#### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1077/2019

Date of Institution ... 22.08.2019

Date of Decision ... 13.01.2021

Waleed Mehmood, Ex-Constable Investigation Branch, District Hangu.

... (Appellant)

#### VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others. ... (Respondents)

Present.

Syed Numan Ali Bukhari, Advocate.

Mr. Muhammad Rashid, Deputy District Attorney,

MR. HAMID FAROOQ DURRANI, MR. ATIQ-UR-REHMAN WAZIR,

CHAIRMAN MEMBER(E)

For appellant

For respondents.

#### <u>JUDGMENT</u>

#### HAMID FAROOQ DURRANI, CHAIRMAN:-

1. Instant appeal has been preferred against the order dated 11.06.2019 passed by respondent No. 3, whereby, major penalty of dismissal from service was awarded to the appellant. The appellant is also aggrieved of order dated 29.07.2019, issued by the respondent No. 2. Through the order his departmental appeal was rejected.

2. The appellant joined the Police Department as Constable on 12.05.2015. It is claimed that he was on bed rest due to fracture in his leg when falsely implicated in FIR No. 380 dated 27.02.2019 u/s 381-A PPC. He was charge sheeted on the allegation of recovery of two motorcycles from his godown. The appellant submitted reply to the charge sheet and denied the ownership of godown. Final show cause notice was issued to the appellant where-after the impugned order dated 11.06.2019 was passed. His departmental appeal also could not find favour and was rejected on 29.07.2019.

3. Learned counsel for the appellant as well as learned Deputy District Attorney, on behalf of the respondents, heard and available record gone through.

4. It was the argument of learned counsel that the allegation against the appellant was based solely on the factum of having been charged in criminal case. On the other hand, he was acquitted under section 249-A Cr.PC on 01.10.2019. Speaking about the illegalities committed by the respondents during the departmental proceedings, it was emphasized that no enquiry report was provided to the appellant alongwith show cause notice. He was of the view that mere allegations could not form basis for penalty also in view of principles of natural justice, which were part of every statute. Learned counsel also contended that the appellant was penalized on the basis of presumptions which was not allowable under the law. In support of his arguments learned counsel referred to judgments reported as PLD 1981-Supreme Court-186, 2007-SCMR-192, 2008-SCMR-1516, 2002-SCMR-579, PLD 2010-695, 1998-SCMR-1993, PLD 2003-Supreme Court-187 and 2002-PLC(C.S) 503. Judgments of this Tribunal in Service Appeals No. 666/2016 and 847/2017 were also relied upon.

Learned DDA, while attempting to dislodge the arguments from other side, firstly referred to paragraph-2 in the Parawise comments by the respondents. He contended that the stolen motorcycles were duly recovered from the godown of the appellant; therefore, the departmental proceedings were rightly initiated against him. He further argued that the acquittal in criminal proceedings had no bearing upon the merits of departmental proceedings,

therefore, the acquittal of appellant was to be disregarded in the instant case. He relied on 2007-SCMR-562 and 2006-SCMR-554. Decision in Service Appeal No. 1049/2015 was also referred to by him. It was the argument of learned DDA that all codal formalities were completed by the respondents in conducting proceedings against the appellant. The impugned orders were, therefore, not to be interfered with.

4. We have considered the available record in the light of arguments on behalf of the parties. On the record there is a copy of FIR dated 17.04.2019, wherein, the complainant Ziaul Haq did not charge anyone directly for theft of motorcycle(s). Needless to note, that the FIR was registered after about two months of the occurrence and upon recovery of incriminating articles. It was noted that the recovery was effected from the godown of the appellant. In the said context, it is important to note that no statement of any person from the locality, regarding the ownership of godown, was ever recorded. The respondents also failed to place on record any copy of the recovery memo in that regard. On the record, the appellant categorically denied the ownership/occupation of the godown and stated in his statement that the same was rented out to his uncle namely Wazir Khan son of Nasar Khan who paid the rent thereof. Wazir Khan was not included in the investigation proceedings, which was an act not very normal on the part of respondents.

5. We have also gone through the enquiry report dated 13.05.2019, wherein, interalia, it has been noted that had the appellant been innocent, he should have attempted to complete the trial and awaited the decision on merits. It is useful to iterate that the criminal proceedings/charge against the appellant was dropped u/s 249-A CPC. The view of enquiry officer, noted hereinabove, was based absolutely on conjectures and presumptions. The Enquiry Officer also



grudged the exercise of his legal right by the appellant. He, therefore, could not be penalized in the matter by the competent authority.

6. The provision of copy of enquiry report alongwith the show cause notice has not been claimed by the respondents nor the stance of appellant in that regard is denied. Seeking guidance from 1987-SCMR-1562 and PLD-1981 Supreme Court-176, it is not unsafe to hold that the act on the part of respondents was fatal to the validity of orders passed against the appellant. The record is also silent regarding placing of appellant under suspension till the decision of criminal case. Thus the violation of CSR by the respondents is established through the record.

7. We are mindful of the fact that the charge against the appellant was squarely based on contents of FIR. The criminal proceedings ensuing there-from resulted in acquittal of appellant. In the said manner the substratum of departmental proceedings vanished, therefore, the impugned orders lost validity. The judgments reported as PLD-2003-Supreme Court-187, 2007-SCMR-192 and 2008-SCMR-1516 are respectfully followed in the above context.

8. For what has been discussed above, the appeal in hand is allowed and the appellant is reinstated into service with back benefits. The absence period of appellant, however, shall be treated as leave of the kind due. The parties are, however, left to bear their respective costs. File be consigned to the record room.

(HAMID FAROOQ DURRANI) CHAIRMAN

-REHMAN WAZIR) MEMBER(E)

ANNOUNCED 13.01.2021

# 1077/19

	Date of order/	Order or other proceedings with signature of Judge or Magistrate		
No.	proceedings	and that of parties where necessary.		
1	2	3		
		Present.		
	· · · · · · · · · · · · · · · · · · ·	S. Numan Ali Bukhari, For appellant Advocate		
		Mr. Muhammad Rashid, Deputy District Attorney For respondents.		
	13.01.2021	Learned counsel for the appellant as well as learned Deputy		
		District Attorney, on behalf of the respondents, heard and available		
-		record gone through.		
.'		Vide our detailed judgment, the appeal in hand is allowe		
:		and the appellant is reinstated into service with back benefits. The		
	· · ·	absence period of appellant, however, shall be treated as leave of		
	· · ·	the kind due. The parties are, however, left to bear their respectiv		
•	1	costs. File be consigned to the record room.		
		M		
•		CHAIRMAN		
		(ATIQ-UR-REHMAN WAZIR) Member(E)		
		ANNOUNCED 13.01.2021		
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Rea

04.11.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 13.01.2021 for hearing before the

D.B. (Mian Muhammad) Chairman Member

14.01.2020

1077/2019

Junior to counsel for the appellant and Addl. AG alongwith Zahidur Rahman, Inspector (Legal) for the respondents present.

· . .

Representative of respondents seeks further time to furnish reply/comments. Adjourned to 24.02.2020 on which date the requisite reply/comments shall positively be furnished.

24.02.2020

Appellant in person present. Mr. Kabirullah Khattak, Addl. AG alongwith Zahidur Rahman, Inspector for the respondents present. Representative of the respondents submitted reply/comments which is placed on file. To come up for rejoinder and arguments on 07.04.2020 before the D.B.

7.4.2020 due to COVID 19, the Member is adjourned to 2.7.2020 for borne as before is adjourned

02.07.2020

Due to Covid-19, the case is adjourned. To come up for the same on 27.08.2020 before D.B.

Chairman

03,09.2019

Learned counsel for the appellant contends, that the appellant was awarded major punishment of dismissal from service on account of alleged involvement in offence under section 381-A PPC recorded through FIR No. 380 dated 27.02.2019, however, before the date of passing of impugned order an affidavit was submitted by the complainant wherein the appellant was duly exonerated. The said fact was not considered by the competent authority or departmental appellate authority while dealing with the case of appellant. It is also contended that the punishment awarded to the appellant is not commensurate with the offence alleged against him.

In view of the arguments and available record this appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments.

Adjourned to 02.12.2019 before S.B.

CHAIRMAN

Chai

02.12.2019

Nemo for appellant. Addl. AG alongwith Zahidur Rahman, Inspector for the respondents present.

Representative of the respondents seeks time to furnish reply/comments. Adjourned to 14.01.2020 on which date the requisite reply/comments shall positively be submitted.

# Form- A

# FORM OF ORDER SHEET

	Court	of		
	Case No	1077/2019		
S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	22/08/2019	The appeal of Mr. Waleed Mehmood presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution		
		Register and put up to the Worthy Chairman for proper order please. REGISTRAR		
2-	23/08/19	This case is entrusted to S. Bench for preliminary hearing to be		
	Ţ	put up there on <u>02/10/19</u> .		

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. DFF /2019

Waleed Mehmood

#### V/S

PPO KPK & etc.

### 

S.No. Documents Page No. Annexure Memo of Appeal 1. 01-04 -----Copy of FIR 2. 05 - A -Copy of Charge Sheet - B -3. 06 4. Copy of statement of allegation - C -07. Copy of reply to charge sheet 5. - D -08 Copy of Affidavit 6. - E -09 7. Copy of final show cause - F -10 notice Copy of penalty order 8. -G-11 9. Copy of appeal Η 12-14 10. Copy of rejection order Τ 15 11. Copy of application J 16 12. Copy of B.B.A Order Κ 17-23 13. Vakalat Nama \_\_\_\_\_ 24

INDEX

APPELLANT >,∕∕ ∕lehmood

THROUGH:

(M. ASIF YOUSÁFZAI) ADVOCATE SUPREME COURT OF PAKISTAN.

to v

(TAIMUK ALI KHAN) ADVOCATE HIGH COURT

(SYED NOMAN ALI BUKHARI) ADVOCATE HIGH COURT

> Room No. Fr-8, 4<sup>th</sup> Floor, Bilour Plaza, Peshawar Cantt: Contact No. 03339103240

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1077 /2019

Waleed Mehmood, Ex-Constable No. Investigation Branch, District Hangu.

