندانی ناچاقی سامنے آئی۔ ناچاقی برطابق مشتاق احمد  
 نا حال موجود ہے۔ اور اسکی (مشتاق احمد کی) بہن کا والد کے گھر آنا جانا بالکل بند ہے۔ سخی مشتاق احمد کو جھوٹی مقدمہ میں پھنسانے کے لئے سخی جہانگیر  
 کا کردار عیاں ہوا۔ جس پر ملزم جہانگیر کو بھی ملزم مقدمہ نامزد کیا گیا۔ مذکورہ اپنی جائز گرفتاری سے دیدہ دانستہ طور پر گریزاں ہو کر مذکورہ کے خلاف  
 کاروائی روپوشی عمل میں لائی گئی۔ دوران تفتیش حقائق کے بنیاد پر ملزم مشتاق احمد کو بوجہ بے گناہی دائرہ ملزمت سے نکال کر چالان فارم کے نمائندہ  
 نمبر 02 میں ڈالا گیا۔ روپوش ملزم جہانگیر نے عدالت سے عبوری ضمانت قبل از گرفتاری حاصل کر کے جو مورخہ 31-10-2015 کو خارج ہو کر حسب  
 ضابطہ گرفتار ہوا۔ تاہم دوران تفتیش صحت جرم سے انکاری رہے۔ اور مزید حراست پولیس کے حصول پر مورخہ 03-11-2015 کو جوڈیشل حوالات  
 بھیجوا یا گیا۔ انکوڑی سے ذیل قابل ذکر باتیں سامنے آئی ہیں۔

1- دوران تفتیش کنسٹیبل عارف کے انکشاف پر پرائیویٹ گواہ نثار خان ولد انوار الحق نے اپنے ابتدائی بیان میں واضح کیا کہ وقوعہ سے قبل ڈرامہ بالا  
 زپانے کے لئے حمید اللہ RHC اور کنسٹیبل عارف نے اس کے دکان آکر اسے دو ہزار روپے دیے تھے۔ لیکن اس نے (نثار نے) انکار کیا تھا۔ اور رقم  
 مذکورہ اس نے کنسٹیبل عارف کو بدست کنسٹیبل اصغر واپس کیا ہے۔ جو OII/I.O نے بروئے فرد قبضہ پولیس کئے ہیں۔

2- بمطابق OII/I.O انسپکٹر فضل وہاب خان الزام الیہ حمید اللہ RHC نے وقوعہ ہذا کے نسبت کنسٹیبل عارف نمبر 2683 کو بذریعہ ایزی پیشہ  
 مبلغ 15000/- روپے ادا کئے ہیں۔ اگر چہ اس ٹرانزکشن میں CNIC گننام جبکہ موبائل نمبر حمید اللہ RHC کا استعمال ہوا ہے۔ رقم مذکورہ بطور ثبوت  
 الزام الیہ کنسٹیبل عارف نمبر 2683 سے برآمد ہو کر قبضہ پولیس کیا گیا ہے۔

3- الزام الیہ حمید اللہ RHC کنسٹیبل عارف اور گل شاہ Ex-A کے خلاف گواہان حبیب الرحمان، نثار خان، شاہ فیصل، کاکی خان، کنسٹیبل نسیم دانی  
 نمبر 516، کنسٹیبل عجب خان نمبر 1525 بشمول دیگر گواہان کے بیان زیر دفعہ 161/164 ضف بطور ٹھوس شواہد صفحہ مشمل پر لائے گئے ہیں۔ الزام  
 الیہ حمید اللہ، کنسٹیبل عارف کے درخواست ضمانت بدیں وجہ لوئیر کورٹس سے خارج ہو کر مابعد عدالت عالیہ ہائی کورٹ بیچ دار لقضاء و نفاذ گت سوات سے  
 ضمانت پر رہا ہوئے۔

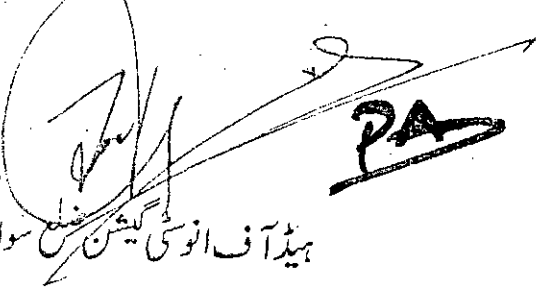
انکوڑی ہذا سے یہ حقائق سامنے آئے کہ الزام الیہ حمید اللہ اور کنسٹیبل عارف نے وقوعہ سے ایک یوم قبل یعنی مورخہ 19-08-2015 کو

سیب کریٹ زیر بحث بذریعہ موٹر کارڈ راہیور حبیب الرحمان اس کے موٹر کارڈ میں چوکی ٹگلوئی حدود تھانہ کانبج سے درختیہ بازار  
 موٹر کارڈ راہیور حبیب الرحمان نے امانت رکھ کر وقوعہ کے روز جمید اللہ RHC کی ہدایت پر ایک مرتبہ پھر کنسٹیبل عارف بشمول کنسٹیبل گل  
 شب کانبج سے بذریعہ موٹر کارڈ خود خوازہ حیلہ لا کر اور درختیہ میں رکھا ہوا سیب کریٹ خوازہ حیلہ پہنچا کر الزام الیہ کنسٹیبل عارف کو بمقام شوکت  
 پپ حوالہ کیا۔ جو اس نے مشتاق احمد کے موٹر کارڈ کے ڈگی میں رکھ دیا۔ اور ایک مرتبہ پھر کریٹ مذکورہ کو حدود تھانہ کانبج مشتاق احمد کے موٹر کارڈ میں کانبج  
 چوک تک لایا گیا۔ اور وقوعہ ہزار نما ہوا۔

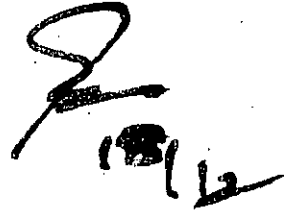
دوران ٹرائل مشن مقدمہ کا بنیاد گواہ حبیب الرحمان اپنے بیان (زیر دفعہ 164 ضف) سے منحرف ہوا ہے۔ اور ما قبل اپنے قلمبند کردہ بیان  
 مذکورہ سے بروئے بیان حلفی لاتعاقبی کا اظہار کیا ہے۔ پرائیویٹ گواہ ثار خان بھی اپنے بیان 164 ضف سے منحرف ہوا ہے۔ اور اس نسبت اس نے بھی  
 بیان حلفی دائر کی ہے۔ دیگر بقایا گواہان کی شہادت کی تکمیل پر معزز عدالت ایڈیشنل سیشن جج صاحب سوات نے مشن مقدمہ میں بروئے قلم تحریر  
 27-04-2018 چاروں ملزمان کو شک کا فائدہ دے کر بری کئے ہیں۔

نتیجہ:-

مندرجہ بالا بحث سے حالات نمایاں ہے کہ الزام الیہ جمید اللہ نمبر RHC/2626 پر لگائے گئے الزامات کورٹ میں ثابت نہ ہو سکے۔ مذکورہ  
 کو اسی بنیاد پر معزز کورٹ سروس ٹریبونل نے بحال کیا۔ لہذا زیر دستخطی الزام الیہ RHC کو بے تصور گردانتے ہوئے بمعہ All Back  
 Benefit بحالی کی۔ غارش کی جاتی ہے۔

  
 ہیڈ آف انوسٹی گیشن سوات

I do not agree with  
~~the finding~~ The finding  
 as the EO has not applied his  
 judicial mind. plz use the  
 concerned.

  
 18/4/18

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S. A. No. 930 /2019

Hameed Ullah

versus

D.P.O & Another

**REPLICATION**

**Respectfully Sheweth,**

**Preliminary Objections:**

All the 07 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is barred by law and limitation, appellants has no cause of action and locus standi, necessary parties are not impleaded, he has not come to the hon'ble Tribunal with clean hands, the appeal is not maintainable, concealment of material facts and not filing of departmental appeal within time.

**ON FACTS**

- 1-4. These paras of the appeal are not replied by the respondents and the same were termed to record of service.
5. Not correct. The para of the appeal is correct regarding submission of reply to the Charge Sheet, denying the allegations and no one deposed against appellants as for as standard of satisfaction is concerned, law has not made any standard for satisfaction, despite the fact that Inquiry Officer reported the matter in categorical manner that none of the charge was proved against appellants. He was found innocent and recommended for reinstatement in service with all back benefits.
6. As above. And when the Inquiry Officer exonerated appellants from the baseless charges, then the authority was legally bound to reinstate him in service with all back benefits.



7. Not correct. The para of the appeal is correct. This para was not replied by the respondents in accordance with the para of appeal, wherein AIG Complaint & Enquiry Peshawar directed R. No. 03 to follow the recommendation of Investigation Officer in letter and spirit under intimation to his office.
8. Totally false and absolutely incorrect as and when authority deviates from the recommendation of Inquiry Officer then in such situation the authority was legally bound to serve appellant with Show Cause Notice by giving reasons of deviation but in the case in hand, the law was not followed in letter and spirit.

When appellant was acquitted from the baseless charges on any ground on the same allegation leveled against him in the Charge Sheet etc, then there was no need, under the law, to again dismiss him from service.

