

Form-A

FORM OF ORDER SHEET

Court of Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No. 340/2024

Sr No.	Date of order Proceedings	Order or other proceedings with signature of judge
1.	2.	3.
1.	4/3/2024	The appeal of Mr. Abid Khan resubmitted today by Mr. Taimur Ali Khan advocate. It is fixed for hearing before Single Bench Bench at Peshawar on 05/03/2024. Parcha Peshi is given to counsel for the applicant.

By the order of Chairman



REGISTRAR

The appeal of Abid Khan received today i.e on 16.02.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal has not been flagged /marked with annexures marks.
- 2- Check list is not attached with the appeal.
- 3- Annexures of the appeal are unattested.
- 4- Copy of enquiry report mentioned in memo of appeal (Annexure-B) is not attached with the appeal.
- 5- Copy of impugned order is incomplete be completed.
- 6- Copy of departmental appeal is not attached with the appeal be placed on it.
- 7- Page Nos. 14, 15, 25, 26, 27 to 56 of the appeal are illegible be replaced by legible/better one.
- 8- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal in file covers.

No. 375 /S.T.

Dt. 19/2 /2024.


19/2/24

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Tahir Ali Khan Adv.
High Court at Peshawar.

Respected Sir,

1- Removed

2- Removed

3- Removed

4- Copy of enquiry report is attached at page 9, and

9-A

5- Removed

6- Copy of departmental appeal is attached at page 56-

7- Better copies of page -14, 15, 25 were prepared, while 26 to 53 were replaced by legible

Copies

8- Removed-

- Resubmitted after compliance
04/03/2024



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 340 /2024

Abid Khan

V/S

Police Department

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THROUGH:

APPELLANT



(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
03339390916

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 340 /2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1199

Dated 16-02-2024

Abid Khan, Ex-IHC No. 203,
Police Lines, Mardan.

(APPELLANT)

VERSUS

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

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED 22.11.2023, WHEREBY
THE APPELLANT WAS DISMISSED FROM THE
SERVICE WITH EFFECT FROM 09.03.2022 AND
AGAINST THE ORDER DATED 29.01.2024, WHEREBY
THE DEPARTMENTAL APPEAL OF THE APPELLANT
WAS REJECTED FOR NO GOOD GROUNDS.

Filed to - Day

Registrar

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE
ORDER DATED 22.11.2023 AND 29.01.2024 MAY PLEASE
BE SET ASIDE AND THE APPELLANT MAY KINDLY BE
REINSTATED INTO SERVICE WITH ALL BACK AND
CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY
WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND
APPROPRIATE THAT MAY ALSO BE AWARDED IN
FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed in the respondent department as Constable in the year 2012 and has completed all his due training and was promoted to the rank of LHC with the passage of time. The appellant since his appointed has performed his duty with devotion and honesty, whatsoever, assigned to him.
2. That the appellant was posted as Incharge PP Shaheedian and on 02.09.2021 after arrival from routine Shabasi, he was on duty as mobile officer in PS Rustom Mobile where LHC Niaz Ali called him that he has arrested a young man along with unlicensed pistol of 30 bore and asked to register an FIR against him on which the appellant replied that the accused along with case property should be brought to the police station Rustom and then registered an FIR against the accused, however LHC Niaz Ali without permission of the appellant as well as concerned SHO registered an FIR No.1057 dated 01.09.2021 U/S 15AA PS Rustom against the accused Kamran on his own and released him on Malchaka and 02.09.2021 LHC Niaz Ali with the connivance of his bother LHC Tariq Ali No.627 called the accused Kamran to Kacheri Mardan and sent him to the judicial lock for the reason that on 03.09.2021, the brother of accused Kamran namely Amir Sajjad with the connivance of Kamran committed a murder on which FIR No.889 dated 03.09.2021 u/s 302/324/34 PPC PS Toru was registered in which the accused Kamran was also charged for the commission of offence so as to entitle the accused Kamran for plea of alibi in that murder case.
3. That on the basis of above reason charge sheet along with the statement of allegations were issued to the appellant which was replied by the appellant in which he denied the allegation and clearly mentioned in his reply that neither he prepared the Murasila of the case nor dictate any one and stated that the instant Murasila has been written by LHC Niaz Ali and also brought it to the police station without bringing to his notice and he neither prepared judicial remained nor signed it and requested to send the same for FSL for analyzing. He further stated that Niaz Ali and his brother intentionally did fraud and sent Kamran to judicial lock up on his bogus signature. **(Copy of charge sheet along with statement of allegation are attached as Annexure-A)**
4. That on the basis of baseless allegations, inquiry was conducted against the appellant in which no opportunity of defense was provided to the appellant as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination. Moreover, the inquiry officer did not conduct proper and regular inquiry to dig not the realty about the allegations nor sent the Murasila to FSL for authenticity, but despite the appellant was recommended

for major punishment. (Copy of inquiry report is attached as Annexure-B)