Khyber Pakhtukhw Service Tribunal Diary No. APPELLANT

### VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

2. The Regional Police Officer/DIG, Kohat Region, Kohat.

3. The S.P Investigation, Hangu.

#### **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 11.06.2019, WHEREBY MAJOR PENALTY OF DISMISSAL **SERVICE** WAS **IMPOSED** FROM UPON APPELLANT AND AGAINST ORDER DATED 29.07.2019 WHEREBY DEPARTMENTAL APPEAL **OF APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.** 

#### **PRAYER:**

Fledto-day

gistrar | 8 | 19

> THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 11.06.2019 AND 29.07.2019 MAY BE SET-ASIDE AND APPELLANT BE HE MAY **REINSTATED INTO SERVICE WITH ALL BACK AND** CONSEQUENTAL **BENEFITS.** ANY **OTHER REMEDY, WHICH THIS TRIBUNAL DEEMS FIT AND** <u>APPROPRIATE THAT MAY ALSO BE AWARDED IN</u> **FAVOUR OF APPELLANT.**

### **RESPECTFULLY SHEWETH:**

- 1. That the appellant belong to a noble family of the locality and joined the Police Department as Constable on 12.05.2015. The appellant has good service record throughout, except the present incident.
- 2. That while the appellant was on bed rest due to broken leg, he was falsely named in FIR No. 380 dated 27.02.2019 u/s 381-A, and on the basis of that FIR, the appellant was charge sheeted on the allegation of recovery of stolen Motor Cycles from his godown. Copies of FIR, Charge Sheet and Statement of Allegation are attached as Annexure-A, B & C.
- 3. That the appellant filed reply to the Charge Sheet and specifically denied the ownership of any kind as well as the Affidavit of two persons who parked the Motor Cycles in the so called godown. Copies of reply to Charge Sheet and Affidavit are attached as Annexure-D & E.
- 4. That then one sided inquiry was conducted on the basis of which final Show Cause Notice was issued to the appellant. Thereafter the penalty of dismissal from service was imposed upon the appellant vide order dated 11.06.2019. <u>Copies of Final Show Cause Notice and order of</u> <u>penalty are attached as Annexure-F & G.</u>
- 5. That the appellant filed departmental appeal against the order dated 11.06.2019, before the respondent No. 2 in June, 2019, but the same was rejected for no good reasons on 29.07.2019. <u>Copies of appeal and rejection order are attached as Annexure-H & I.</u>
- 6. That now the appellant comes to this august on the following grounds amongst the others.

### **GROUNDS:-**

- A) That the order dated 11.06.2019 and 29.07.2019 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That the appellant clearly denied the ownership of any kind of godown as well as any parking of stolen motorcycles, in the reply to Charge Sheet, but despite that the appellant was penalized without any evidence and proof against him.
- C) That the appellant was penalized merely being named in F.I.R which as per judgment of the Apex Court, can not be based for

major penalty until and unless so convicted for the offence by Competent Court of Law. Thus the impugned orders are liable to be set-aside.

- D) That the respondents have violated 194 & 194-A of C.S.R because under these regulations, in case of charge in criminal case, the respondents should have suspended the appellant till the outcome of criminal case. But in instant case the respondents have dismissed the appellant in a cursory slipshod manner.
- E) That the appellant was never associated with the inquiry nor any statement was taken in his presence with the chance of cross examination. More-over no inquiry report was supplied to the appellant which caused great miscarriage of justice. Therefore the whole impugned action was one sided, and in violation of Article-10-A of the Constitution.
- F) That the complainant in the FIR has clearly stated in his application before the Sessions Court that he never charged the appellant in FIR nor he will do so and the appellant is innocent. Therefore, the appellant's B.B.A was also confirmed. <u>Copies of application, &</u> <u>BBA Order are attached as Annexure-J & K.</u>
- G) That major penalty can not be legally imposed merely on the basis of nomination in FIR because FIR will remain unsubstantiated piece of evidence until and unless proved before the Competent Court of Law.
- H) That the appellant has not been dealt with in accordance with law, fair play, and principle of fair justice. Therefore, the impugned orders are liable to be set-aside.
- I) That the final rejection order is not a speaking order which reveals no reasons for rejection of departmental appeal.
- J) That the grounds taken in departmental appeal may also be considered as integral part of this service appeal.
- K) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT Waleed Mehmood

## THROUGH:

(M. ASIF YOUSAFZAI) ADVOCATE SUPREME COURT OF PAKISTAN.

(TAIMUR ALI KHAN) ADVOCATE HIGH COURT

(SYED NOMAN ALI BUKHARI) ADVOCATE HIGH COURT

iE and a series of the series of the series Storest and a start of the and a start of the start SI addital المسيكو جزل توكيس مسويه مردداد وإلجبرات نارس<sup>ن</sup> بر ۲۳ ۵۰ (۱) لي الكر المالي المالي المالي المالي ال المالي ا برغرانی اطلاکی دیږ دست بهتدائي اطلاح نسبت جرم قابل دست الذازي الوليس ربورث شدوز مردفعها فاجموعه ضابطة ومداري 019.00 City 27 380 (3/02) <u>c 17:30 3 (17/04</u> 10:00 CBg 4 تاريخ دوقت ليور 6002041-21,6,51 1, 231,60 مام دسکونیت الحلائ و بیند المشتق میں ش 33 ACACORS مخصر كيفيت جرم (مبدد أحد) حال اكر بحوليا كيا بور 4 301-A كالرواقع بزرجته عار لذامنا جاييع وقوعه فأصله فحاشب اورست فتمترو كأس بنام دسكونرت بخرم ٥\_ Quilip Breespipe الارداني وكنيتش بمستعلق كى كل اكراطلات درج كرف عربة قف بوابواد وجديمان كرد ٢- الماند ................. به سبل کوکن ابتدائي اطلاع فيحدرج كرو خلط المستفدة مرارح طائم فتركى الجرب بوام مر 11 روز افر 20 / 80 قطان می درج روز افرام و می ازم ازی 1570 ضرف شروع و می افران المله مرحز مرز افرام و مرز افر ساسطی هذا 221 جنون از می 1700 کی جست زندی 2530 11 ) جسرز المرات كم شاد بالم مي ولا ولا المرافي كال مع روا المراج و و الاعدر وقيم ولي A heid and and configure يا لا لا صوم من المسالم المسطل المسطين حلوث رالم الماح والمن فحص فتراكم كالأران لفرم مرك 一方人を見しいいには、「 P3 1 :04 Attested

## CHARGE SHEET.

I, Mr. Mian Initiaz Gul SP Inv: Wing Hangu as competent authority, hereby charge you Constable Waleed Mehmood Investigation Wing Hangu, on the following allegations:-You have been charged in Case FIR No. 380 dated 17.04.2019 U/S 381-A PPC PS City as (a)during course of inquiry U/S 157 (I) CrPC one stolen Motor Cycle Honda 125 CC Registration No.5144/Kohat and one High Speed Motor Cycle CD-70 without number mere recovered from your Godown situated at Gulshan Colony Hangu which shows that you are involved in stealing of these Motor Cycles. Being a Police Official you are not supposed to involve yourself in such illegal activities (b) which is a gross misconduct on your part. By reasons of the above, you appear to be guilty of Misconduct as defined in Rule-2 (III) of Police Disciplinary Rules, 1975 with amendment in 2014 and have rendered yourself liable to all or any of the penalties specified in the Rule 5(5) of the Rules ibid. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer. Your written defense, if any, should reach to the Enquiry Officer within the specified. period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

5.

6.

(MIAN INTIAL GUL) Superintendent of Police, 7 Investigation, Hangu.

STEEsted

### DISCIPLINARY ACTION.

I, Mr. Mian Imfiaz Gul SP Inv: Wing Hangu as competent authority, am of the opinion that Constable Waleed Mehmood, has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning Under Police Disciplinary Rüles, 1975 : -

## STATEMENT OF ALLEGATIONS.

(a) You have been charged in Case FIR No. 380 dated 17.04.2019 U/S 381-A PPC PS City as during course of inquiry 1.1/5 157 (I) CrPC one stolen Motor Cycle Honda 125 CC Registration No.5144/Kolut and one High Speed Motor Cycle CD-70 without number were recovered from your Godown situated at Gulshan Colony Hangu which shows that you are involved in stealing of these Motor Cycles.

(b) Being a Police Official you are not supposed to involve yourself in such illegal activities which is a gross misconduct on your part.

For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry Officer consisting of the following is constituted in the above 2. rules: -

Mr. Asad Zubair, DSP HOrs Hangu.

The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused; record its findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

The accused and a well conversant representative of the department shall join the 4. proceedings on the date, time and place fixed by the Enquiry Officer.

### (MIAN IMTIAZ GUL) Superintendent of Police, Investigation, Hangu.

/2019.

No. 1940-4 [/Inv: dated Hangu the \_\_\_\_

1.

Copy of the above is submitted to the:-

Dy: Inspector General of Police, Investigation Bannu Region (south) at CPO Peshawar.

Dy: Inspector General of Police, Kohat Region Kohat. 2.

District Police Officer, Hangu.

Asad Zubair DSP HQrs Hangu with the direction to completes the enquiry 3. 4.6 within the stipulated period.

(MIAN IMTKAQGUL) Supetintendent of Police, J Investigation, Hangu.

8 مانیک برآمد، دیکے بین - سیرے چلاند یرخان نے کرا یہ پرلیا توا۔ اک دنت میرا باڈن ٹوٹ دیکا توا۔ میں ہیتال سے نارخ ہوگر میں موجود وقارید بھے مولر / مائیک کے بارے میں کوئی علم بین ہے ۔ لمزم تکھ بلال کاتحریر شدہ مناسپ بطور ثبرت چیش کر مکتا، وں ۔ جس کی تحل میں موجود وقارید بھے مولر / موٹر بائیکی خیا، اکن کوئی علب کیا جامکتا ہے ۔ سیر سے حلاف کوئی افزام بلارت میں اول کے ماہوں یک سنگل سے دان اول سے ۔ خلادہ از یک مذتی Å بوالداناً كى چارى مى يىل مىردى بول يركر باكى تركم خلاف جوالزام لكايا كيا ب- بالكل من كورت ب- فرك موام يركي الساف كاطاب كار بول - برشم كاصفالك ديني كوتيار بول - الكوائر كالغرب المصاف كماتو قع ميم -کنسٹیبل ولیدمحود نمبر 46 حال معطل بشدہ انوس کینشن ہیکو . Curter mart دنا ب تان rested

maanmaninannainninn E 288 Rupees 30 -" P. - ] leleybe. مند - محد عد / دلا لازی اس اس می سو - ی حفر سر . ولا حفد 2 میں / سر میں می وجب خبر وضع منو - یس . مراح فرار فر ارتر از اس العد الے الی - ی) مر مر سی - دانی - and in so find and a series بی مسی محفا میر مارا - دو ب Conside  $\gamma$ 301 A

Attested



(b)

## OFFICE OF THE SUPERINTENDENT OF POLICE INVESTIGATION, HANGU

FINAL SHOW CAUSE NOTI

Office Tele: 0925-623887 Office Fax: 0925-622887 Email:spiavestigationhapgu@yahoo.com Ć

No: <u>333</u> Dated 1515

Whereas, You while posted as Telephone operator Investigation Wing Hangu committed the following irregularities:-

(a) You have been charged in Case FIR No. 380 dated 17.04.2019 U/S 381-A PPC PS City as during course of inquiry U/S 157 (1) CrPC one stolen Motor Cycle Honda 125 CC Registration No.5144/Kohat and one High Speed Motor Cycle CD-70 without number were recovered from your Godown situated at Gulshan Colony Hangulwhich shows that you are involved in stealing of these Motor Cycles.