9. Needs no comments. Order of R. No. 02 is in total disregard of law and rules.

**GROUND:**

- a. Not correct. The para of the reply is without proof.
- b. Admitted correct by the respondents regarding militancy in the area, burning his house due to service in Police Department.  
(Copy of FIR as annex "R")
- c. Admitted correct by the respondents regarding exoneration of appellant from the baseless charges and recommendations for reinstatement in service with all back benefits by the Inquiry Officer. Rest of the para is incorrect. Such version should have been brought before the IO which was not relied upon by him.
- d. Not correct. The position has been explained the preceding para regarding deviation from law and rules.
- e. Not correct. The competent authority failed to ad-hear to law as stated in the preceding paras. The charges were dis-proved in the enquiry proceeding. The malafide of the authority is quite apparent from his action as the Inquiry Officer exonerated him


from the charges, then what was the ground with the authority to punish him for nothing.

- f. Not correct. Appellant was exonerated from the baseless charges in criminal as well as in departmental proceedings as is evident from the same. No mis-act was ever done by the appellant in the matter. (Copy as annex "R/1")

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

  
Appellant

Through


  
Saadullah Khan Marwat  
Advocate,

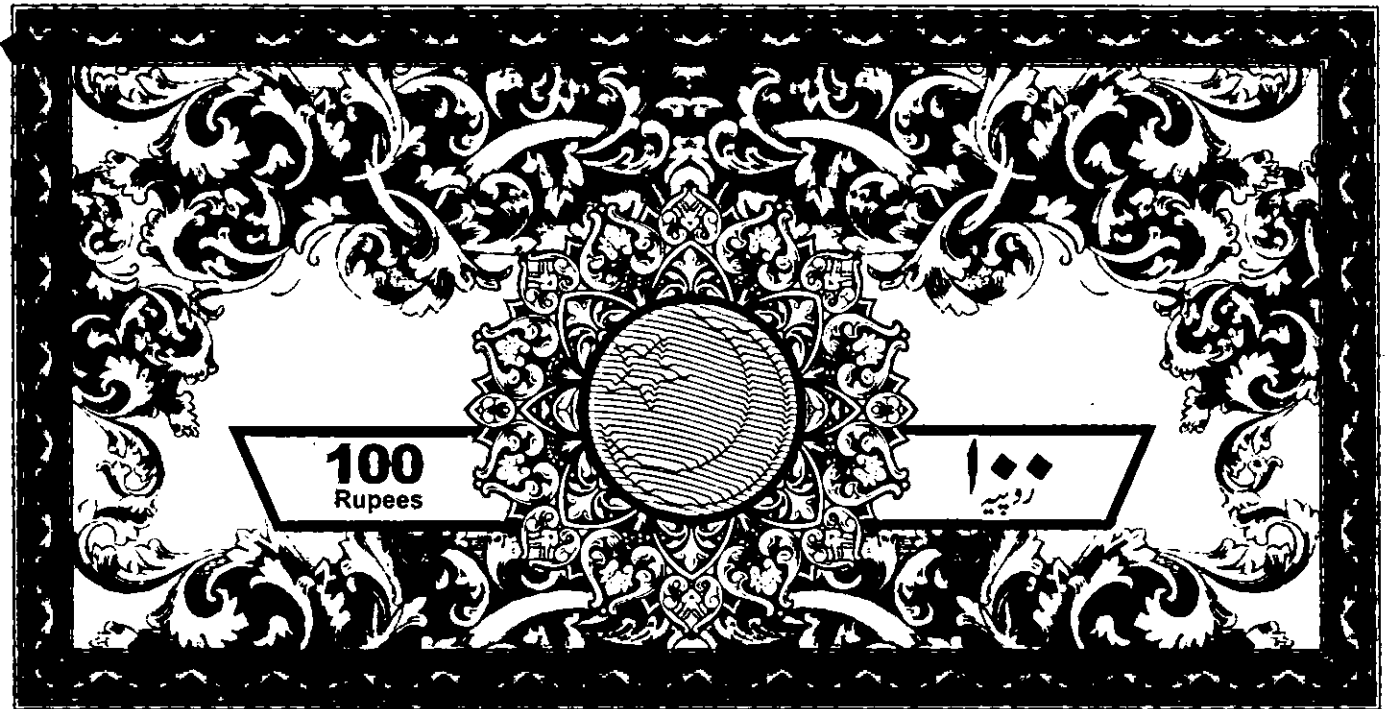
Dated: 18-12-2019

### AFFIDAVIT

I, **Hameed Ullah**, appellant do hereby solemnly affirm and declare that contents of the **Appeal & replication** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

  
DEPONENT



AFFIDAVIT

I, Hameed Ullah, appellant do hereby solemnly affirm and declare that contents of the **Appeal & replication** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

01/18/12  
2019

DEPONENT  
ATTESTED  
Notary Public  
for District & Session Courts  
District of Peshawar

DEC 2018  
*[Signature]*

18/12/19

*[Handwritten signature]*

DISTRICT  
17 DEC 2019  
Treasurer (Govt) Peshawar

PESHAWAR TREASURY  
MANSOOR AHMAD  
LICENSE NO: 39 DATE 04-08-2019  
STAMP VENDOR

پولیس رپورٹ نمبر 4540/19

تاریخ 22

ابتدائی اطلاعی رپورٹ

68

AA

ابتدائی اطلاع نسبت جرم کی وقت اندازی پولیس رپورٹ شدہ زیر نمبر 152 مجموعہ ضابطہ فوجداری

|   |  |             |
|---|--|-------------|
| تاریخ وقت رپورٹ   | 292  | 34          |
| تاریخ وقت   | 9/11/08  | وقت 6:02:00 |
| تاریخ وقت   | 11/11/08   | وقت 15:09   |
| 1- تاریخ وقت رپورٹ                                      |  |             |
| 2- نام و سکونت اطلاع دہندہ مستغیث محمد اللہ             | پتہ: خان بازار، حرم باہی، چیل نمبر 26/27، سال مکہ بستوں، پتہ محلہ مال پولیس اسٹیشن، محلہ |             |
| 3- مختصر کیفیت جرم (معلومات) حال اگر کچھ ایسا کیا ہے    | مختصر کیفیت جرم: 30/35 کلومیٹر، جانب شمال، مشرق از خاصہ                                  |             |
| 4- جائے وقوعہ نام اطلاع دہندہ سے اور متعلقہ             | جائے وقوعہ: 30/35 کلومیٹر، جانب شمال، مشرق از خاصہ                                       |             |
| 5- نام و سکونت ملزم                                     |  |             |
| 6- کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع دہندہ نے | میں باہر کی رپورٹ پر مقدمہ قائم کیا گیا  |             |
| 7- اطلاع دہندہ کی تاریخ وقت                             | پتہ: سید ڈاک   |             |

مستغیث بالا جو وقت 6:02:00 پر خان بازار، حرم باہی، چیل نمبر 26/27، سال مکہ بستوں، پتہ محلہ مال پولیس اسٹیشن، محلہ

مختصر کیفیت جرم: 30/35 کلومیٹر، جانب شمال، مشرق از خاصہ

جائے وقوعہ: 30/35 کلومیٹر، جانب شمال، مشرق از خاصہ

میں باہر کی رپورٹ پر مقدمہ قائم کیا گیا

پتہ: سید ڈاک

ابتدائی اطلاع نمبر 68 کے تحت 10:00 بجے پر خان بازار، حرم باہی، چیل نمبر 26/27، سال مکہ بستوں، پتہ محلہ مال پولیس اسٹیشن، محلہ

مختصر کیفیت جرم: 30/35 کلومیٹر، جانب شمال، مشرق از خاصہ

جائے وقوعہ: 30/35 کلومیٹر، جانب شمال، مشرق از خاصہ

میں باہر کی رپورٹ پر مقدمہ قائم کیا گیا

پتہ: سید ڈاک

msf2 Sifa P. mally  
11-11-08



9

*North West Frontier Province Police*



*Commendation Certificate*

CLASS I

Granted by

MALIK NAVEED KHAN

Inspector General of Police, NWFP KHYBER PAKHTUNKHWA.

CONSUL: HAMID ULLAH NO. 1564.

To  
Son of  
District

\_\_\_\_\_

In Recognition of

FOR HIS GOOD PERFORMANCE OF DUTY DURING SWAT OPERATION

CASH REWARD OF RS. 10,000/-

Dated 14 / 07 / 2009

*M. Naveed Khan*  
Inspector General of Police  
Khyber Pakhtunkhwa Peshawar.