5. That show cause notice was issued to the appellant which was replied by him in which he again denied the allegations and gave real facts about the matter. (Copies of show cause notice and reply to show cause notice are attached as Annexure-C&D)
6. That on the basis above baseless allegation, the appellant was dismissed from service vide order dated 10.03.2022 without conducting proper and regular inquiry. The appellant filed departmental appeal which was also rejected on 05.04.2022. (Copies of order dated 10.03.2022, departmental appeal and order dated 05.04.2022 are attached as Annexure-E,F&G)
7. That the appellant then filed service appeal No.620/2022 in this Honorable Tribunal, which was heard and decided on 24.07.2023. The Honorable Tribunal allowed the appeal of the appellant, set aside the impugned orders and directed the respondents to conduct de-novo inquiry in the matter strictly in accordance with law /rules and also directed the respondents that the appellant be reinstated for the purpose of denovo inquiry and shall be fully associated with the inquiry proceeding by providing him fair opportunity of personal hearing and cross examination. (Copy of judgment dated 24.07.2023 is attached as Annexure-H)
8. That in the compliance of judgment dated 24.07.2023, the appellant was reinstated into service for the purpose of denovo inquiry vide order dated 22.09.2023 and charge sheet along with statement of allegations were issued to the appellant, which was replied by the appellant in which he denied the allegations and clearly mentioned in his reply that neither he prepared the Murasila of the case nor arrest the accused and he also neither prepared judicial remained nor signed it and previously requested his superiors to send the same for FSL for authenticity. He further stated that Niaz Ali and his brother done all these illegal acts with due deliberation with accused Kamran without informing him and the superior officials. (Copies of order dated 22.09.2023, charge sheet along with statement of allegations and reply to charge sheet are attached as Annexure-I,J&K)
9. That denovo inquiry was conducted against the appellant in which again no proper opportunity of defense was provided to the appellant as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination but conducted in questionnaire form. Moreover, the inquiry officer did not conduct proper and regular inquiry to dig not the reality about the allegations nor sent the Murasila to FSL for authenticity, but despite the appellant was recommended for major punishment. (Copy of de-novo inquiry report is attached as Annexure-L)

10. That show cause notice was issued to the appellant which was replied by him in which he again denied the allegations and gave the same stance in reply to show cause notice as given in the reply to the charge sheet. **(Copies of show cause notice and reply are attached as Annexure-M)**
11. That on the basis of baseless allegation and without conducting proper and regular inquiry, the appellant was again dismissed from service with effect from 09.03.2022 vide order dated 22.11.2023. the appellant aggrieved from the order dated 22.11.2023 filed departmental appeal on 05.12.2023, which was rejected on 29.01.2024 for no good ground. **(Copies of order dated 22.11.2023, departmental appeal and order dated 29.01.2024 are attached as Annexure-N,O&P)**
12. That the appellant now comes to this Honorable Tribunal to file the instant appeal for redressal of his grievance on the following grounds amongst others.

GROUND:

- A) That the impugned orders dated 22.11.2023 and 29.01.2024 are against the law, rules, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That no proper and regular inquiry was conducted against the appellant because no proper opportunity of defence was provided to the appellant as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination to dig out the reality about the allegations, which is against the law and rules and as such the impugned orders are liable to set aside on this ground alone.
- C) That the Honorable Tribunal clearly mentioned in its judgment dated 24.07.2023 that the appellant shall be fully associated with the inquiry proceeding by providing him fair opportunity of personal hearing and cross examination, but despite no proper opportunity of personal and cross examination was provided to the appellant which violation of judgment dated 24.07.2023 of this Honorable Tribunal.
- D) That inquiry in questionnaire form has discouraged by the superior courts in its various judgments, but in spite that the inquiry officer conducted inquiry against the appellant in questionnaire form which is violation of superior courts judgments.
- E) That the appellant clearly mentioned in his reply to the charge sheet that neither he prepared the Murasila of the case nor arrest the accused and he also neither prepared judicial remained nor signed it and

previously requested his superiors to send the same for FSL for authenticity. He further stated that Niaz Ali and his brother done all these illegal acts with due deliberation with accused Kamran without informing him and the superior officials, but neither the inquiry officer conducted regular and proper to dig out the reality about the allegations nor send it to FSL for verification, which is against the norms of justice and fair play.