Being a Police Official you are not supposed to involve yourself in such illegal activities. "which is a gross misconduct on your part:

Your above act speaks inefficiency, disinterest in the discharge of your official dubes being a responsible Police Officer and gross misconduct on your part, which is punishable under the Efficiency and Disciplinary Rules 1975.

Therefore your were served with Charge Sheet and statement of allegation under the Efficiency and Disciplinary Rules 1975 vide Charge Sheet No. 1944-45/Inv: dated 18.04.2019 which you submitted reply to DSP HQrs Hangu Mr. Asad Zubaur was appointed as enquiry officer to conduct departmental enquiry against you, after the completion of enquiry, the enquiry officer submitted his finding on 13.05.2019 in which he recommended for major punishment.

NOW THEREFORE, I ZAIN KHAN SP INVESTIGATION HANGU have vested the power under the Efficiency and Disciplinary Rules 1975 Hable to take action against you, which will render you.

You reply to this Final Show Couse Notice must reach to the office of undersigned within 07 days of the receipt of the Final Show Cause Notice. In case your reply is not received within stipulated period it shall be presumed that you have not defense and ex-part action will be taken you. Also state, whether you desired be heard in person.

ffested



### OFFICE OF THE SUPERINTENDENT OF POLICE INVESTIGATION, HANGU

ORDER

This order of mine will dispose off the departmental enquiry against Constable Waleed Mehmood No. 46 who reportedly involved in Case FIR No. 380 dated 17.04.2019 U/S 381-A PPC PS City Hangu.

به ۱۲۰

Office Tele:

Office Fax:

0925-62388

0925-62288

Email:spinvestigationhangu@yahoo.com

He was served with Charge Sheet vide No. 1944-45/Inv: dated 18.04.2019 under Police Disciplinary Rules 1975 and Mr. Asad Zubair DSP HQrs was appointed as Enquiry Officer to conduct enquiry with in stipulated period.

The Enquiry Officer after completion of enquiry submitted his finding report dated 14,05.2019 in which he declared that the defaulter Constable is found guilty and recommended him for Major punishment.

Thereafter, Final Show Cause Notice was issued to him vide this office No. 2331/Inv: dated 15:05:2019 and served upon him. His reply was received and perused as well as heard him in person on 28.05.2019.

Keeping in view of above and after going through available record, the undersigned has arrived at the conclusion that his involvement in above mentioned Case FIR is beyond any shadow of doubt and being a Police official he may not be retained him in a force due to such illegal activities which is a gross misconduct on his part. Therefore, I, Zain Khan, Superintendent of Police, Investigation Hangu in exercise of the powers conferred upon me, awarded him major punishment of Dismissal from Service with immediate effect.

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	I LITTIC	COLCO CO.

OB No. 50 /Inv,

Dated 1/ 16. /2019.

Attested

Superintendent of Police, Investigation, Hangu.

9221 OFFICE OF THE SUPERINTENDENT OF POLICE INV: BUREAU, HANGU. <u> 731 – 34. /</u>Inv: dated Hangu the \_ 06

Copy of above is submitted for favour of information please to the:-

- 1. Dy: Inspector General of Police, Investigation, Bannu Region (South) at CPO Peshawar.
- Regional-Police Officer Kohat Region Kohat. District Police Officer, Hangu. 2.

 $\mathcal{A}_{\mathcal{G}}^{*}$ H B مررملاس دنين ومسيم مجترف أحد ومس محمد دوررت ارجر لوس ما ميدى عسر وللد مود الأسى سن حديد ولد احمد فا ن ب من عنش كا بونى حلي معتق معنى معنى سكو. رسعمدن مرمند مشروس وموسى مرد من مند . . . . . . . . . مروس رس برمعدم مع مد مسير شد تد و برس الذمني لأن مستو ٢٥ ٥٥ فورم ورم العلى روس رسیدنت تر ناحق دور مدرت معتور که می رود م محد محد می مورنو ، در مدرت معتور که می در مع مرف می من من من م منهم رومیل : منكوران رسل عنا منطع المنع منا -- مدنندما ، من ومن الوسي من مع مسترج و ما مدم ادرم الل قرار رع م رسید بن کر مسب سیامی میم م مرمس کا نبس יי מא עושי ג אינט שי שי שי שי א איי עוליי שי في حالى . مرميم ث دمين ذمين ترمن ميمك سید رسی نیزا ریدرمین د ب بر المرين نارده ماه -د. مرئم رسیدن مح مدرف ناحق مدمد مدت محقق بورخ - 17 من مر سین هند بحرم زمیرد من عالم 182 من ما مر مادهد. كو رند منه معنوب م عد عور ما ما ما ، ۲. مر میم الران شد ما ند ورد منه و رسید من عرف مد - به میا د Attested

المحرمير عاي . فردق 2918 4/2 مرد فرما علم ال . رزارت مرا 4000 رعى مرماعد، ا جر ما برای جلا فريما 27 مرعى مرازيرا را 7 میں مرمان تیر دانے : En die ho may be Lousinter في في في في في فو الارتقارية المراجلية م pre un

مر مس مرداع می مرمز سیسطی می مرا مدی وی میں امیں من من می اور اور مى رسى فر مومۇسى شعلون كى ، بى توكى مام ك مر مسر عول مرد مار فی رفت الم می مسمد می - حوز عول و H حوز من ن کمسیف تودام میں تعزیمانی ، جرمیرور ی حیا یہ تودسی میں کر مار میں ۔ مرد مرشرسانسیل مذابی ورمس فلعنه میں سیر میزہ خرد الا کے اس بیا ن ملنی میں ب مر کم دسمان مقن عدر تبلیا ، ب ۵. مرکز رسید من منعم مسرب کر تندم میت محقد مردم مجرم عن مراسی بجرا زمر من عظم ۲۰۱۶ عند مد ملوث من من من العديث المرضاى و م و ن فر ب ن ا مر م م ا روان م م مع رج - ع ۶۰۰ میم در در ماند ماند کرده معذف در بهدمت حرم معد . به بند د - من تورت وزرسا فنه ردم من مر درم توی میک - حق میں توی معقیق نر @ سر رهواندی مید سر برسیر می مربع مید حد تا اور مید مد مرومی رور ریکون جے : امبید نے عید فر فرق میں اور بر سفن می دف موجردمنین . بردر نرس رسیدند ، معدس مریز س شعکی براً مرسي مين المسرعدان ومد مارف رميدان معار مسجد عسمد مندق معزت عبل وم معزت في ت مد من في بند روردر مي ، مرس سائلیل ع نے زمینوں کے بورت فرد عمن کا فرق کے سابق توریح میں فرع ما مد بوس کا نیس وسد مور وم اجمد وی مان مان مکت ما دی منع معدم معدم معومًا ادر مردسا عدم سرع ما رفرد رز عين . من ن عليما معسر بواريع. مریک رسیدیت مرم دو نیز از سات سال سے میکم بوسی میں میں میت کا مسل المي مرافق منفيه الأيلي وم فرا فرم الأرسا بدين فرس الول رم مزاری رور مذمن می رانی وشاری به رامی و می از در ای در ان رسید مر كابردار تسابي مساف ديديت مركز ب Attested

یر مر رسید مذ من فرال فن معقد میں مر فرمی معقد اور اور مردانی مرتی ع اردر مر مدر مند می مدر مندان ی در مرحلی ی لی - سیس می روید مند علی خانون رو کی Low of the Strongluce مرد سرد است می ا یر رسیدند م مدر مد مره م م مرفر ارم من مد را مرما معد را مورو با مدار با که مدامی ک مد منوب و تا مرت م مقرمیں مرجری از مدانی معم ادر کا میں 0 المروش ما مرت المم ما محظ - مر مذمور ما ومع عمر مسيد منع سول ومد عالم معد عالم من مد مر مرد و مار اسدان کو صب می میدزمد سر کا رسیره م من مع مد مرم رام رو مرم را م تر مرا م تر کو می ل ر غرف مار مدرون ما م رساند . برس مانسل مع وسرجود ودر اجرمان س من ملت ما ون بو and m . مين مين منه وسرمور وسربرهم فا ن سان عسن طالوال) من بروروسام میں ن رائ موں. اور روس سزرج بالا کا میں سار جا <u>ز، در</u> معصر در مین . در می مین وی در موسیده مین ادر د Total is the little of the second ملف .. ومدمور ومربعين ن مزمل كالأس MA-m Attésted

# POLICE DEPTT:

ORDER.

KOHAT REGION

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# This order will dispose of a departmental appeal, moved by Ex-Constable Waleed Mehmood No. 46 of Investigation Wing, Hangu against the punishment order, passed by SP Investigation, Hangu vide OB No. 50, dated 11.06.2019 whereby he was awarded major punishment of dismissal from service on the allegations of his involvement in a criminal case vide FIR No. 380, dated 17.04.2019 u/s 381-A PPC PS City, Hangu.

He preferred an appeal to the undersigned, upon which comments were obtained from SP Investigation, Hangu and his service record was perused. He was also heard in person in Orderly Room, held in this office on 25.07.2019. During hearing, the appellant failed to advance any plausible explanation in his defense.

I have gone through the available record and came to the conclusion that being a member of disciplined force, he is directly charged in FIR and the same has also been established by the E.O in his findings. Therefore, the allegations leveled against the appellant are proved beyond any shadow of doubt, hence his appeal being devoid of merits is hereby rejected.

Attested Superimendent of Police investigation Securie

(TAYYAB HAFEEZ) POH Region Police Officer,

Kohat Region.

12019.

6786 NEC.

25.07.2019

Order Announced

Copy for information and necessary action to the SP Investigation, Hangu w/r to his office Memo: No. 3051/LB, dated 04.07.2019. His Service Roll & Fauji Missal is returned herewith.

dated Kohat the 2/67

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 $\mathcal{Q}$ (TAYYAB HAFEEZ) PSP Region Police Office

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Proceedings 1 Order No.2

Tagistiate

27-04-2019

Date of Order or

Proceedings

Learned DyPP Mr. Ibad ur Rehman for the State, petitioner Waleed Mehmood s/o Ahmad Khan present with counsel. Complainant in person present.