6

1st Position  
F. B. 17/11/2011

# CERTIFICATE OF PROFICIENCY

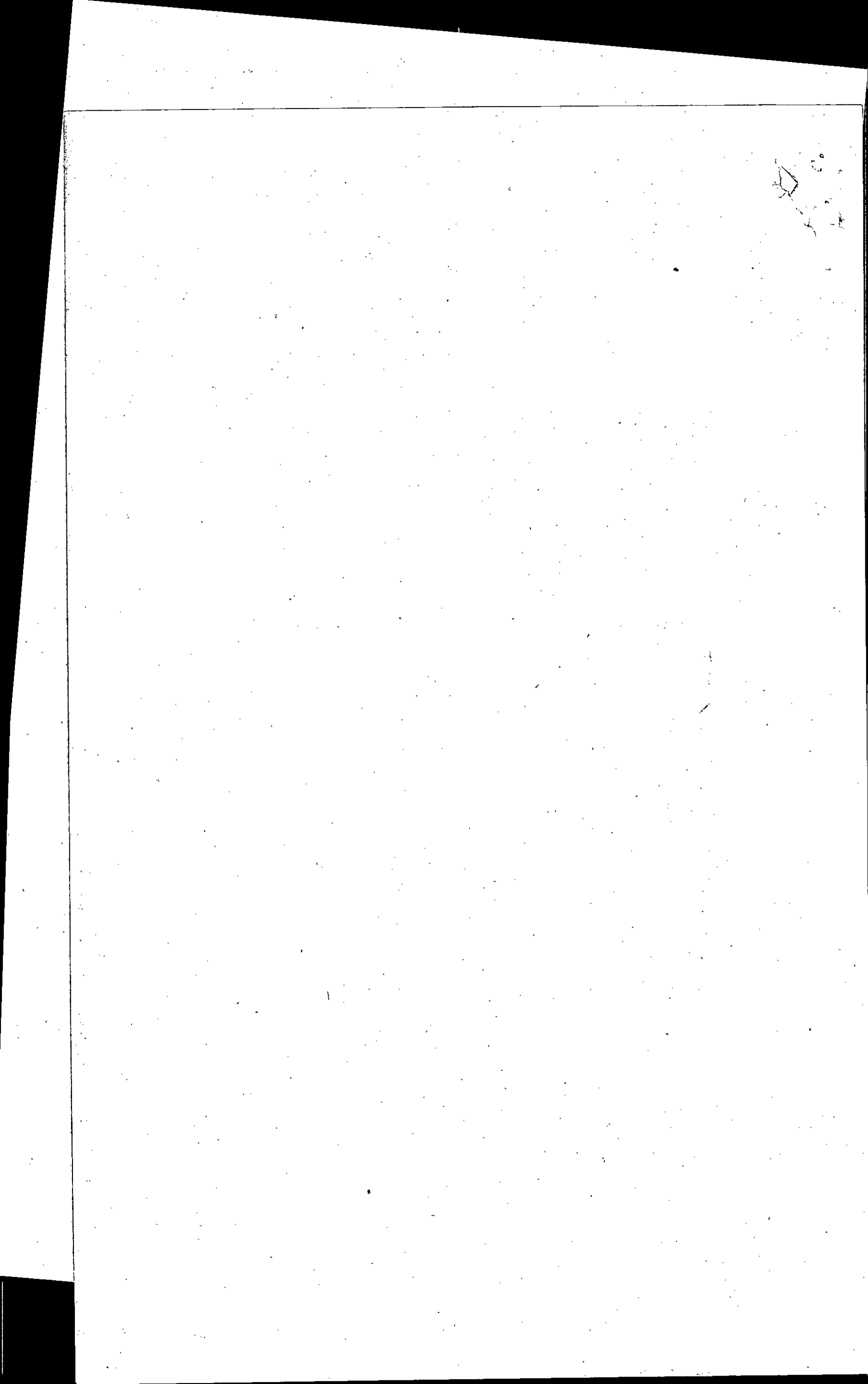
N.W.F.P. POLICE

Certified that Hamidullah Constable  
No. 1564 (Swat District) of N.W.F.  
Province Police, has passed the examination prescribed for  
Proficients and is fit to conduct the duties of that office.

No. 24214-53/FSL  
Date 17/11/2011

*[Signature]*  
Deputy Superintendent of Police  
Finger Print Bureau,  
Crime Branch, N.W.F.P., Peshawar.





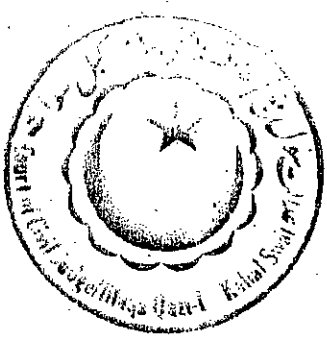
R/A. 7

27-4-18



**IN THE COURT OF MAMREZ KHAN KHALIL,**  
Additional Sessions Judge/ Izafi Zilla Qazi Kabal, Swat

PHO Case No: 01/PHO of 2016  
Date of Institution: 02-02-2016  
Date of Decision: 27-04-2018



The State  
Through Mohammad Siraj Khan SHO PS Kanju, Swat.....  
.....(Complainant)

**VERSUS**

Hamidullah aged about 33/34 years S/o Khan Zada R/o Sakhra  
Matta, Tehsil Matta, District Swat.....(Accused on bail)

Charged in Case: FIR No.383 Dated: 20-08-2015 Under Section  
4 PHO of PS Kanju, District Swat.

*Handwritten signatures and notes in Urdu script, including the name 'Ahmad Zeb Shah' and 'Sajjad Anwar'.*

Present:-  
Mr. Ahmad Zeb Shah, APP for the State  
Mr. Sajjad Anwar Advocate for accused Hamidullah

**JUDGMENT:**

1. Accused named above challand to this court in order to face trial on the charges/allegations of recovery of 1/2 liter Liquor from his briefcase lying in Police Post Ningolai.
2. As per contents of FIR ExPA, Arif and Gul Shah have been charged for hiring the Motorcar of Mushtaq Ahmad bearing Registration No. 3394 PSKKS-N from Khwaza Khela to Saidu Sharif Hospital on 20/08/2015 at 13:35 hours. On the way, accused Arif took apple carten from a filling station and put in

(08)

the boots of the said Motorcar. When they reached near Kanju Chowk, both the accused namely Arif and Gul Shah get off from the Motorcar on the pretext for drinking water, but they did not turn back, thus, said apple carton, being suspected was checked through BDS by Siraj SHO and found therein some rotten apples, one hand grenade, one shopping bag containing explosive material, one safety fuse wire 16 feet, one 30 bore pistol along with magazine containing 7 live rounds and four packets charas weighing total 900 grams. Initially murasalla Expw1/1 was drafted and sent to Police Station for registration of case against driver Mushtaq Ahmad and aforesaid articles/narcotics was secured vide recovery memo Expw1/2. Mushtaq Ahmad though arrayed as accused in the FIR, but on the same day, he was released on bail after furnishing bail bonds to the satisfaction of SHO PS Kanju Siraj Khan, who was later on, suspended in the instant case. On 24-08-2015, after recording statement of one Habib-ur-Rehman U/S 164 Cr.PC, accused facing trial namely Hamidullah, Arif and Gul Shah were nominated accused and arrested vide arrest card Expw17/4. Accused Jehangir was nominated in the statement of Mushtaq Ahmad Taxi Driver recorded U/S 164 Cr.PC on 31-08-2015 and assigned the role of abatement and facilitation of co-accused with the intention to involve him in fabricated case and planted incriminating articles against him on account of his family dispute, being his brother-in-law. The SHO concerned without seeking permission from the competent court regarding discharge of accused Mushtaq Ahmad from whom active

27/8/15  
Siraj Khan

9

possession chas, pistol, Hand Grenade and explosive materials were recovered; placed his name in column No.2 of challan, being innocent.



امان علی خان  
ایڈیشنل سیشن جج  
27/04/18

3. After registration of case and completion of requisite and necessary investigation, complete challan against accused facing trial was submitted on 25-01-2016.

4. On 02-02-2016, after receipt of challan, accused was summoned, and after compliance of provision of section 265-C Cr.PC, he was charge sheeted by my learned predecessor on 15-02-2016 U/S 4 PHO, to which he pleaded not guilty and claimed trial, which commenced. It is pertinent to point out separate challan in respect of Explosive material, pistol and contraband also submitted in connected trial, which is also adjudicated through separate case file.

5. Prosecution in order to prove charge against the accused, produced and examined 10 witnesses, out of total 39 witnesses as per calander/challan form.

6. A brief gist of the prosecution's evidence led in trial is as under;

Pw-1: Mohammad Siraj Khan SHO, is complainant and star witness of the instant case, who on 28-03-2016 and 03-01-2017 reiterated the story as narrated by him in FIR. He drafted murasalla ExPw1/1. He took into possession the planting recovery of carton containing one hand grenade, explosive material 1180 grams and one safety fuse wire 16 feet and the Motorcar from



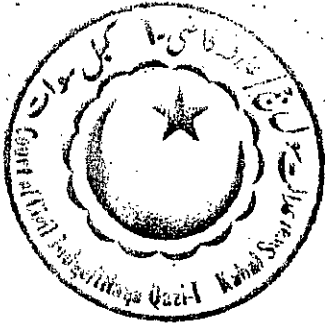
which the said recovery was effected, was taken into possession vide recovery memo ExPw1/2.

**Pw-2: Musharaf Khan SHO/CIO**, conducted partial investigation in the instant case. He on the pointation of complainant/SHO Siraj Khan prepared site plan ExPw2/1. He vide application ExPw2/2 obtained opinion regarding Pistol and cartridges 30 bore. He vide application ExPw2/3 requested for CDR in respect of mobile numbers. He vide recovery memo ExPw2/4 took into possession USB containing recording CCTV camera. On the pointation of Mushtaq prepared site plan ExPw2/5. He during the proceedings drawn pictures ExPw2/6 to ExPw2/10 and placed on file.