- F) That the appellant denied the allegations in his reply to charge sheet and gave the real facts about the allegations, but the inquiry did not proper inquiry by considering the reply of the appellant and has punished the appellant for no fault on his part, which is not tenable under the law.
- G) That the appellant has right of fair defence under Article-10-A of the Constitution of Pakistan which was not observed by the inquiry committee during inquiry proceeding, which is clear violation of Article-10-A of the Constitution of Pakistan.
- H) That the appellant has been condemned unheard and has not been treated according to law and rules.
- I) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that on the acceptance of this appeal, the order dated 22.11.2023 and 29.01.2024 may please be set aside and the appellant may kindly be reinstated into service with all back and consequential benefits. Any other remedy which this Honorable Tribunal deems fit and appropriate that may also be awarded in favour of appellant.


APPELLANT
Abid Khan

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

⑥

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2024

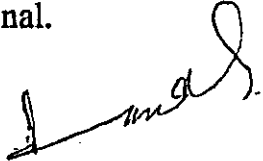
Abid Khan

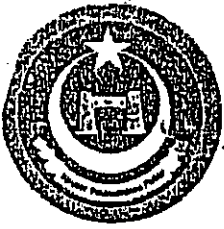
VS

Police Department

AFFIDAVIT

I, Abid Khan, Ex-IHC No. 203, Police Lines, Mradan, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.


DEPONENT



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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2021

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(7)

CHARGE SHEET


I, Dr. Zahid Ullah (PSP), District Police Officer, Mardan, as competent authority, hereby charge HTC Abid Khan No.3293, while posted as In-charge P.P Shaheedan (now under suspension Police Lines Mardan), as per attached Statement of Allegations.

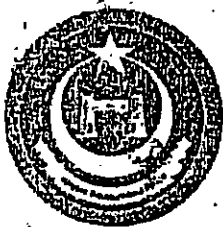
1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

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

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

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


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan



(2)
**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

No. 226 /PA

Dated 07/10/2021

DISCIPLINARY ACTION

I, Dr. Zahid Ullah (PSP), District Police Officer Mardan, as competent authority am of the opinion that IHC Abid Khan No.3293, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, IHC Abid Khan No.3293, while posted as in-charge P.P Shaheedan (now under suspension Police Lines Mardan) was found negligence for the following irregularities, as per SDPO Rural Mardan office letter No. 1299/R dated 07-09-2021:

1) On 01-09-2021, he accompanied by LHC Niaz Ali No.2697 etc arrested one Kamran r/o Nawan Killy Toru with a (30) bore without number and unlicensed pistol & (05) rounds during routine patrolling vide case FIR No.1057 dated 01-09-2021. U/S 15AA PS:Rustam.

2) On 02-09-2021, he (IHC Abid Khan) has prepared Remand Judicial Challan and sent it to the Court through Constable Ayaz No.1663 with advice that the accused is waiting at Mardan Katcheri. On reaching Mardan Katcheri, he found LHC Niaz Ali No. 2697 along-with accused Kamran, so he handed-over the Remand Judicial papers to LHC Niaz Ali, who produced the accused to the Court wherein the accused couldn't produce any surety, so the Court fined him of Rs.1000/-, but intentionally the accused regretted by not paying the fined amount, so he was sent to Judicial Lock-up. The main purpose behind preferring Judicial Lock-up was that on 03-09-2021, brother of accused namely Amir Sajjad committed murder vide case FIR No.889, dated 03-09-2021 U/S 302/324/34 PPC PS Toru, in which, he (accused Kamran) was also charged for the commission of crime.