Order or other Proceedings with Signature of Judge or Magistrate

and that of parties or counsel where necessary

18-4-19

BBA 2

Accused/petitioner Waleed Mehmood seeks confirmation of bail before arrest, in connection with case FIR No.380 dated 17-04-2019 u/s 381-A PPC P.S. City.

Arguments heard and record perused.

Today, complainant Zia UI. Haq appeared before the Court and recorded his statement to the effect that he has charged accused/petitioner for commission of offence on the basis of suspicion. Now, he has patched up the matter with accused/petitioner through intervention of elders of locality and effected compromise therefore, he is no more interested in his prosecution. The compromise is genuine, without force or coercion and in the best interest of parties. He also stated to have got no objection if ad interim pre-arrest bail of accused/petitioner is confirmed and later on acquitted in the instant case. To this effect, he also produced compromise deed ExP.4.

C .....

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Ho. of Order 18 Proceeding Serial No. of Order/ Date of Order or Order or other Proceedings with Signature of Judge or Magistrate N Proceedings Proceedings order and that of parties or counsel where necessary 1 2 3 Order No.2 In the above circumstances, it is held that Contd.... compromise effected between the parties seems genuine and in their best interest, therefore, the ad-interim prearrest bail earlier granted to accused/petitioner is confirmed on the existing bail bonds. File be consigned to the Record Room after its completion and compilation. <u>ANNOUNCED</u> 27-04-2019. (AJAML SHAH) Addl: Sessions Judge, Hangu. CETTET 1.014 220 نے الکی کر ا 1 Stell COPY Chattant - - alites egg cosperines 18 wither of Works . . . NTP PC3 · 61 Campan Sa . . .

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le lu 3/2 No chilling in the ش pridgle Phining you 1. M ultid M. Amir Advoz Oath Commissioner District Courts Ha ... Apston

Waleed Muhammad Vs State

Statement of Zia ul Haq s/o Izhar ul Haq (complainant) aged about 26/27 years R/o Mohallah Muslim Abad District Hangu, on oath:

Stated that I am complainant in instant case FIR No. 380 dated 17-04-2019 u/sec 381-A PPC of PS City and have charged accused Waleed Muhammad s/o Ahmad Khan for the commission of offence on the basis of suspicion. Now accused petitioner the satisfied me about his innocence. I have patched up matter with accused / petitioner and has forgiven him in the name of Allah Almighty. I am no more interested in prosecution of accused / petitioner. The communise is genuine, without force or coercion and in the Fest integer (with the parties. I have got no objection if BBA of accused/ with ever Waleed Mehmmod is confirmed and later on acquitted in the brit even with the strength this effect, I also produce affidavit of comprisition for the brit date of head on file.

<u>RO & AC</u> 27-04-2019

Raulle-

THE R. P.

Zia ul Haq s/o Izhar ul Haq (complainant) CNIC No.14101-6602091-7

(AJMAL SHAH) Addl: Segsteing to beer Hangu,

Attested

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0278656 PAKISTAN National Identity Card Zia Ul Haq مْيارا<sup>ل</sup>نَّ' ather Name Izhar Ul Hag انلاالجق franki and si : Pakistan 14101-6602091-7 http://www.intender.com/ 10.10.2017 10 10 2027 the all in the in the com با ف لغ من منادي ور / طيمارالحق من تحليم من الم دسية .... تر مرتبع من بان / در تشرحی ان میکی - می ارزان میں میں نے تی تو ملک مرتب کی میں دعو براری کی تھی - / در نہ میں ملز مرتب اعصار call Lab in Colles owe with the win of and the start the come the م المعنام عند مر مر م م م ال - أم الأ مرفعارى « الو سرى فرماى مى مى فرىما مى فوسرا كوتى المسرام فى فى W \_ w / 230 ar cor ? 32 min Utilie rar, III 22/4/2019 - Se 2 min - 2 w 14101-6602091-C314 hip - list provide 3/g 2 Guli, i Gri کی کرنے کا کوتی 4.0 3 6 0 0 ... 21603-8214497-7 Rau 11e-14/01-0129545-5 20 412 66/19 liested

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VAKALAT NAMA

NO.\_\_\_\_/20*l* 

IN THE COURT OF <u>Service</u> Tribunal, Pechawar	, ·
Maleed Mehmood	(Appellant) (Petitioner) (Plaintiff)
VERSUS	
Police Depti.	(Respondent) (Defendant)

# I/We, halfed Mehmond (appellant).

Do hereby appoint and constitute *M. Asif Yousafzai, Advocate Supreme Court Peshawar,* to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated <u>22 - 8/20/9</u>

(CLIENT)

ACCEPTED

M. ASIF YOUSAFZAI Advocate Supreme Court Peshawar. B.C NO# 10-7327 CNIC # 17301-5106574-3

## **OFFICE:**

Room # FR-8, 4<sup>th</sup> Floor, Bilour Plaza, Peshawar, Cantt: Peshawar Cell: (0333-9103240)

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

Service appeal No. 1077/2019 WaleedMehmood Ex-Const

.....Appellant

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa & others

#### .... Respondents

#### PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

#### **Respectively Sheweth:-**

Parawise comments are submitted as under:-

#### **Preliminary Objections:-**

- a) That the appellant has got no cause of action.
- b) That the appellant has got no locus standi.
- c) That the appeal is not maintainable in the present form.
- d) That the appellant is estopped to file the instant appeal for his own act.
- e) That the appeal is not maintainable for misjoinder and non-joinder of necessary parties.
- f) That the appellant has not come to this Hon: Tribunal with clean hands.

#### FACTS:-

- 1. Pertains to record, regarding recruitment of appellant as constable, hence no comments.
- 2. It is submitted that a report regarding theft of vehicles was lodged in Police station City, Hangu vide DD No. 11 dated 28.02.2019, and an investigation within-meaning of section 157 (i) Crpc was initiated by the local Police. During the course of investigation, a motorcycle model Honda 125, bearing registration No. 5144/Kohat and CD 70 Hi-speed was recovered from the godown of the appellant. The inquiry resulted into registration of a case FIR No. 380 dated 127.02.2019 U/S 381 A PPC PS City Hangu against the appellant. Therefore, the appellant while posted at Investigation UnitHangu was placed under suspension and departmental proceedings were initiated against the appellant.

The appellant was served with charge sheet and statement of allegations under the rules 2(iii) of Police rules 1975, amended 2014. The appellant had admitted in this para that the stolen motorcycles were recovered from his godown and the so called affidavits submitted by the deprived persons / complainants also connected the appellant with the commission of offence and recovery of stolen motorcycles from his godown, thereby established the charges leveled against him.

- 4. Incorrect, the inquiry was conducted in accordance with law & rules and all codal formalities were fulfilled, but the appellant failed to submit any plausible explanation regarding recovery of stolen motorcycles from his godown, nor provided any cogent evidence and support of his innocence.
- 5. The appellant was heard in person by respondent No. 2, but the appellant failed to defend himself. Further sufficient material was available on record, which connected / proved the involvement of appellant in a moral turpitude offence i.e theft of motorcycles. Therefore, the appeal was devoid of merits and rightly rejected by the respondent No. 2.
- 6. The appellant does not approach this Honorable Tribunal with clean hands. Therefore, the appeal is not maintainable.

#### Grounds:-

- A. Incorrect, the impugned orders are based on facts, evidence and passed in accordance with law & rules after fulfilling all codal formalities.
- B. Incorrect, the stolen motorcycles were recovered from the godown of the appellant, which was established during the course of inquiry.
- C. Incorrect, the appellant being member of a disciplined department involved in moral turpitude offence, damaged the image of Police and earned bad name to the entire department.
- D. Incorrect, departmental and criminal proceedings are distinct in nature, which can run side by side.
- E. Incorrect, the appellant was associated in inquiry proceedings, heard in person by respondent No. 2 & 3, but the appellant failed to defend himself.
- F. The appellant entered in compromise with the complainant outside the court, however, it is well established rules, that criminal and departmental proceedings are different in nature. The appellant was found guilty of the charge during the department proceedings conducted against him.
- G. Incorrect, an investigation regarding stolen of motorcycles was initiated and during the course of investigation the stolen motorcycles were recovered from the godown of the appellant. Therefore, the appellant was charged in FIR for a cognizable offence.

Incorrect, the appellant was dealt with departmentally in accordance with law & rules.

Incorrect, the order passed on the departmental appeal of the appellant is a speaking one.

J. Pertains to record, hence no comments.

The respondents may also be allowed to advance other grounds during course of hearing.

Keeping in view of the above, it is prayed that the appeal may graciously be dismissed.

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Regional Police Officer/DIG, Kohat (Respondent No. 2)

Provincial Police Officer, Khyber Pakhtunkhwa, (Respondent No. 1)

Superintendent of Police, Investigation Hangu SuperRespondent Rolig) Investigation Bearue



## KOHVL BECION

## OKDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Waleed Mehmood No. 46 of Investigation Wing, Hangu against the punishment order, passed by SP Investigation, Hangu vide OB No. 50, dated 11.06.2019 whereby he was awarded major punishment of dismissal from service on the allegations of his involvement in a criminal case vide FIR No. 380, dated 17.04.2019 a/s 381-A PPC PS City, Hangu.

He preferred an appeal to the undersigned, upon which comments

were obtained from SP Investigation, Hangu and his service record was perused. He was also heard in person in Orderly Room, held in this office on 25.07.2019, During hearing, the appellant failed to advance any plausible explanation in his defense.

I have gone through the available record and came to the quality of the available record and came to the conclusion that being a member of disciplined force, he is directly charged in FIR and the same may also been established by the E.O in his findings. Therefore, the allegations leveled against the appellant are proved beyond any shadow of doubt, hence his appendition for a leveled against the anticipation and any shadow of doubt, hence his appendities.

being devoid of ments is hereby rejected.

#### 25.07.2019 Order Announced

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6103 - 28.8 /EC. dated Kohan die 28/62 72019.

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Office Tele: 0925-623887 Office Fax: 0925-622887 Email: spinvestigationhangu@yaboo.com {headclerkinyhangu@gmail.com

То

The Regional Police Officer, Kohat Region Kohat.

Subject:

DEPARTMENTAL APEAL.

<u>Memorandum:</u>

Kindly refer to your office Endst: No. 5575/EC dated 27.06.2019 on the case noted above in the subject.