**Pw-3: Rahim Khan SHO**, submitted challan ExPw3/1 against accused facing trial.

**Pw-4: Asghar Ali Constable No.2376**, stated that on 23-08-2015 one Nisar S/o Anwar-ul-Haq R/o Township handed over him Rs.2000/- to give it to Constable Arif, which he took from him as loan, and produced to I.O.

**Pw-5: Mohammad Naseer-ud-Din Constable No.2832**, is marginal witness to the recovery memo, vide which I.O took into possession Briefcase on the pointation of accused Hameed ullah in Police Post Ningolai, containing one packet Chars weighing 1000 gm, one cartridge 30 bore, one liquor bottle 1/2 liter, Iron National, Citizen Watch, one hair brush, on bottle spray, two Police Caps, one white Shalwar and Banyan, one bottle Augmentin tablets, X-Ray, X-3 Mobile, License of Pistol 30 bore etc.



انسانی طور سے مل سکتا ہے  
ایڈیشنل سیشن جج  
8/11/2015

**Pw-6: Amjad Ghfoor MASI**, on receipt of murasalla from Mohammad Siraj SHO through constable Ismail, he chalked out FIR ExPA. He is also marginal witness to the recovery memo ExPw6/1, vide which I.O took into possession recording of CCTV Camera in USB. He dispatched samples vide receipt rahdari No.385/21 dated 20-08-2015 through constable Jawad alongwith other documents to FSL for analysis and similarly, sent explosive material, chars and liquor vide receipt rahdari No.395/21, 396/21 dated 28-08-2015 to FSL through Head Constable Shah Raza, wherein explosive material 1180 grams and safety fuse were not received in FSL laboratory and returned the same to him.



**Pw-7: Mohammad Khaliq ASI**, is marginal witness to pointation memo, vide which accused Hameed ullah pointed out his briefcase to I.O containing one packet Chars weighing 1000 gm, one liquor bottle 1/2 liter, Iron National, Citizen Watch, License of Pistol 30 bore etc.

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 27/09/18

**Pw-8: Fazal Wahab CIO**, conducted investigation in the instant case. He on 23-08-2015 collected information regarding driver Habib-ur-Rehman of Motorcar No.239LEA XLI and vide application ExPw8/1 recorded his statement U/S 164 Cr.PC. He took into possession copy of CNIC of accused Arif vide recovery memo ExPw8/2, produced to him by Yasir and was stamped with Shahdaab Customer Service/Easy Paisa on it. He arrested accused Arif and Gul Shah and issued their arrest card ExPw8/4. He vide recovery memo ExPw8/5 took into possession one Q-mobile and Bestow watch of golden color from accused

Hamidullah and Rivo 40 mobile set from accused Arif and mobile Q. He vide surety bond ExPw8/6, bounded Mukhtiar Ahmad to produce Motorcar No.2391/LEA vide surety bond ExPw8/7 handed over the same to one Habib-ur-Rehman. He vide application ExPw8/8 obtained two days police custody in favour of accused Hamidullah, Arif and Gul Shah. He on the pointation of witness Habib-ur-Rehman, prepared site plan ExPw8/9, wherein carton of apple given by accused Hamidullah containing the alleged recovered explosive material and chars etc was put and on his directions, handed over the same at Kashif Filling Station to accused Arif. He vide recovery memo ExPw8/10 took into possession Rs.2000, produced to him by Asghar Ali, which was given to him by one Nisar to give the same to accused Arif. He also took into possession Rs.15470/-, sent by accused Hamidullah through Easy paisa. He vide application ExPw8/12 received report regarding recovered Hand Grenade and later on, obtained opinion from Abdul Jabbar Armourer. He vide application ExPw8/13 recorded statements of witnesses U/S 164 Cr.PC. He on the pointation of Mohammad Khaliq Incharge Police Post Ningolai, prepared sketch ExPw8/14. Vide pointation memo ExPw8/16, accused pointed out the place where they made consultation for the commission of offence, where they got case property carton from Police Post Ningolai and where accused Hamidullah brought carton of apple from Police Post Ningolai and put in boots of the Motorcar. He vide application ExPw8/17 took into possession 1000 gra chars and 1/2 liter liquor recovered from briefcase of accused Hamidullah. He produced



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accused Arif and Gul Shah vide application ExPw8/18 before competent court for recording their statements U/S 164/364 Cr.PC. He vide application ExPw8/19 obtained one day police custody. He vide application ExPw8/20 got permission from court to dispose off the apple. He vide recovery memo ExPw8/21 took into possession garments of accused Arif, produced by his brother. He vide application ExPw8/22 produced accused Hamidullah before competent court for obtaining his police custody, but he was remanded to judicial lock-up. He vide application ExPw8/23 & ExPw8/24 sent sample from the recovered chars, liquor and explosive to FSI through constable Shah Raza. Vide application ExPw8/25 recorded statement of Mushtaq Ahmad U/S 164 Cr.PC. He vide parwana ExPw8/26 nominated accused Jehangir in the present case and vide application ExPw8/27 requested for warrant U/S 204 Cr.PC against him ExPw8/28. He vide application ExPw8/30 requested for proclamation notice U/S 87 Cr.PC in respect of accused Jehangir, which is ExPw8/31. He vide application ExPw8/32 recorded statement of PW Shah Faisal U/S 164 Cr.PC. He vide parwana ExPw8/33 made addition of section 9-C instead of 9-B. He during investigation drawn pictures ExPw8/34 to ExPw8/39 and on completion of investigation, handed over the case file to Rehmat Ali Khan SHO.

۵۳/۵۲/۱۱۸  
ایڈیشنل سیشن جج  
صاف علی شاہ کی سہولت

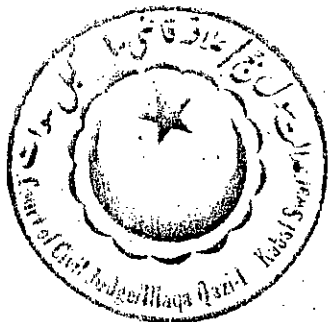
**Pw-9: Ajab Khan Constable No.1525,** stated that he spent one month in tent with accused Hamidullah. On 17-08-2015, he came back from election duty to Police Post Ningolai. On 18-08-2015, when he was going to home on



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vacation, accused Hamidullah was present on duty, however when he came back, accused Hamidullah was transferred. He further stated that he had not recorded any statement in court, but when confronted with his statement recorded U/S 164 Cr.PC on 26-08-2015, he denied his signature on it, so on the request of APP for the State, this Pw was declared hostile witness.



**Pw-10: Nasim Dali Constable No.516**, is Gate Keeper/Guard of Police Post Ningolai, stated that people used to bring and take out their luggage, but he never inquired the same, who was declared hostile witness on the request of Prosecutor.

**Pw-11: Shah Raza Constable No.1188**, took sample of three parcels alongwith receipt rahdari to FSL and he is marginal witness to the recovery memo vide which copy of CNIC of accused Arif, produced by Yasir of Shahdaab Customer Service.

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7. Eventually, after hold up the case for more than two and half year with considerable length and lingering on unnecessarily, on 26-02-2018, at the closure of prosecution's evidence, statements of accused recorded U/S 342 Cr.PC, whereby, accused facing trial professed innocence and denied the prosecution's allegations. Accused did not opt to lead any evidence in his defense nor appeared as their own witnesses in terms of section 340(2) Cr.PC.

8. Arguments heard. Record perused.

9. The prosecution story is that on the relevant day Mohammad Siraj Khan SHO along with other Police personnel were present

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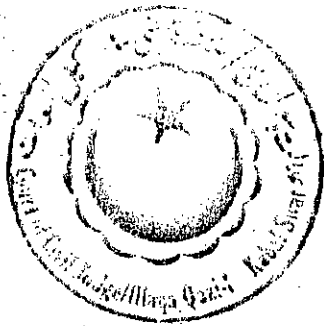


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at Kanju Chowk at a distance of one furlong from police station Kanju and at about 15:10 hours intercepted Motor Car (Ghwagai) bearing Registration No: 3994/PSKKSN parked on main road which caused hindrance in traffic, driver Mushtaq Ahmad S/o Kaki Khan R/o Mashkomai Khwaza Khela on cursory interrogation disclosed that he is taxi driver and at about 1500 hours two unknown persons, however furnished their salient facial description, booked his taxi Car for Saidu Sharif Hospital and at Kanju Chowk both of them get down and did not turn back. During course of Motor Car search one Hand Grenade, explosive substance and chars weighing 900 gm was recovered from the luggage compartment of Taxi Car. After separation of samples and sealing process, recovery memo Ex.PW-1/2 was prepared qua recovered contraband and other materials in question. The above-named accused Driver was arrested being involved in the crime, who stated that the contraband etc was the ownership of said two persons who made their escape good from the crime scene. Later on accused facing trial was arrayed in the instant case.

10. In this particular and unique case, the local Police/I.O of case from the very beginning introduced three set of accused, attributed specific role to each set. Interestingly, out of 04 accused, three of them namely Arif No.2683, Gul Shah No.201-X-Army and Hameed Ullah No.1564-RCH are Police officials, whereas accused Jehangir is the brother-in-law of Mushtaq Ahmad. Primarily, accused Arif and Gul Shah have been

attributed role of planting contraband, explosive substance, Pistol etc in the Motorcar of Mushtaq Ahmad, whereas accused Hameed ullah has been booked for facilitating co-accused named above to enrope Mushtaq Ahmad at the behest and instance of accused Jehangir with whom driver Mushtaq Ahmad have family dispute. Besides above stated allegations, PW-10 Fazal Wahab CIO recovered one Briefcase containing 1000 gm chras, 1/2 liter liquor, one live cartridge and other ostensible articles etc therefore accused Hameed Ullah in the present case has been further booked for recovery of 1/2 Liter liquor.