3) As per SP/Investigation Mardan vide his office letter No.531/PA/Inv: dated 06-09-2021, highlighting that accused Kamran in connivance with LHC Muhammad Tariq No.627 of PAL Office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shaheedan (Now both suspended) registered the above quoted case against himself, because on the day and at the time of occurrence, accused Kamran was not present on the spot and no direct recovery has been made from him, while on the next day (02-09-2021), accused Kamran was handed-over to Constable Ayaz Ali No.1663 without handcuffs in the Court, wherein before the concerned Magistrate, accused Kamran resiled from his statement and was sent to Judicial Lockup Mardan. From the preliminary enquiry, it has been found that accused Kamran in connivance with LHC Muhammad Tariq has planned his entrance to Mardan Jail and this fact has been accepted by all.

4) From the above discussion, the involvement of IHC Abid Khan in this episode/plan can't be ruled-out.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Adnan Azam SDPC SMT is nominated as Enquiry Officer.

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

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


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

DISCIPLINARY ACTION AGAINST IHC ABID KHAN NO.3293

Kindly refer to your office diary No.226/PA, dated 01.10.2021

ALLEGATIONS:-

Whereas, IHC Abid Khan NO.3293, while posted as In-charge PP Shaheedan (now under suspension police lines Mardan) was found negligence for the following irregularities as per SDPO Rural Mardan of office letter No.1299/R dated 07.09.2021.

- 1) on 01.09.2021, he accompanied by LHC Niaz Ali No.2697 etc arrested one Kamran R/o Nawa Kalay Tour and recovered a (30) bore pistol without number and license & (05) rounds from him during routine patrolling vide case FIR No.1057 dated 01.09.2021 15AA PS Rustam.
- 2) On 02.09.2021, he (IHC Abid Khan) prepared Remand judicial challan and sent to the Court through Constable Ayaz No.1663 with advice that the accused is waiting in Mardan Kacheri. On reaching Mardan Kacher, he found LHC Niaz Ali No.2697 along with accused Kamran, so he handed over the remand judicial papers to LHC Niaz Ali, who produced the accused to the Court wherein the accused could not produce any surety, so the court fined him Rs.1000/- but intentionally the accused regretted by not paying the amount, so he was sent to judicial lockup the main purpose behind preferring judicial lock up was that on 03.09.2021, the brother of accused Amir Sajjad committed murder vide case FIR No.889 dated 03.09.2021 u/s 302/324/34 PPC Police Station. Toru, in which he (accused Kamran) was also charged for the commission of crime.
- 3) as per SP/Investigation Mardan vide his office letter No.531/PA/Inv. Dated 06.09.2021 highlight that accused Kamran in connivance with LHC Muhammad Tariq No. 627 of PAL Branch office Mardan and his brother LHC Niaz Ali No.2697 of PP Shaheedan (now both Suspension) registered the above case against himself, because on the day and at the time of occurrence accused Kamran was not present on the spot and no direct recovery has been made from him while on the next day (02.09.2021), accused Kamran was handed over by constable Ayaz Ali No.1663 without handcuffs in the court, wherein accused Kamran was sent to judicial lock up Mardan. From the primary inquiry, it has been found that accused Kamran in connivance with LHC Muhammad Tariq has planned his entrance to Mardan jail and this fact has been accepted by all.
- 4) From the above discussion the involvement of IHC Abid Khan in this plan/episode cannot be ruled out.

PROCEEDINGS

The understand conducted enquiry in the subject matter where the alleged office was called to the office and enquired about the matter, his written statement was also recorded and placed on file. The delinquent officer stated in his written statement, that neither he wrote the Murasila of the above cited case nor dictate anyone. He stated that the instant Murasila has been written by LHC Niaz ali and also brought it to police station without bringing in his notice. On the same to FSL Peshawar for analyzing. He blamed LHC Niaz Ali of PP Shaheedan for the whole blinder that the intentionally did fraud and assisted accused Kamran charged in above cited case and sent him to judicial lockup on his bogus signature. He further stated that LHC Tariq is the brother of LMC Niaz Ali and accused Kamran is his closed friend who prepared the proper plan for the whole scenario. He further disclose that on 01.09.2021, after arrival from routine, shabashi he was on duty as mobile officer in PS Rustam mobile where LHC Niaz Ali called him that he has arrested a young man along with an unlicensed pistol 30 bore and asked to register an FIR against him. Hence, ca case FIR No.1057 dated 01.09.2021 u/s 15-AA PS Rustam was registered against Kamran S/o Noor Habib r/o Nawa Kalay and accused was released on Machalka by LHC Niaz Ali, Mardan called the accused Kamran to Kacheri Mardan and sent him to judicial lock-up knowing the intention of committing crime of Kamran.