It is submitted that Charge Sheet was issued to Ex-Constable Waleed Mahmood Telephone Operator SP Inv: Office Hangu vide this office Endst: No. 1944-45/Inv: dated 18.04.2019 under Police Disciplinary Rules 1975 and Mr. Asad Zubair DSP HQrs was appointed as Enquiry Officer to conduct enquiry with in stipulated period, on the following allegations:-

- (a) That the appellant has directly been charged in Case FIR No. 380 dated 17.04.2019 U/S 381-A PPC PS City as during course of inquiry U/S 157 (I) CrPC one stolen Motor Cycle Honda 125 CC Registration No.5144/Kohat and one High Speed Motor Cycle CD-70 without number were recovered from your Godown situated at Gulshan Colony Hangu which shows that you are involved in stealing of these Motor Cycles.
- (b) Being a Police Official he was not supposed to involve himself in such illegal activities which are gross misconduct on his part.

The Enquiry Officer after completion of enquiry submitted his finding report on 14.05.2019 in which the defaulter Constable was found guilty and recommended him for major punishment.

Thereafter, Final Show Cause Notice was issued to him vide this office No. 2331/Inv: dated 15.05.2019 and served upon him. His reply received and perused. He was also heard in person on 28.05.2019.

Above in view, the charges leveled against the appellant are proved beyond any shadow of doubt and the same has also been established by the Enquiry Officer in his findings, please.

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Submitted please.

Enci:

Service Roll Fuajji Missai

Superintendent of Police,

Investigation, Hangu.

مر رمیرمیں در بی اس مس بريد فروز فري فيون Dy No -Dated 21 رم مانس می ولیرجور ش معهر معلم المراجد فرمد د مد برم این میں مسینی مل رسيرن Dy. No C مروس رس تعقيب وش وترا تجرمته 5/10/ تتراد. رزمن حدا .. مريد ش مرييل - 2 11- 200 50 013 Erin 100 نیں برمیں د لملہ رمدی ترخیر: مس جراب رسیرت میں بران مان مرعدی مرعدی جور میر 8 ingrat : way SP mine is is is is in SP In Hanger For comments, enqui m. and man - Mobin 0332-96749783 Ely ? PIG POLICE No 5575/64 No 37106/201 26/6/201 enerintendent sen ំ «ខន់មិត្តតារាលា ដែ

برا ملاس دیں وم پیم جبران آب وہ من کوجم وریز قرام ا لومس کا نیس عاد سائن علمی کا بونی منظر معنی معنی منبو ومد احمد عان مرتشرنت ومرسی ومومی مرد می میلی . رس مرد مرومن رس رمعدف منع منا مسير شدد الم مديرس الذين من هذ و ۵۵ 50 فور م 10 معى روس رمیمونت فرنا حق اوم مقبرتس مفتور که مجردته م م میترما رامیس مسلوران رسل عن صفيع رامع على مسير سندن أ مريس رسم و المريد من مسير من مسر الدرم على قرار رع ما مر رسیم تک موجیب سیا تی بیم م مرتب کا نیس Davis ma fili a de de Linger منب میں ہے ، مرجب ث وس ذیل مرمن میک في مربع فرا الدرمين د ع a owossi www. من بز من هند عرب زمیر دفع عام ۵ رود ن من ما در اندور اس با در اسیرین المر رميد منظي منعنوب محمد عومد من من المعار: مر المران م عامل فرده مسرف المعيد من فري من . 2 من .

ج. مراجع فرواح مع مرساسعان و عامرا مرح عالی المجرون کا مراح - اور ا بر رسان و مریز سا شعلون یا بات ار تی علم ک مر مر مر من مرد من رف رفت الم من من من من من من من - حفر - لول والم حفر - منان ستر من المركع عشد منه شر خر المرار محد مر دو مرس منه معتن ما موى مرشرسانی من می مرمد معینه میں معرمران وزدیتے ، اس بیا ن ملنی تعذیف ر . . . رسیرت ملی طور ساما ، . . . ۵. - رسین کا منظم معنی مرتب کا تحق مدم معت حظاف مردم مرجم من سرمی بجرا زمر رض عظم مراری کے معن سوت میں یہ جنب رسیدیت رسمای کو م مزنا فرمان کر حد کا دوری می تدمیم راج ب ج . سر مع رمزرمات ما ند ور معد تدر مید من فرت فرت معد . به بند د - من قرت مردسه فنه ردر من مر درم تون مين - من مد توى معققة م @ مد رعود الرب معد ف رسیر من عدم عدم عدم ما ور معد ف مردم مرد ر ریکون بے : اسماد نانے میں نے بر محمد مرد ر در موقتی میں دن مرم دمش ، ارد نرس رسید نانے منعد سے مر شرس شعکس برزید سری بیک . مدیندان وید ن رف دسال سکم مسجد مسک حفرت عدل وم حور فن ف مدمن في في مدر رور من مد مرور سامیل بج نے زمین نے مزدت فرد عمن کا فری کا سابق قرد م میں فرا من و مرس کا فینیل وسر مرد و مراجم میں تا ان مکن ما در من سو ک مندم مدم عوا اور فردس مر سرے کا روز رو میں . مان ملين معن مور برا بع مرم رسیدی عرص وزیر از سات سال سے میں برسی میں میں خاند کا مسیل المفاقف معقدي العينان ومرف فرا فرما بد من فران المول رمانداری روز شری می رانم دستاری و را سروس خدوران رسید كاكرد وساميت مدين بادر مسعا مسرري ش - مارى -

یر اروبعد من مراف معنی میں بر تو میں دور مروان مرق ع رمد شرمی مدر معدقی . مرزشهای اور مرصلی می فی - سیس می روید م is unimor of an isconduce of sice ومرابعدان معدمد مرام مع مراجد / مرفق من مود بر عمد من مد منوب و تامزن ی تومین مرفری از مدر تا مر اور کامین 0 المراس من مر المرات المراس من من مراس مرا مستدم مع مول الله عالم مع على مالله عالمله با فرارده مار سیست فر صب می میدزید مر ما رسیره کا سیس تع جم والعبات د دندم ای شکال از عار من مار مدر ومن ما مس اسدیت . برس مانسی 24 وسر حود ور اجریان س من ملین ما ون بو and my me QA. M بين عين منه ومد مود ومر اجمری ن سان منس نا برای عنو برورمام میں من ولت مر رہے مردم بالا کے مر مدر میں <u>ن در معصور معترین . رس س وی زم موسر منس ای م</u> E Gim on o 2.19 ملف ... ومدمد مدر ومربعهة ن من عن الأس A-m



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## <u>ORDER</u>

This order of mine will dispose off the departmental enquiry against Constable Waleed Mehmood No. 46 who reportedly involved in Case FIR No. 380 dated 17.04.2019 U/S 381-A PPC PS City Hangu.

He was served with Charge Sheet vide No. 1944-45/Inv: dated 18.04.2019 under Police Disciplinary Rules 1975 and Mr. Asad Zubair DSP HQrs was appointed as Enquiry Officer to conduct enquiry with in stipulated period.

The Enquiry Officer after completion of enquiry submitted his finding report dated 14.05.2019 in which he declared that the defaulter Constable is found guilty and recommended him for Major punishment.

Thereafter, Final Show Cause Notice was issued to him vide this office No. 2331/Inv: dated 15.05.2019 and served upon him. His reply was received and perused as well as heard him in person on 28.05.2019.

Keeping in view of above and after going through available record, the undersigned has arrived at the conclusion that his involvement in above mentioned Case FIR is beyond any shadow of doubt and being a Police official he may not be retained him in a force due to such illegal activities which is a gross misconduct on his part. Therefore, *I, Zain Khan, Superintendent of Police, Investigation Hangu* in exercise of the powers conferred upon me, *awarded him major punishment of Dismissal from Service with immediate effect*.

#### Order Announced.

OB No. So /Inv.

Dated <u>// / 6 · /</u>2019.

Superintendent of Police,

Investigation, Hangu.

OFFICE OF THE SUPERINTENDENT OF POLICE INV: BUREAU, HANGU. No. <u>2731–34</u>/Inv: dated Hangu the <u>//</u>\_\_\_06\_\_\_/2019.

> Copy of above is submitted for favour of information please to the: Dy: Inspector General of Police, Investigation, Bannu Region (South) at CPO Peshawar.

- 2. Regional Police Officer, Kohat Region Kohat.
- 3. District Police Officer, Hangu.
- 4. Pay Officer, Reader, SRC for necessary action.

Superintendent of Police, <sup>CI</sup>Z, Investigation, Hangu.

جناب عالى بحوالہ فائنل چارج شیٹ معروض ہوں۔ کہ سائل کے خلاف جوالزام لگایا گیا ہے۔ بالکل من گھڑت ہے۔ جس گودام سے موٹر سائیکل برآمد ہو چکے ہیں۔ بیمیرے چچاوز برخان نے کرایہ پرلیا تھا۔ اُس دفت میرا پا ڈل ٹوٹ چکا تھا۔ میں ہیتال سے فارغ ہوکرگھر میں موجود تھا۔ مجھے موٹر سائلک کے بارے میں کوئی علم نہیں ہے۔ملزم محمد بلال کا تحریر شدہ سنامپ بطور خوت پیش کر سکتا ہوں۔جس کی نقل ہمراہ بیان نف ہے۔علادہ ازیں مدعی موٹر سائرکل ضیاءالحق کوبھی طلب کیا جاسکتا ہے۔میرے خلاف کوئی الزام ثابت نہیں ہوا ہے۔ملزم کے کہنے پرادرا یک منظم منصوبہ کے تخت مجھے پچنسایا گیاہے۔ میرے ساتھ انصاف کیا جائے۔ انصاف كاطلب گار بون - مرشم كى صفائى دين كوتيار بون \_ انكوائرى افسر \_ انصاف كى توقع ہے -كنستيبل وليدمحمودنمبر 46 حال معطل شده انوسى كيشن بهنگو مراسی می ایک اندوانی اهیر ایک ور ایک ایک ور ایک ایک ور ایک ایک ور ایک ایک و و ایک xxx > آب ے خلاف جو شو شو لو لس کوملے میں وہ 58/2015 درس برق Sr. in ... xxx آجانے تحر بلال تے اتھ میوں داخی نامہ میا 5. Ill on suis and - Au بابع بم جس كودام ف موثر الميك برأمر بم حل بس . كودام تى چاتى كس ترياس بوتى سے. A. ( بان ج ی ت یا ت تعر میں ہو ک بیں . کھی بد پد بلا. آنکوانی ی آخیر میاسی فرو آنکوانی کی سے . و ٥ ورست ميني: نمیں کی میں افتتی افسر او بلال کا نا ہا ہے ۔ راج من این میں افتتی افسر او بلال کا نا ہا ہے ۔ راج مند وضادی سرین براس کے علاق ک メブ آب بولوں بہا نون کون کا ال بھے ،

ج : یہ میں میں بر اور بو نے تو ی دن معرص نے تعر بی بر موڈ بر ایسک میں نے کو درا میں زیا ہے تھے لو تعر والوں نے کہا کہ بلال لائے تھا جلال ملما دے کل فی تا سے ۱۰ کے کلار ہ مجھ کچھ سر نس اور نہ بی میں د تیر لوگوں تے سا تھ طل مہوا ہوں اود نم بی رتم ہوگوں کے ساتھ دیلم ہے بهد حب آبی فقرم میں اپنے آج کو تح خاصیاں کرتے ہو لو أن ن مرجى مان داخى نام موں ماسے اى الى جو ورساسل سرام مناس فرمی وقد مراور دو سرا ورسانیک أَبِنَ لودا). لو تي إهرها ؟ Allesta SPIN · .