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11. Before discussing the prosecution evidence produced during the trial proceedings, it is important to point out that on the same very day of incident Pw1 Mohammad Siraj Khan the then SHO of Police Station Kanju on his own accord without seeking permission from the competent court, superior officers or prosecution Branch, released Mushtaq Ahmad on bail after furnishing bail bonds to his satisfaction and thereafter placed his name in column No:02 of Challan and recommended his case for discharge by exculpating from the heinous crime. After submission of challan for trial proceedings, my learned predecessor-in-office on 15.02.2016 Charge sheeted accused facing trial, after compliance provision of section 265-C Cr.P.C. The story of prosecution to the extent of recovery of contraband Chras etc from the Taxi Car driven by exonerated accused Mushtaq Ahamd has not been denied by Driver

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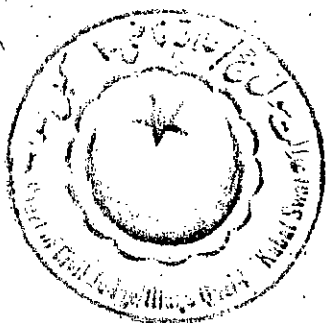
Mushtaq Ahmad and recovery of 1/2 liter liquor from the briefcase of accused Hameed ullah lying in Police Post Ningolai, therefore, I shall refrain to make observations on this part of evidence and shall only discuss the prosecution evidence to the extent of allegations levelled against present accused facing trial.



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12. At this trial the prosecution is supposed to have proved that the recovered contraband and explosive articles etc were managed/planted by accused facing trial in mode and manner as alleged by the prosecution by producing their witnesses. In this regard, the foremost discussion would be about their nomination in the case. As observed above, the exonerated accused Mushtaq Ahmad at the time of his arrest disclosed that his Taxi Car was booked by two persons, the salient features whereof already given in the FIR/Murasila Ex.PW.1/1 It is also worth mentioning that the investigating officer, who carried out supplementary investigation, was required to have arranged identification parade of the accused in connected trial through exonerated accused Mushtaq Ahmad to have brought on record some tangible evidence against accused Arif and Gul Shah, but no such effort on the part of investigating officer is available on file. As such it can safely be held that except nomination of the accused facing trial without assigning specific role in the Murasila Ex.PW.1/1, no evidence whatsoever is on record to substantiate allegations against them. PW:1 Mohammad Siraj Khan SHO during cross examination admitted said fact by not

carried out identification parade of accused Arif and Gul Shah. Similarly PW-10 Investigating officer was also of the same stance not conducted identification parade of aforesaid accused. So, in this way the prosecution withheld best piece of evidence by willfully ignoring most important incriminating aspect of the case.



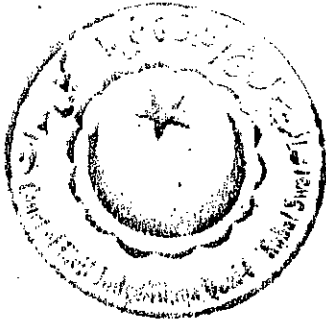
13. As per prosecution during the course of investigation, the IO of the case recorded statement of one Habib-ur Rehman resident of Matta Swat U/S 164 Cr.P.C, wherein he explained the entire scheme of crime as to how the story was staged as well as its mode and manner, but during trial proceeding the prosecution abandon this PW by closing the chapter of important circumstantial evidence against the accused facing trial. IO of the case after completion of investigation, handed over the case file to SHO for submission of challan without bringing any evidence on record to prove nomination of the accused facing trial as true and correct. It was the duty of the investigating officer to have collected concrete evidence against the accused in connected trial during investigation, but by not doing so he damaged the prosecution case to the extent of allegations of planting contraband in the vehicle. After arrest of said accused facing trial in connected trial, supplementary investigation was carried out by PW-08 Fazal Wahab SI and in his court statement during cross examination this PW admitted that there is no previous history of the accused facing trial.

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The prosecution also made a futile attempt by brining on record CCTV recording captured/stored in USB by Pw- Constable Irfan, secured by PW-3 Musharaf Khan CIO/SHO who admitted in his court statement that neither Motorcar in question is visible nor accused Arif and Gul Shah have been shown step down from Motorcar, so this piece of evidence also not proved. Reliance is placed on reported judgment tilted Faheem Vs The State. 2014 PCr.LJ Peshawar High Court 732.



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**(a) Explosive Substances Act (XI of 1908)---**

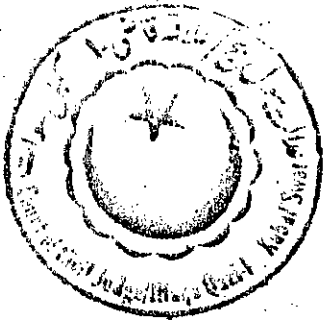
----Ss. 4 & 5---Anti-Terrorism Act (XXVI of 1997), Evidence of C.C. TV recording, was neither clear nor compelling, rather was shrouded in mystery as to how the law-enforcing agencies had reached to accused through the same--Not a single circumstance had been proved by the prosecution wherefrom inference regarding guilt of accused could be drawn, as the evidence fell far short of the prescribed standards--- Prosecution version, was not in consonance with the statements of prosecution witnesses--Trial Court was not justified to ignore the material discrepancies and infirmities in the prosecution evidence---Conviction and sentence of accused persons, were set aside and they were acquitted of the charges levelled against them and were set at liberty, in circumstances.

**(b) Criminal trial---**

---Evidence---Circumstantial evidence-Conviction could be based on circumstantial evidence, provided the circumstances from which the

conclusion was drawn, were cogent, reliable, fully established, and were pointing towards the guilt of accused.

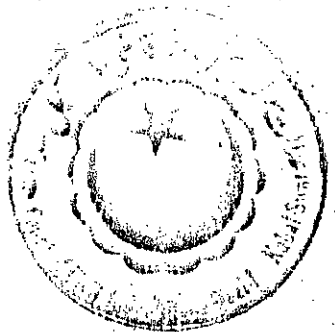
14. So for involvement of accused Hameed Ullah and Jehangir is concerned, admittedly both the accused named above were also not named in the FIR and on the other hand, the defence plea is that accused facing trial is innocent and never indulged in the business of narcotic. The accused facing trial so named later on during course of investigation by Mushtaq Ahmad and other PWs is not proved through cogent evidence. On this aspect when the prosecution evidence is scrutinized, it transpires that Taxi Driver Mushtaq Ahmad, on whom behest the accused facing trial were arrayed as accused in the case, was not knowing them earlier as evidence from the Murasila Ex.PW 1/1.



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15. Perusal of FIR would reveal that instant case has been registered after preliminary investigation, which is evident from the contents of murasilla ExPw1/1, because after impounding the vehicle at Kanju Chowk, it was taken to Police Station for proper search and inspection. It is also apparent in report that the complainant/Pw-1 while taking precautionary measures summoned BDS Squad, who secured explosive substance, which suggest that the complainant beside preliminary investigation, also engineered case in a very clever manner by assigning specific role to each accused, Pw- Ibrahim Shah HC (BDS) in connected trial of explosive case, examined Hand

Grenade and explosive substance, in his cross-examination admitted that on being summoned, he came to Police Station Kanju, where he recovered said articles in the rear portion of Motorcar placed in apple carton, therefore, it can safely be held that before registration of case said Pw- examined material placed in Motor Car at the instance of Pw-1.



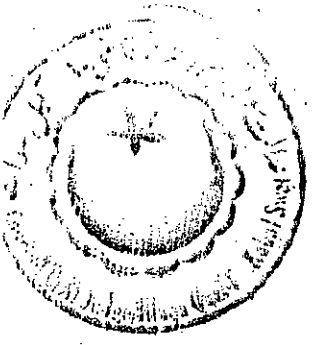
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16. The most interesting and acentric feature of the case is that admittedly after impoundment of vehicle, it was parked in Police Station Compound despite having placed dangerous explosive material and Hand Grenade and Pw-1/complainant most irresponsible Police officer in a very informal manner drafted muraslla ExPw1/1 inside Police Station and sent to the room of PW. 06 Amjad Ghafoor MASI Moharar of Police Station through Pw- Constable Ismaeel, rather he was supposed to register FIR directly in the relevant register. Pw-1 in his examination-in-chief did not disclose single circumstance of the incident and simply stated that he drafted muraslla ExPw1/1 and sent to Police Station through Constable PW Ismaeel.. Constable PW- Intiaz Ali in connected trial/case while questioned in cross-examination admitted that BDS Squad recovered crime articles from the Motorcar, while parked in Police Station. He further stated that Motorcar was parked in Police Station before his arrival to Police Station, therefore, it suggest that this Pw was not present alongwith Pw-1 on the spot. It is also evident on record that said incriminating articles were neither recovered from the direct or indirect possession of



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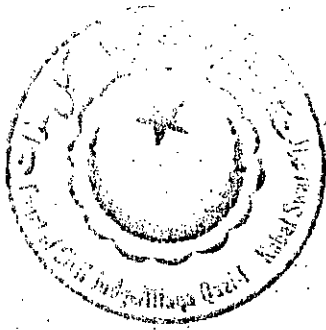
accused facing trial nor on their pointation, but the local Police specifically Pw-1 Mohammad Siraj SHO introduced circumstantial evidence against accused which is also too weak and tainted in nature. In this context prosecution during course of trial proceedings with utmost efforts made an attempt to compel their official witnesses as well as private witnesses to make deposition against accused at any cost, but at the same time most of the prosecution witnesses on the request of Prosecutor were declared as hostile witnesses. The prosecution with able assistance of incompetent and completely botcher witness made unsuccessful fatigue to prove case against accused, but none of PWs supported false story alleged by Pw-1. All the PWs though to some extent recorded their statement, but during cross-examination, deviated from their examination-in-chief. Pw Mushtaq Ahmad Taxi Driver of vehicle when put his appearance before this court, introduced his vexedness with his brother-in-law Jehangir accused and also explained the complete episode of incident, but at Page No.2 of his examination-in-chief, either intentionally or obliging accused omitted to mention recovery of contraband (chars) from the appie carton placed in the luggage compartment of his Motor Car. Said Pw during cross-examination further introduced new version by stating that appie carton was not removed from Motorcar till the arrest of accused and this Pw also stated that accused Arif and Gul Shah were arrested at 02:00 hours at night time, so the story of prosecution regarding



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recovery of objectionable and incriminating articles from the Motor Car is highly improbable.

17. So for role of accused Hameed ullah in the background of initial story is concerned, Pw Nisar in connected trial, who invariably denied his liaison/nexus with accused Hameed ullah. Similar, Pw Mushtaq Ahmad (driver) in his examination-in-chief charged accused Hameed ullah only being close friend of his brother-in-law Jehangir and during cross examination, unequivocally and in clear words admitted that he is not in a position to produce single iota of evidence regarding any conspiratorial scheme for his implication. The most strong and convincing evidence on the strength whereof, prosecution laid foundation of the case, is the statement of Pw Habib-ur-Rehman, who during course of investigation, got recorded his statement U/S 161 Cr.PC as well as U/S 164 Cr.PC, wherein he explained the gang of conspirators and their secret plan, but surprisingly, the prosecution abandoned Pw Habib-ur-Rehman on the plea of being won over and thereafter, did not make any request for his deposition, which is big blow to the prosecution. So for recovery of 1/2 Liter liquor from the briefcase of accused Hameed Ullah vide recovery memo Ex. PW 08/17 is concerned, PW-7 Mohammad Khaliq ASI in his cross examination admitted that in his presence parcels was not prepared by the IO of the case. Further admitted that so-called liquor was recovered from the place where 3/4 constables were residing so it is proved on record that alleged place of recovery

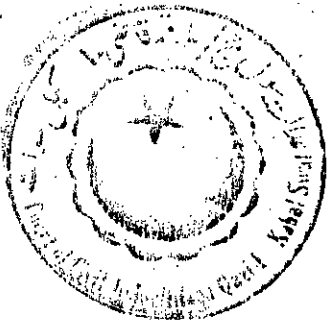


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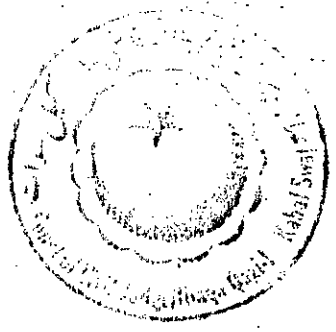
was not under the active and exclusive control of accused Hameed Ulah. PW-5 Nasee-ud Din Constable is the second marginal witness of recovery memo through which recovery of liquor was recovered for the briefcase of accused Hameed Ulah. During relevant days Said PW was also posted as incharge of Police Post Ningolai and during cross examination admitted that on the directions of DSP concerned his signature was put on the recovery memo in the police station and in his presence no parcel with respect of chars was prepared. so both the aforesaid PWs denied recovery of chars on the pointation of accused Hameed Ulah. PW-08 Fazal Wahab CIO during cross examination admitted that during relevant days accused Hameed Ulah was posted as Naib Court in the Court of Judicial Magistrate (Tehsil) Matta and further admitted over writing on so-called recovery memo Ex. PW08/17 which is sufficient proof of manipulation against accused.



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 27/04/18  
 8/11/2018

18. There is no denial of the fact that accused Hameed ullah was serving in Police Department and during relevant days, as per Pw-1/SHO/complainant, accused Hameed ullah was performing his service as Naib Court with Judicial Magistrate Matta jurisdiction. Pw-3 Rahim Khan SHO in his court statement admitted that on account of best performance, accused Hameed ullah was awarded commendation certificate. Further stated his house was set ablaze by Taliban during insurgency. Accused in his statement recorded U/S 342 Cr.PC also exhibited copy of FIR ExDw1/1, certificate ExDw1/2,

application ExDw1/3 etc, which highlighted his efficient services in Police Department:



8/1/2018  
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19. As per prosecution story, the instant case was staged by co-accused Jehangir in order to involve Mushtaq Ahmad on account of his family dispute, but Pw Mushtaq Ahmad in connected case during cross-examination, in clear words admitted that the relations of his sister with accused Jehangir are cordial. Similarly, Pw- Kaki Khan (father of Mushtaq Ahmad) and father-in-law of accused Jehangir in connected trial, in his court statement could not advance any strained relations of his daughter with accused Jehangir, rather admitted that form the wedlock of spouses there are issues. Further admitted that since there is no strained relations reported between the parties, therefore, not registered any case against accused Jehangir. It is also pertinent to point out that most important and bone of contention of the case was Mst. Mchnaz wife of accused Jehangir, but she could not produced by the prosecution, hence, this another crucial evidence not brought on record.

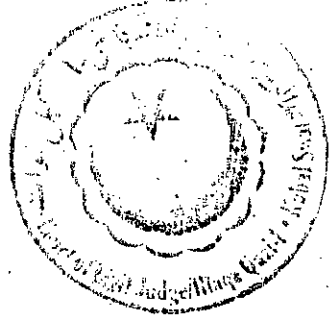
20. So, far FSL report in respect of liquor is concerned, admittedly, said liquor was not recovered from the direct possession of accused facing trial and. Similarly recovery of 1000 gm chars is also not proved against accused Hameed Ullah Since, the prosecution badly failed to establish its case against accused, therefore, aforesaid opinion, which is also questionable and

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FSL etc, having no evidential value nor sufficient to base conviction of accused.

21. In view of above discussion, the prosecution failed to bring on record tangible evidence to believe that the recovered contraband had been planted by accused facing trial against Mushtaq Ahmad, therefore, I do not hesitate to conclude that the prosecution has not been able to prove allegations against the accused facing trial. Thus, by extending benefit of doubt to accused facing trial Hameed ullah, he is acquitted of the charges leveled against him. The accused is on bail, hence, his sureties are absolved of the liabilities of their bail bonds.



22. Case property be kept dealt with as per law after the expiry period of appeal/revision.

23. File be consigned to the Record Room after its necessary completion and compilation.

**Announced:**  
27-04-2018

*(Signature)*  
(MAMREZ KHAN KHALIL)  
Additional Sessions Judge /Izafi  
Zilla Qazi Kabal, Swat.  
*ایڈیشنل سیشن جج*  
*ضلع قاضی کابل، سوات*

**CERTIFICATE:**

Certified that this judgment consist of twenty (20) pages. Each page has been read, checked, corrected and wherever necessary signed by me.

*(Signature)*  
(MAMREZ KHAN KHALIL)  
Additional Sessions Judge /Izafi  
Zilla Qazi Kabal, Swat.  
*ایڈیشنل سیشن جج*  
*ضلع قاضی کابل، سوات*

**ATTESTED TO BE TRUE COPY**

*(Signature)*  
**EXAMINER**  
Civil Judge-I, Kabal Swat

22-5-18

ORDER-44  
27-04-2018

Accused Hameed ullah on bail alongwith counsel present.

APP for the State also present. Arguments heard. Record perused.

Vide my detailed judgment of today, separately placed on file, consisting of ~~eight~~ (20) pages, by extending benefit of doubt to accused facing trial Hameed ullah, he is acquitted of the charges leveled against him. The accused is on bail, hence, his sureties are absolved of the liabilities of their bail bonds.

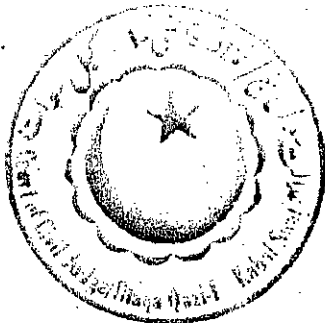
Case property be kept dealt with as per law after the expiry period of appeal/revision.

File be consigned to the Record Room after its necessary completion and compilation.

Announced:  
27-04-2018

MAMREZ KHAN KHALIL  
Additional Sessions Judge/Judge  
Special Court, Kabal, Swat.

ایڈیشنل سیشن جج  
مضامین ضلع قاضی کابل سوات



ATTESTED TO BE TRUE COPY

EXAMINER  
Civil Judge-I, Kabal Swat.