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Constable Waleed Mahmood Inv: Wing Hangu.

No. <u>2331</u>/Inv: Dated <u>15/5/2019</u>.

## FINAL SHOW CAUSE NOTICE

Whereas, You while posted as Telephone operator Investigation Wing Hangu committed the following irregularities:-

(a)

You have been charged in Case FIR No. 380 dated 17.04.2019 U/S 381-A PPC PS City as during course of inquiry U/S 157 (I) CrPC one stolen Motor Cycle Honda 125 CC Registration No.5144/Kohat and one High Speed Motor Cycle CD-70 without number were recovered from your Godewn situated at Gulshan Colony Hangu which shows that you are involved in stealing of these Motor Cycles.

(b) Being a Police Official you are not supposed to involve yourself in such illegal activities which is a gross misconduct on your part.

Your above act speaks inefficiency, disinterest in the discharge of your official duties being a responsible Police Officer and gross misconduct on your part, which is punishable under the Efficiency and Disciplinary Rules 1975.

Therefore your were served with Charge Sheet and statement of allegation under the Efficiency and Disciplinary Rules 1975 vide Charge Sheet No. 1944-45/Inv: dated 18.04.2019 which you submitted, reply to DSP HQrs Hangu Mr. Asad Zubair was appointed as enquiry officer to conduct departmental enquiry against you, after the completion of enquiry, the enquiry officer submitted his finding on 13.05.2019 in which he recommended for major punishment.

NOW THEREFORE, I ZAIN KHAN SP INVESTIGATION HANGU have vested the power under the Efficiency and Disciplinary Rules 1975 liable to take action against you, which will render you.

You reply to this Final Show Cause Notice must reach to the office of undersigned within 07 days of the receipt of the Final Show, Cause Notice. In case your reply is not received within stipulated period it shall be presumed that you have not defense and ex-part action will be taken you. Also state, whether you desired be heard in person.

Superintendent of Police, Investigation, Hangu.

0289288 p. Ruppes 30 بناروني مند، - فريد/در برق رفن/مس حيثه سي من - عاهد س ار ار ار ار المعرم مصلح سور م میں -2 . مردس سب و ي (ك 01192 és c  $\overline{n}$ ولير 381-A win w ger jain . 0 18/5 14/01.5090117-9 2 101-0129545-511. 1N 9 '<u>j</u>9



<u>ع</u>بر ا

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Constable Waleed Mahmood

Inv: Wing Hangu.

No. <u>2331</u>/Inv: Dated <u>15/5</u>/2019.

#### FINAL SHOW CAUSE NOTICE

Whereas, You while posted as Telephone operator Investigation Wing Hangu committed the following irregularities:-

- (a) You have been charged in Case FIR No. 380 dated 17.04.2019 U/S 381-A PPC PS City as during course of inquiry U/S 157 (I) CrPC one stolen Motor Cycle Honda 125 CC Registration No.5144/Kohat and one High Speed Motor Cycle CD-70 without number were recovered from your Godown situated at Gulshan Colony Hangu which shows that you are involved in stealing of these Motor Cycles.
- (b) Being a Police Official you are not supposed to involve yourself in such illegal activities which is a gross misconduct on your part.

Your above act speaks inefficiency, disinterest in the discharge of your official duties being a responsible Police Officer and gross misconduct on your part, which is punishable under the Efficiency and Disciplinary Rules 1975.

Therefore your were served with Charge Sheet and statement of allegation under the Efficiency and Disciplinary Rules 1975 vide Charge Sheet No. 1944-45/Inv: dated 18.04.2019 which you submitted reply to DSP HQrs Hangu Mr. Asad Zubair was appointed as enquiry officer to conduct departmental enquiry against you, after the completion of enquiry, the enquiry officer submitted his finding on 13.05.2019 in which he recommended for major punishment.

NOW THEREFORE, I ZAIN KHAN SP INVESTIGATION HANGU have vested the power under the Efficiency and Disciplinary Rules 1975 liable to take action against you, which will render you.

You reply to this Final Show Cause Notice must reach to the office of undersigned within 07 days of the receipt of the Final Show Cause Notice. In case your reply is not received within stipulated period it shall be presumed that you have not defense and ex-part action wil! be taken you. Also state, whether you desired be heard in person.

Received by ( A TE

Dt 16-05-2019

Superintendent of Police, Investigation, Hangu.

نمبر\_\_\_\_\_DSP/Hqr:/\_\_\_6

دفتر :DSP/Hqr منكو

ر با ــــّ

.

<u>انگوائری از ال کنسٹیل ولید محمود نمبر 46 معطل پولیس لائن ہنگو</u>

( d )

13 ×13

J3/S/193

جناب عالی! بحوالہ چارخ شیٹ نمبری: 1944-45/inv مورند، 2019. 04.2014 مجاریہ جناب SP انوٹی گیشن ہنگو، انکوائزی از ال کنسٹیل ولید محمود نمبر 46 معروض خدمت ہوں یہ ندکورہ کنسٹیم ک مقدمہ علت380 مورندہ 2019. 17.04 جرم S81APPC تھا نہ ٹی میں چارخ ہوا ہے۔ کیونکہ دوران انکوائزی زیرد فعہ (i) 157 ض ف سرقہ شدہ موٹر سائیک ہنڈ 2010-125 ،رجسٹریٹن نمبر 5144/Koha اورا یک عدد ہائی سیبیڈ موٹر سائیک 70-CD یغیر منبر پایٹ نے ندکورہ کنسٹیم کی ان موڈ میں کالونی ہنگو ہے برآ مدہوئے ہیں۔جس سے ظاہر ہوتا کہ ندکورہ کنسٹیمل ان موٹر سائیکوں نے چوری کرنے میں مار ہوت

اس ساسل بین کنشیل ولید نمود نمبر 46 معطل پولیس لائن ہنگاہ کو دفتر ہذا طلب کر سے جس نے اپنا تحریری بیان پیش کر سے جوہمراہ لف انکوائر ی ہذا ہے۔ کنسٹیل ولید محمود نمبر 46 اپنے بیان میں کویاں ہوا کہ اس پر جو الزامات لگائے گئے ہیں وہ سراسر جموٹ اور بے بنیاد ہیں۔ مقدمہ عات 380 مورجہ 2019، 17 جرم 381 تھا نہ ٹی جواسکے خلاف درج کیا گیاوہ اسکے ساتھ ظلم اور ناانصافی ہے۔ دکان سے جوموٹر سائیکٹر برآ مدہوئے ہیں وہ اسکٹی بین ہیں۔ بیائکی ملکیت نہیں ہیں اور نہ ہی اس نے کرائے پر دیم ہیں دوماہ سے بیار چاہر کی جوہمراہ لف انکوائر کی بند ہیں۔ مقدمہ نذاعد الت ایڈیشن میں نہیں ہیں اور نہ ہی اس نے کرائے پر دیم ہیں ۔ وہ کم وہیش دوماہ سے بیار ہوار پائی سے اخص

اصل حقائق:\_ انکوائری ہذا نے سلسلے میں کنٹلیل دلید محمود نمبر 46 کودفنز ہذاطلب کر کے جس نے تحریری بیان میش کیا جس میں اس نے لگائے گئے الزامات کی تر دید کی۔ مزید دخبا حسنہ کی خاطر مذکور کنٹیبل پرکراس سوالات کیے گئے۔ جس میں اس<u>نے ذکر کیا کہ دکا</u>نات اسکے چچامسمی وزیرخان دلد ناصرخان نے کرائے پر لئے ہیں۔اوردہ دِکانات کا کرامیادا کرتا ہے۔

حقیقت کومعلوم کرنے کیلیے مذکور دکسٹیبل کے چپاوز ریان کوطلب کر کے جسکا بیان قلمبند کیا گیا۔جس کے بیان کے مطابق اور ثبوتوں کے پیش نظروز ر یفان دافتی کراچی میں سیکیو ر ٹی ڈیو ٹی کرتا ہے جبکہ وزیر خان کے بیچ نابالغ اور چھوٹے ہیں۔

در حقیقت متذکره گودام مذکوره کمنشیل دلید محمود نمبر 46 نے استعال کیا ہے۔ کیونکہ مذکوره کمنشیل کے علاوہ اس کے گھر پرکونی دوسرابالغ شخص موجود نمیں ہے۔اور یہ بھی حقیقت ہے کہ مذکورہ کمنشیل نے جرم کاارتکاب کیا ہے۔ کیونکہ اگر کمنشیل مذکورہ نے جرم کاارتکاب نہ کیا ہوتا تو راضی نامہ نہ کرتا اور عدالت میں بھی اس مامہ پیش نہ کرتا ہے۔ اگر مذکورہ کمنٹیل واقعی بے گناہ ہوتا تو اپنی برگناہی کونا بت کرنے کیلئے ٹرائل چلا تا اور نودکو بی تصور تا بت کرتا ہے۔ مراضی نامہ پیش نہ کرتا ہے۔ اگر مذکورہ کمنٹیل واقعی بے گناہ ہوتا تو اپنی برگناہی کونا بت کرنے کیلئے ٹرائل چلا تا اور نودکو بی تصور تا بت کرتا ہے۔ مراضی نامہ پیش نہ کرتا ہے۔ اگر مذکورہ کی معلوم ہوتا ہے کہ میں برگناہی کونا بت کرنے کیلئے ٹرائل چلا تا اور نودکو جہلہ بیانات ادر اوقعاتی شہادتوں ہے معلوم ہوتا ہے کہ کسٹیل نہ کورہ گنہ کار ہے اور پولیس نورس کیلئے برنا می کا سب بن کر پولیس سے شہرت کو خراب کر

لہذ اانکوائر ی برخلاف کنسٹیمبل ولیڈ شودنمبر 46 متعینہ یولیس لائن ہنگو بغرض مناسب تکم ارسال خدمت ہے۔

:DSP/HQr منگو ن

\$:, Sulin 1. 19. 12-5-4

Crifeeburgh HC. 1559, FSC 1559, FSC 59, 1315/19.