22-5-18

Handwritten notes and signatures on the left margin, including a signature and the date 22.05.2018.

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سوال 1 - آج وقوع کے وقت سے قبل کوئی دعویٰ کیا کرتے ہو؟  
جواب 1 - آج سے پہلے -

XX حرج مکتبہ التمام لکھنؤ میں عمارت نمبر 2683

سوال 1 - آج سے پہلے کیا ہو؟

جواب 1 - وقوع سے پہلے اس کو لکھنؤ میں عمارت کو کہا جاتا ہے۔

سوال 2 - آج کے علاوہ کون سے دیگر ایسے ایسے کام ہوئے ہیں جن سے لایا ہوا ہے؟

جواب 2 - مزید نامی شخص جو کہ لکھنؤ میں اور دیگر جگہوں پر -

سوال 3 - آج کے وقوع کے تاریخ کیا ہے؟

جواب 3 - وقوع کی تاریخ اب بھی معلوم نہیں کی جا رہی ہے۔

XX مکتبہ التمام لکھنؤ میں

سوال 1 - آج سے پہلے SHO سے کیا کام ہو گیا ہے؟

جواب 1 - SHO سے کیا کام ہو گیا ہے وہ قوائم سے حاصل ہونے والے کام ہیں۔

سوال 2 - آج سے پہلے کیا کام ہو گیا ہے؟

جواب 2 - اب وہ کام ہو گیا ہے۔

سوال 3 - آج سے پہلے SHO سے کیا کام ہو گیا ہے؟

جواب 3 - دونوں صورتوں میں کام ہو گیا ہے۔

سوال 4 - آج سے پہلے کیا کام ہو گیا ہے؟

جواب 4 - آج سے پہلے کیا کام ہو گیا ہے؟

سوال 5 - آج سے پہلے کیا کام ہو گیا ہے؟

Handwritten signature and stamp.



1- آپ سہادی سہری ہو؟

جواب 5- جی ہاں - دو بچے ہیں

سوال 5- آپ کا بیوی بچے کتنے ہیں؟ اور کیا رہائش گاہ ہے؟  
جواب 1- بیوی 1 ہے اور بچے 2 ہیں۔ ایک اور ایک دوسرے کے گھرانے میں  
مکمل رہتا ہے۔ بچے پڑھ رہے ہیں اور ان کے پاس گھر ہے اور وہ سب کچھ  
مکمل ہے۔

Attested

سید ذیشان علی شاہ

19-11-2018

اللہ

الذکر اللہ عبدالرشید  
2626  
RHC

Attested

Handwritten signature

Superintendent of Police  
Investigation Squad

اللہ مشتاق احمد

سید ذیشان علی شاہ

اللہ

الذکر اللہ عبدالرشید  
2683

بیان آذانِ مہی مشتاق اور ولد کا پی خان کنگہ مشکوئی حوازہ خیلہ سوات

سے دریافت بیان کیا کہ میں اپنی ذاتی گاڑی از قسم ٹوائی مہری

3394 PS.KKSN کو ٹیلیس سٹیڈیا باجو حوازہ خیلہ سے چلاتا ہوں

دو روز قحط ملدم عارف اور گل شاہ نے مہری گاڑی کو ٹیلیس سٹیڈ

حوازہ خیلہ سے ہسپتال سیدو شریف تک بلنگ کر کے مبلغ ایک

ہزار روپے پر کرایہ کی بات کی کہ مہری سابق ملدم گل شاہ

ہسپتال سیدو شریف اور اسکو ہسپتال سیدو شریف لے جانا ہے۔ جبکہ اسی اتنا

میں مسجد میں پھر کی عمار آدا کر دیا تھا اور ملدمان متذکرہ سے

پہلے ڈرائیور مہرا شاہ فیصل نے مجھے بذریعہ فون بتلایا کہ

ادھر تمہارا دوست آئے ہیں اور تمہارا پوچھتے ہیں تم یہاں ہو

جب میں آ گیا تو یہ دونوں ملدمان نے متذکرہ بالا بیان کیا

جب ہم بمقام ہسپتال پہنچے حوازہ خیلہ پہنچے آئے تو ملدم عارف نے

مجھے آواز دی کہ ادھر دوں گاؤ ہم عمار آدا کرتے رہا جو کہ 20/20

منٹس تک غائب رہے بعد کریڈٹ / کاش سبب ساتھ (آر گاڑی

میں دھو دی۔ جب میں کالج چوک آ پہنچا تو ملدم عارف اور

گل شاہ نے بتلایا کہ ہم کو بہت پیاس لگی ہے یہاں پی کر آئے

ہیں اور بھانگے میں تقریباً 6/6 منٹ تک کالج چوک میں

گاڑی کھڑی کر کے انتظار کر رہا تھا کہ ایک پولیس جو سامنے

آئے پر پہچان کر سکتا ہوں یا اس آر گاڑی کھڑی کرنے

کی وجہ پوچھا اور بتلایا کہ SHO صاحبہ بلارہا ہے

SHO صاحبہ نے اس آر گاڑی کوئی کرینیاں و جم پوچھا

میں نے اس کو بتلایا کہ میں نے دو بندوں کو آر سیدو شریف

ہسپتال چارے تھے جو یہاں اتن کر مجھے کرایہ آدا کرتے تھے

بھانگے میں اس قدر بے پرواہی صاحب نے مہری گاڑی

کو تھانہ لے آنا بیان کیا کہ تم نے دوڑ بلا کر کیا ہے اور

گالی مٹوچ دی۔

Attest

رہنے گاڑی کو تھانہ لے جا کر SHO صاحب نے تلاش لینے سے قبل پوچھا  
کہ گاڑی میں کیا ہے۔ میں نے بولا کہ ایک کریٹ/کاش پیڑی ہے  
جسے تلاش لینے پر کاش سے غیر قانونی اشیاء برآمد کر کے  
SHO صاحب تھانہ کا کونے میں خلاف مقدمہ قائم کیا۔

س اس گاڑی جب تھانہ کی اندر لائی تو اس وقت SHO صاحب سے کیا گفتگو ہوئی تھی  
ج SHO صاحب نے گاڑی کی تلاش لینے سے قبل پوچھا کہ گاڑی میں کیا ہے  
میں نے کہا کہ ایک سیب کی کریٹ/کاش پیڑی ہے۔ SHO صاحب  
نے کہا کہ مجھے ابرنا چاہیے ہو۔

پس، گاڑی کی تلاش لینے سے قبل یا بعد ملزمان غارق اور گل شاہ  
تھانہ میں موجود تھے؟

ج جی نہیں وہ تو بھاگ چکے تھے۔

یہاں صبر بیان ہے جو کہ درست ہے۔

مشتاق احمد

میں مشتاق احمد

مورم 8/10/015

موبائل نمبر 0345-6162476

تھانہ غارق نمبر 15602-2336262-7

Attested  
A

بیان اذان مشہور تارخان ولد الوارالح مسکن علی عظیم آباد کالج قومی سٹانڈی کارڈ نمبر  
9-1560203847911 عوباش نمبر 03457088048 بہ درجہ امتحان بیان کیا کہ وقوع سے

متعلق سے جو بیان مضمون کیا گیا ہے اور جو روپو DSP سے تعلق سے بیان سے  
تعلق کرنا واقع کیا ہے اور اس سلسلے میں جو بیان بدوین تفصیل کے ساتھ 383/8/20  
NSA-ISAAR سے 9 کا نمبر کا نمبر واسطے کیا گیا ہے اس نسبت اطلاع سے ہر مقرر عدالت کے وقوع  
5 EXP. Act

کر کے بیان جانچ کر لائی اور وقوع سے تعلق کا اظہار کیا۔ نقل بیان حلیٰ قمرہ 2/1/15 میں کر کے  
ہوں۔ وقوع کے ساتھ نسبت مقرر عدالت سے اپنا تعلق کر کے بیان (نقل) بھی پیش کر کے عدالت (بطور

PW-5  
21.5.016  
وقوع کے ساتھ نسبت کنیشنل عارف کی جانب سے جو تکرار روپو دینا واقع کے میں عارف کنیشنل  
4 جو تکرار سے متعلق ہے کہ کیا کیا کرنا ہے وہ میں نے ان سے ادھار لے لے اور بدوین نسبت کنیشنل اور مقرر عدالت سے  
کہ میں مسئلہ پر بلا اظہار انہوں نے روپو عدالت بھی کیا ہے۔ نسبت میں بیان سے۔

XXXX حرج منگوانت نمبر 2626 RHC

تارخان ولد الوارالح  
20.11.018

سوال 1 - آپ نے میرے خلاف DSP سے تعلق سے بیان کیا ہے کیا ہے؟

جواب 1 - میں نے کوئی بیان آپ کے خلاف نہیں دیا ہے۔

سوال 2 - وقوع میں 20/8/15 سے قبل آپ کو جو جانے تھے؟

جواب 2 - نہیں۔

سوال 3 - وقوع کے ساتھ نسبت میں آپ سے کوئی طرفہ سے جو ہے؟

جواب 3 - نہیں۔

XXXX حرج منگوانت نمبر 2683

سوال 1 - میں نے بیان کیا ہے کہ میں نے آپ سے ملا ہے؟

جواب 1 - وقوع کے سلسلے میں کوئی طرفہ سے نہیں ہوئی علی البتہ میں حالات سے طرفہ سے نہیں ہوئی۔