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#### <u>ORDER</u>

DSP/HQ Hangu Dalny No.\_\_\_\_\_89 04-20

Constable Waleed Mehmood No. 46 of this Wing is hereby suspended and closed to Investigation office with immediate effect due to his involvement in Case FIR No. 380 dated 17.04.2019 U/S 381-A PPC PS City Hangu. Departmental action is being initiated against him. Asad Zubair DSP HQr Hangu is appointed as Enquiry officer to conduct proper departmental inquiry against him.

Dated 18/4/2019.

(MIAN IMTERZ GUL) Superintendent of Police, Investigation, Hangu.

/2019.

#### OFFICE OF THE SUPERINTENDENT OF POLICE INV: BUREAU, HANGU.

<u> 38 /Inv: dated Hangu the \_\_\_\_/ // \_\_</u>

Copy of above is submitted for favour of information please to the:-

- Dy: Inspector General of Police, Investigation, Bannu Region (South) at CPO Peshawar.
- 2. Regional Police Officer, Kohat Region Kohat.
- 3. District Police Officer, Hangu.
- 4. ✓ DSP HQr Hangu with the direction to complete the Enquiry proceeding within the stipulated period and submit finding report.

(MIAN IMTIAZ GUL) Superintendent of Police, Investigation, Hangu.

#### CHARCE SHEET.

I, <u>Mr. Mian Imtiaz Gul SP Inv: Wing Hangu</u> as competent authority, hereby charge you Constable Waleed Mehmood Investigation Wing Hangu, on the following allegations:-

- (a) You have been charged in Case FIR No. 380 dated 17.04.2019 U/S 381-A PPC PS City as during course of inquiry U/S 157 (I) CrPC one stolen Motor Cycle Honda 125 CC Registration No.5144/Kohat and one High Speed Motor Cycle CD-70 without number were recovered from your Godown situated at Gulshan Colony Hangu which shows that you are involved in stealing of these Motor Cycles.
- (b)

Being a Police Official you are not supposed to involve yourself in such illegal activities which is a gross misconduct on your part.

- By reasons of the above, you appear to be guilty of Misconduct as defined in Rule-2 (III) of Police Disciplinary Rules, 1975 with amendment in 2014 and have rendered yourself liable to all or any of the penalties specified in the Rule 5(5) of the Rules ibid.
- 3.

You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.

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

5. Intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.

## (MIAN INITIAZ GUL) Superintendent of Police, 7 Investigation, Hangu.

#### DISCIPLINARY ACTION.

I, <u>Mr. Mian Imtiaz Gul SP Inv: Wing Hangu</u> as competent authority, am of the opinion that <u>Constable Waleed Mehmood</u>, has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning Under Police Disciplinary Rules, 1/5: -

#### STATEMENT OF ALLEGATIONS.

(a) You have been charged in Case FIR No. 380 dated 17.04.2019 U/S 381-A PPC PS City as during course of inquiry U/S 157 (I) CrPC one stolen Motor Cycle Honda 125 CC Registration No.5144/Kohat and one High Speed Motor Cycle CD-70 without number were recovered from your Godown situated at Gulshan Colony Hangu which shows that you are involved in stealing of these Motor Cycles.

(b) Being a Police Official you are not supposed to involve yourself in such illegal activities which is a gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry Officer consisting of the following is constituted in the above rules: -

i. Mr. Asad Zubair, DSP HOrs Hangu.

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

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

## No.<u>1944-45</u>/Inv: dated Hangu the <u>1614-</u>

Copy of the above is submitted to the:-

- 1. Dy: Inspector General of Police, Investigation Bannu Region (south) at CPO Peshawar.
- 2. Dy: Inspector General of Police, Kohat Region Kohat.
- 3. District Police Officer, Hangu.
- 4. Asad Zubair DSP HQrs Hangu with the direction to completes the enquiry within the stipulated period.

(MIAN IMTA GUL) Superintendent of Police, 🌱 Investigation, Hangu.

مس مور مترم كر تر الرام المراك ف ف مل الر الم الم الم SI Collar. مروح و المر المري لا تلك على المرال المري المرالي الم المسكر جنرك إوليس صويد مرمدة ام تمبر "12 م منتقب پیرلی ناد جاب بخبر 2286/13 فادم شدنه بندادی بزادر بسز زمینه زمان 20.02 بالدر فادم شدرجانه) مخما فارم (پیکس) مرکس محرب کار کار کار کار میس وسطی فائكل ابتدائي اطلاعي ديوري فارم نمبر ۲۴ ـ ۵ (۱) ابتدائي اطلام أنسبت جرم فالجل دست انداز كما يوليس ريورث شره زيردفد ٢ ٥٠ .موعد ضاديله فوجداري 6/9:00 299 27/07 Annan Phata تاري ورف جي الحر وقد 10:00 م 17:30 33, 17/04 ( الربار الحر , مختفر كيفيت جرم (معدد نعه) حال اگر بحطاليا كيا و 381-A نام وسكونت طرم کاردائی جونفیش کے منطق کی گنی اگراطلائ درج کرنے میں او قف ہوا ہوا وو دیہ بیان کرد تقانديب روانخ كانارج ددفت ابتدائي اطلاع فيجدرج كرو خط طلخا مستفدت مررج خان فريزي المرز دوام مر الروز التي ا<del>قرار الحرج الحرق فعلى منى درج روز التركيس من ازم الري (</del>1570) ص ف شروع الرب می طلاست الحظ کر جوام سی یکی بر در ان اور اس کر از ا الغريم 8484546 ( راموتر سايتيكل 070 جاتي سر 4,4 جن 2 يزز مراب كم شرو م مر وليد ولد المر مان ع طن لا لون فو مرضود مع رود المرجر جر بر المرجر فرد فسر الم سے بابا کیا ، سرس سائن کا مرد بال میں زرد سی دلید 12 00 2 مر شرس المنظل وغير نافيس مردن روا به الم الم الم الح الح الم كالإران بفرس فنوفر جرام الطامدان لأمان لأمان جراح ورج الرزاري ps üt

بيل ١١ د كانتشبات ولبرا تمود منعين الوسيان سراف بالموج () في برجوالزامات لفائع لني سراسم فيوط رون هر ي ... مر مر ما ي ظلم بر (in also 381A (7, 17/04/019 200 3800 20) ب جو FIR جو بر درج من من من بر مرج من تق ظلم اور نارانعاف ہے۔ حکان سے جو فر سائیلز برزمر ہو جن i un sola culture proportioner prop كرانغ برليا بع - كرونيش جو مان سه بهار بكون اور جار بانی سے انتخف کی طاقت میں دھتی کہ اس بے ساتھ انعاف كي جاري . ميبرا كبس عبرالت ريبريشل الشري جم مع ماي الرج مع  $\frac{\partial \psi}{\partial t} = \frac{\partial \psi}{\partial t} =$ محراس منطانب أنكراتري أقيسه x x x in an 10 085 EQ 21 - 71 A 18 E Wind w c. 5 mile col 14 متصر من المس . ۲ . . د کان سر محق میں سن مد میر میں جا مسمی در الان دلد ما حولان کے قلبی کالوں میں ب

א א א צע צער יעט טעצ צען ייט א אין וע צען ען יך צען אין א ٢. محمل مرد محمل من مارج ملائم من 2 ماري مان بر ماري مان تردن بر على لما بول م مراكري قصور من مع دان بارجود اس قي مارج من عبرالله س BBA ماجر ) WALM & boy per . x x x المج 3 عربان ليطالق ده جرادي من سركوري ولوفي جرما و مع قرار نوفي دو سرادا لم جرد مس مے تو مرسا سے کو مرسا کے کودام میں ترکی کالی ک WAtin en ister ?!! 

مل ادل در اخل دلد فاطول ساح وله ظل کونی کو میں مدرمات بول سانی ہوں نے مانسل ولار شود میں الجسی کراچی میں کراچی میں سرکور فی ڈری كركم مول. در ال هين سي مو معامل و وجر مور مرادر ال مي ده لو يا من ا حا بوال حل من غرام المخ حين ادرأس دكان مين تركا اخاص مدمان رطابوا م ادر لوركودام کرے استعال میں سے طالی کودا کر میں موجود مولی سے اور تھے ۔ افراد کشیول برتہ دازل محدوم سے اسلا کے حس میں جور کراتی میں سر کورلی زمانور تول رک جرمی 31/20 4 Piz in Star Jeb Swill a ving - 05 6 615 مع سر الم الم الى مع الفرالى كالمرك الله اور لو توري مع طلى والى اخطار فى كمر مع مردس كارد معكور كارلونى من يراد محمد مو توال فى م میل وزیر از این قراری مراسی نظری میں نیس خطی ادر بن فرق وال کار ولقا ول من مرامل من في تعري المنهى 14101-0129545-5 0342 9796407

or Marinalia No. of Order/ occedings Order No.2

Date of Order or recedings 27.04.2019

> Learned DyPP Mr. Ibad ur Rehman for the State, petitioner Waleed Mehmood sto Ahmad Khai present with counsel. Complainant in person present. Accused/petitioner Walced Mehmood seeks confirmation of hail before arrest, in connection with case FIR No.380 dated 17-04-2019 u/s 381-A PPC P.S. City.

Order or other Proceedings with Signature of Judge or Magistrate

and that of parties or counsel where necessary

Arguments heard and record perused.

Today, complainant Zia UL Hay appeared before the Court and recorded his statement to the effect that he has charged accused/petitioner for commission of offence on the basis of suspicion. Now, he has patched up the matter with accused petitioner through intervention of elders of locality and effected compromise therefore, he is no more interested in his prosecution. The compromise is genuine, without force or coercion and in the best interest of parties. He also stated to have got no objection if ad interim pre-arrest bail of accused/petitioner is confirmed and later on acquitted in the instant case. To this effect, he also produced compromise deed ExPA.

## IN UNU MI SITPERINTENDENINABOANA

· · ·	
-Seri No, of Order	Date of Order or Ord

Proceedings

27 Ca - 25

Proceedings

Order No.2 Contd.... Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3 In the above circumstances, it is held that compromise effected between the parties seems genuine and in their best interest, therefore, the ad-interim prearrest bail earlier granted to accused/petitioner is confirmed on the existing bail bonds. File; be consigned to the Record Room after its completion and

compilation.

<u>ANNOUNCED</u> 27-04-2019.

> (AJAML SIIAII) Addl: Sessions Judge, Hangu.