سوال 2 - آپ نے میرے خلاف وقوع کے سلسلے میں DSP سے تعلق سے بیان کیا ہے کیا ہے؟

جواب 2 - نہیں۔

سوال 3 - آپ کو سے اطلاع 2000ء اور اس وقوع کے ساتھ دے دیے یا قرض حسنہ دے دیے؟

جواب 3 - آپ نے بطور قرض حسنہ دے دیے۔

Attest

Superintendent of Police  
Investigation Swat

سوال ۱- آریک سے ایک سوٹل سے کھانا بنا کر علامہ دکن کوئی تعلق ہے ؟  
جواب ۱- دکن کوئی تعلق نہ ہے۔ اس سے سوٹل سے کھانا بنا کر وہ سے واسطہ نہ ہے۔

مکرمہ سید شمس الدین

20-11-018

الہ  
التزویر سے جس نے علامہ دکن سے 2626

الہ  
مکرمہ سید شمس الدین  
مکرمہ سید شمس الدین  
20-11-018

Attested  
[Signature]

الہ  
التزویر سے جس نے علامہ دکن سے 2683

Department of Education  
Government of Punjab

الرجوع  
 بیان اذان صبحی جسٹس ~~...~~ ولد امیر زادہ قوم بابا فضل دہلی شریف 36/37 سالہ شادی شدہ گھر دار  
 نمبر 9-1026174-15601 فوٹو نمبر 364 323 1932 0343 مسکن حنیالہ، درستیہ بالا تحصیل  
 دہلی نہ بہ دریا میں بیان کیا کہ وقوع حاکم سے مدخلی میں نے مورخہ 09/10/2015 کو روپو DSP سے بیان  
 حاصل کیا کہ جسٹس فوٹو کاپی پیش کرنا ہوں اور ساتھ میں بیان حلفی نمبر 457 مورخہ 20/9/2015 کو پیش  
 کروں گا کہ بیان مورخہ 28/3/2015 میں پیش کرنا ہوں۔ بیان مشترکہ ہے تاہم لکھنؤ اور ریسرچر اکتفا کرنا ہوں  
 میں اسے بیان ہے۔

*[Signature]*  
 Superintendent of Police  
 Islamabad, Swat.

ال  
 رجوع  
 صبحی جسٹس ~~...~~ ولد امیر زادہ  
 09.11.18

XXX جرح مہجانت الزام الہی جسٹس ~~...~~ نمبر 2626

سوال 1- کیا جب میں نے اپنی بیوی کی آنکھوں کا معائنہ کیا ہے کہ میں نے کارک ذرا مورخہ 18/8 کو اپنے بھروسے  
 علاج معالجہ سے بیمار رہے جا کر اور بیمار رہے پورے تقریباً 24100 کی راتوں میں ہونے والے بیمار  
 مہجانت کوئی ملاقات یا فون رال ہوا ہے۔

جواب 1- میرا آپ سے کوئی ملاقات یا فون رال ہوا ہے وہ اس کے بعد کہ میں نے اس کو اپنے فون رال ہوا  
 ہوا ہے۔ یہ درمیان ہے کہ بیمار اور کارک میں آج 5000 روپے ادا کیے گئے۔

ال  
 جسٹس ~~...~~ ولد امیر زادہ

ال  
 2626 نمبر

XXX مہجانت الزام الہی جسٹس ~~...~~ نمبر 2683

سوال 1- کیا آپ نے مجھ سے کبھی دیکھا ہے؟  
 جواب 1- میں نے اس کے کبھی نام نہ سنا ہے۔

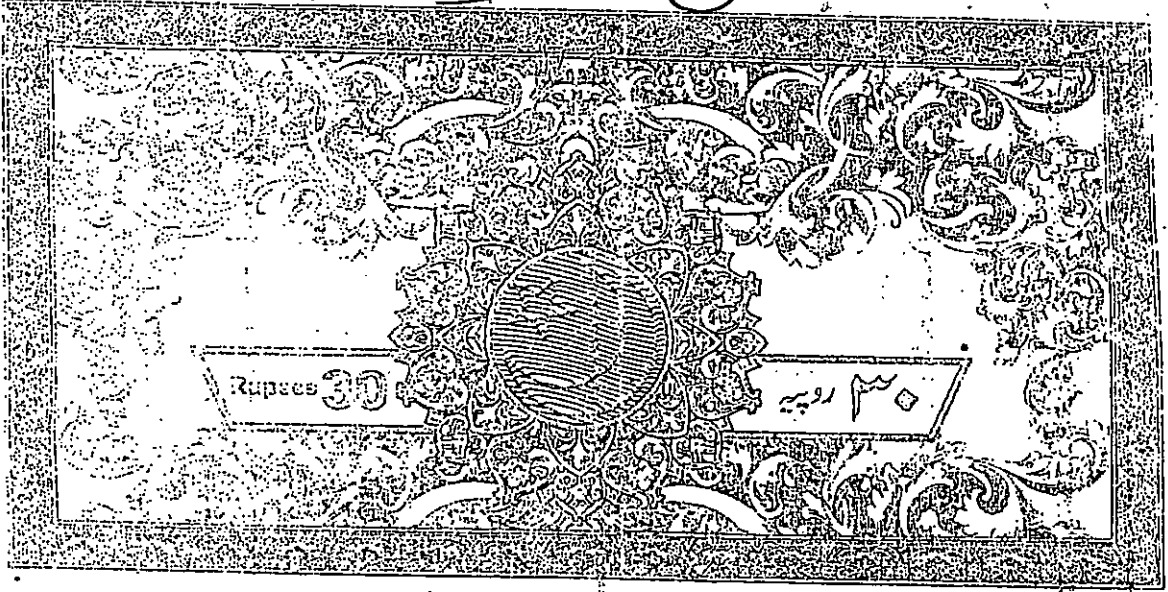
ال  
 جسٹس ~~...~~ ولد امیر زادہ

ال  
 2683 نمبر

XXX صبحی جسٹس ~~...~~ نمبر

سوال 1- کیا تم پر حلف بیان دے سکتے ہو کہ وقوع حاکم سے تمہارا کوئی تعلق نہ ہے؟  
 جواب 1- میں بالکل حلف بالفرائض دے سکتا ہوں کہ وقوع حاکم سے میں کوئی تعلق نہ ہے  
 میں نے اس بیان حلفی میں جسٹس ~~...~~ سے تعلق نہ ہے۔

ال  
 جسٹس ~~...~~ ولد امیر زادہ مورخہ 09/11/18



بیان حلف

مکہ مکرمہ حبیب الرحمن ولد امیر زادہ ساکن پھیالہ، درگچہ بالا تحصیل منٹھیل سے آٹھ سو اسی روپے کی رقم کی پیشکش اور اس رقم پر  
 بہرِ رضا مندر خود بلا چہرہ و اکراہ حلفاً بیان کرتا ہوں کہ منہ حلف ماقبل عدالت میں عاقل و بالغ اور ذہنی طور پر اور عدالت  
 میں کسی قسم کا کوئی بیان نامعینہ کیا ہے۔ من حلف سے جو بیان منسوب کیا گیا ہے وہ قطعی قلم و خود سناختہ، من گھڑت اور  
 بے بنیاد ہے۔ یہ کہہ سکتا ہوں کہ متعلقہ پولیس اہلکار نے احواط عدالت میں مجھے کھڑا کر کے کہیں نہ پرورد خواستہ بیان کرے کہ وہ  
 مجھ سے دستخط لیکر بیانی ہوا کہ میں آ رہا ہوں اور کچھ نام گزارنے کے بعد واپس آیا اور کہا کہ یہ تمام ہے۔ اس نسبت  
 میں قرآن پاک پر بھی حلف دینے کیلئے تیار ہوں کہ میں نے کسی بھی عدالت کے سامنے کوئی بھی بیان نہیں کیا ہے اور  
 نہ ہی کسی عدالت کے سامنے پیش ہوا ہوں۔ بیان بالا نا حد علم و یقین میرے درست اور صحیح ہے۔ اور کوئی امر عدالت  
 منہور سے جتنی یا پوچھتا ہے وہ سب رکھتا ہے۔ لہذا اس ضمن میں حلفیہ بیان سداً تحریر ہے۔

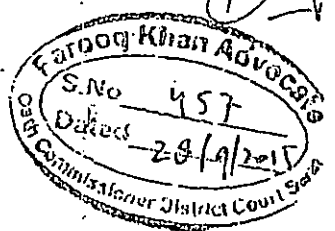
طابقاً

حبیب الرحمن ولد امیر زادہ ساکن پھیالہ، درگچہ بالا تحصیل منٹھیل سے آٹھ سو اسی روپے کی رقم کی پیشکش اور اس رقم پر

کارڈ نمبر 15601-102617409

Attested

F. Farooq Khan



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1951 /ST-

Dated 29/7/2020


To

The District Police Officer,  
Government of Khyber Pakhtunkhwa,  
Swat.

Subject: - JUDGMENT IN APPEAL NO. 930/2019, MR. HAMEED ULLAH & 1 OTHER.

I am directed to forward herewith a certified copy of Judgement dated 22.07.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR,  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.