### CHARGE SHEET.

1

I, <u>Mr. Mian Imtiaz Gul SP Inv: Wing Hangu</u> as competent authority, hereby charge you Constable Waleed Mehmood Investigation Wing Hangu, on the following allegations:-

- (a) You have been charged in Case FIR No. 380 dated 17.04.2019 U/S 381-A PPC PS City as during course of inquiry U/S 157 (I) CrPC one stolen Motor Cycle Honda 125 CC Registration No.5144/Kohat and one High Speed Motor Cycle CD-70 without number were recovered from your Godown situated at Gulshan Colony Hangu which shows that you are involved in stealing of these Motor Cycles.
- (b)

2.

Being a Police Official you are not supposed to involve yourself in such illegal activities which is a gross misconduct on your part.

- By reasons of the above, you appear to be guilty of Misconduct as defined in Rule-2 (III) of Police Disciplinary Rules, 1975 with amendment in 2014 and have rendered yourself liable to all or any of the penalties specified in the Rule 5(5) of the Rules ibid.
- 3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.
- 4. Your written defense, if any, should reach to the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.

underintendent of Police, estigation, Hangu.

### DISCIPLINARY ACTION.

I, <u>Mr. Mian Imtiaz Gul SP Inv: Wing Hangu</u> as competent authority, am of the opinion that <u>Constable Waleed Mehmood</u>, has rendered himself liable to be proceeded' against as he committed the following acts/omissions within the meaning Under Police Disciplinary Rules, 1975 : -

#### STATEMENT OF ALLEGATIONS.

(a) You have been charged in Case FIR No. 380 dated 17.04.2019 U/S 381-A PPC PS City as during course of inquiry U/S 157 (I) CrPC one stolen Motor Cycle Honda 125 CC Registration No.5144/Kohat and one High Speed Motor Cycle CD-70 without number were recovered from your Godown situated at Gulshan Colony Hungu which shows that you are involved in stealing of these Motor Cycles.

(b) Being a Police Official you are not supposed to involve yourself in such illegal activities which is a gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry Officer consisting of the following is constituted in the above rules: -

<u>Mr. Asad Zubair, DSP HQrs Hangu.</u>

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

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Office.

MIAN MMMAZ GUL) erintendent of Police, Investigation, Hangu. 2019.

No. <u>/ 944-45</u>/Inv: dated Hangu the \_

Copy of the above is submitted to the:-

- 1. Dy: Inspector General of Police, Investigation Bannu Region (south) at CPO Peshawar.
- 2. Dy: Inspector General of Police, Kohat Region Kohat.
- 3. District Police Officer, Hangu.
- 4. Asad Zubair DSP HQrs Hangu with the direction to completes the enquiry within the stipulated period.

(MIAN MINAZ GUL) Superintendent of Police, Minvestigation, Hangu.



Office Tele: 0925-623887 Office Fax: 0925-622887 Email:spinvestigationhangu@yahoo.com

## <u>ORDER</u>

Constable Waleed Mehmood No. 46 of this Wing is hereby suspended and closed to Investigation office with immediate effect due to his involvement in Case FIR No. 380 dated 17.04.2019 U/S 381-A PPC PS City Hangu. Departmental action is being initiated against him. Asad Zubair DSP HQr Hangu is appointed as Enquiry officer to conduct proper departmental inquiry against him.

OB No. <u>28</u> /Inv,

Dated 18/ 4/2019.

AN IMTAZ GUL) Superintendent of Police. Investigation, Hangu.

## OFFICE OF THE SUPERINTENDENT OF POLICE INV: BUREAU, HANGU.

No. 19 35-38 /Inv: dated Hangu the 18 / 04 /2019.

Copy of above is submitted for favour of information please to the:-

- Dy: Inspector General of Police, Investigation, Bannu Region (South) at CPO Peshawar.
- 2. Regional Police Officer, Kohat Region Kohat.
- 3. District Police Officer, Hangu.
- 4. DSP HQr Hangu with the direction to complete the Enquiry proceeding within the stipulated period and submit finding report.

IAN IMAX GUL) Supervintendent of Police, Investigation, Hangu.

NO: 470-5- city 07' 18-04-19 Sign days in a gun canges Side J. J. - J. BJIER 381-A (17-19 20380 inuries Jole 19 Million Million we dulla pass il pour de to Chief Mill Julion digit & which digit and stand and fiber Carl 1 in ci BAN BY RAW ( مُشْرَعُم الله المُنْظِر فِي ) 6 wavder 45 Hargu 1811 For maction 19/03/18 18/4/2013

كونمنت بهريس بيثادر جاب تمير 2286/13 قارم سنور فتعداد أكب بزارد جشرة مورت 20.06.2011 في فور( قارم سنورجايز) صحنى فارم ( يوليس ) الميكثر جزل بوليس صوبه مرحد فارم نمبر ٢٢ 19 كاوئنثر فائيل فارم نمبر بهتر 🚺 👔 ابتدائي اطلاعي ريورب ابتدائي اطلاع نسبت جرم قابل دست اندازي پوليس رپورث شده زيرد فعه ۱۵۴ مجموعه ضابطه فوجداري 11.5<u>29 27/52</u> 19 390 x19:00 تاريخ دوقت ريور. . ال P/3 5 4 10:00 20 28/0 + 17:30 19 17/04 6802091-7 0 19 بنام دسكونت اطلاع ريفيت جم (مددند) عال اكريجي يكوكر شق والمر الخيها والشق مسم • و 0333 2066003 381-A ئ دقوعہ فاصلہ تھا تد سے اور سمت مزد اسم بلك كام واقوم در مع نام وسكونت ملزم ۵\_ کاردائی جوتفتیش کے متعلق کی گئی اگراطلاع درج کرنے میں تو قف ہوا ہوتو وجہ بیان کرو ۲\_ تھانہ۔۔۔ردائگی کی تاریخ دوقت -4 ابتدائی اطلاع <u>نیچ</u> درج کرد <del>سم سرک <sup>د</sup> کر</del> خاعلا مستفيت مدرم خاب م 2 كى المور · دو ممد !! روز نادر چین او مان منی درج رو نادر سور فر مس ایمان در ایجار در isic ص ف شروم مرتب می خلامس احد کو جام مر می فقی بدوان الموانری سرتو میں د ورسانيكر حندا 25 ( جندن في المان 25 عسرز فرد 0580 12 جسرز فرد 0580 1 (رمیزت مد شهره م صبح ولید ولد اهر مان سم الت کانون برراغ ورقبق فه وشرسانهم فرق الاحتذر ومنى وليد ولراحيطان جرم جورى جارى مسانسفل وعبر معنى حلون رها ب عرفي في تصريح المجار وعقر لل عمر بالا كابا الرون الدين مع ورج فرم بالا كالياب مور فر المرابي كاندان تفري الني والم الطلميناف للطائل ج بردم وارش م 'ps ut 1-04-

Wind in Build & 0.3:05 (1. 4. 5 33 - 0.5 ) موج 35 8 فرج از دارم د مراج د در مع الونس من مر الور من مالال الا

A.T. US. 19

AM

Martin ( ? ( snpo )

to DIG 14-05 مروری خالوتی کاروای - رخمارت ملازمان جنگو لیول جو رکوماط سے جوری شراہ موٹر سا سیل خرید نے حیل ایک ملون بالم كتر صايعالى ! 350 S.J.3 مرض ہے کہ ملے کوباط میں کھلے کی میںوں سے مؤرساسط حور ی واقعان ہوئے۔ جو لجدازاں ایک ملزم خوت بلال کر جنگ میرے کما کے لئے چوری کے موڑ اسفل ہنگو ہوئی ملاز عن نے سرب کی حابت ملوثے تھے سے خرید کے ضلع کو طرف کر قد تار ملزم حوت بلال کے بیان بر کاروای کرتے ہوئے کا بران كيم مؤرمانيكل في لولوس ملازمين من مراسل لو حك فيس - لمرك برآمدی باقی ہے ، جم سرائریں سالکان مور ساسل آپ مرادیان سے برزور مطالبہ کرتے جس کر باقی موٹر باسیل کی برآمدگی حلد یقین سالح حال اور جورى كأسال جان لوهم كر خريد فريد الحكم نويس د منازمان تحسّلات فروری خانونی کاروای کی بدا پیت کیجارے . الحارض Jowestinden, Kongn. DSP wort - I Sul II all S. NO=695/KCell 14-05-19 22.5 DPU-Hangu Ers enginery E Venty facts, take n/Legal action, ensure justice & regent. report D.P.O Hangu अन्द्रन्द्राज. ولر DIGITY NO pote 14 /

المراد الدونى) يوليس فارم نمبر ٢٥ ٢ ٢ ٢ ٢ 3/61 23500 Jug Eugline il and a strate and contraction 19 1410201295155 1216 200 Jan 421 8 E 2016 1 Jun w Jun w bin 2 0342-9796402 - Char EXPRESS ON 3'S UNALUT'S SINI ON JUNION Ja jon of hand Jacas Charles Con Operation of the operation of the series ما کو رو اسمال سی طارف سط ال مرب المحال الم مرار می میں تحور کی واج فر سے ۔ اور نہ ہی اعماد میں if all had her with bill 215 get 2 Juin the first of the contraction of the first of the f



The Director, Forensic Science Laboratory, Khyber Pakhtunkhwa, Peshawar.

Office Tele:

Office Fax:

Email:spinvestigationhame

0925-64

/Inv: dated Hangu the 10 15 /2019.

Subject:

To

No.

#### EXAMINATION OF MOTORCYCLE.

#### Memorandum:

It is submitted that a Motorcycle CD-70 (Hispeed) without number, has been recovered from accused Waleed Mahmood s/o Ahmad Khan r/o Gulshan Colony Hangu and Bilal s/o Tariq @ Gudo Mula r/o Chashmajat Hangu by local Police in Case FIR No. 380 dated 17.04.2019 U/S 381-A PPC PS City. Chassis, Engine number has been scratched and not readable. (*Copies of FIR is enclosed*)

It is therefore requested that the above mentioned vehicle may kindly be examined and report furnished to this office for further necessary action please.

Superintendent of Police, Investigation, Hangu.

No. 2239 /Inv:

Copy to I/O PS City for information.

37/38 N Jogis PJ Jow in in a 14/01-3776711-8/15/01/02/01/00/01/01/14 inder of streadure UND 2 JUNN 1500 20 11 - 2 / mos Milité UWY ward of the low of the and out in the shirt visit 2 UUI 2 63 Q va prive

## KHYBER PAKHTUNKWA SÉRVICE TRIBUNAL, PESHAWAR

No. 141 <u>/</u>ST

Dated 20 /01 / 2021

То

The Superintendent of Police Investigation, Government of Khyber Pakhtunkhwa, Hangu.

## Subject: JUDGMENT IN APPEAL NO. 1077/2019, MR. WALEED MEHMOOD.

I am directed to forward herewith a certified copy of Judgement dated 13.01.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.