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It is worth mention here that during preliminary inquiry conducted by WSP Investigation Mandi, he (IHC Abid) admit that FIR registered u/s 15AA had been brought in his notice by the IHC Maz Ali and he agreed with it while now he has been found refused from the instant proceeding, such clear contradiction have been found in his previous and present statement.

In order to further probe the matter, investigation officer along with case file was called to the office and the case file was thoroughly perused. From perusal of the case file of FIR No. 889 dated 03.09.2021 u/s 302/324/34 PPC PS Toru, it came to surface that the accused Karan was released on bail on the grounds that he was charged and arrested in case FIR No. 1037 dated 01.09.2021 u/s 15A PS Rustam at the time of occurrence of the murder vide Order No. 64 dated 27.09.2021. Moreover, during chalking of FIR the location of accused Karan was noted at Navan Kaly Toru road (CDR copy attached).

RECOMMENDATION:

Keeping in view enquiry conducted, the undersigned reached to the conclusion that the delinquent officer registered FIR against accused Karan without checking the accused and case properly. Similarly, he also deviated from the registration of FIR and his signatures. Therefore, he is found guilty and recommended for Major Punishment if agreed, please.

No. 354 /SI-S/IT
Dated. 13/11/2021

(Adnan Azam Khan)
Deputy Superintendent of Police,
S.M.T-Circle

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PCN

[Handwritten signature]

Better /legible Copy

(9-A)

It is worth mention here that during preliminary inquiry conducted by w/SP investigation Mardan, he (IHC Abid) admit that FIR registered u/s 15-AA had been brought in his notice by the LHC Niaz Ali and he agreed with it while now he has been found refused from the instant proceedings. So a clear contradiction have been found in his previous and present statement. In order to further probe the matter, investigation officer along with case file was called to the office and the case file was thoroughly perused. Form perusal of the case file of FIR No.889 dated 03.09.2021 u/s 302/324/34 PPC PS Toru, it came to surface that the accused Kamran was released on bail on the grounds that he was charged and arrested in case FIR No.1057 dated 01.09.2021 u/s 15-AA PS Rustam at the time of occurrence of the murder vide Order No.04 dated 27.09.2021. Moreover, during chalking of FIR the location of accused Karman k was noted at Nawan kalay Toru Road (CDR Copy attached).

Recommendation

Keeping in view enquiry conducted, the undersigned reached to the conclusion that the delinquent officer registered FIR against accused Kamran without checking the accused and case property. Similarly, he also deviated from the registration of FIR and his signatures therefore, he is found guilty and recommended for Major punishment if agreed, please.

No.364/St-SMT
Dated 13.12.2021

Sd/-
Adnan Azam Khan
Deputy Superintendent of Police,
S.M.T Circle



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

Tel No. 0937-9230109, & Fax No. 0937-9230111
Email: doomdn@gmail.com

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No. 1976-77 /PA

Dated 7/12/2022

FINAL SHOW CAUSE NOTICE

LHC Abid Khan No.3293, while posted as In-charge PP Shahoodan (now under suspension Police Lines Mardan) was found of negligence for the following irregularities, as per SDPO Rural Mardan office letter No.1299/R dated 07-09-2021:-

1) On 01-09-2021, you accompanied by LHC Niaz Ali No.2697 etc arrested one Kamran t/o Nawar Killely Toru with a (30) bore without number and unlicensed pistol & (05) rounds during routine patrolling vide case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam.

2) On 02-09-2021, you have prepared Remand Judicial Challan and sent it to the Court through Constable Ayaz No.1663 with advice that the accused is waiting at Mardan Katcheri. On reaching Mardan Katcheri, Constable Ayaz found LHC Niaz Ali No. 2697 along with accused Kamran, so he handed-over the Remand Judicial papers to LHC Niaz Ali, who produced the accused to the Court wherein the accused couldn't produce any surety, so the Court fined him of Rs.1000/-, but intentionally the accused regretted by not paying the fined amount, so he was sent to Judicial Lock-up. The main purpose behind preferring Judicial Lock-up was that on 03-09-2021, brother of accused namely Amir Sajjad committed murder vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, in which, he (accused Kamran) was also charged for the commission of crime.

3) As per SP/Investigation Mardan vide his office letter No.531/PA/Inv dated 06-09-2021, highlighting that accused Kamran in connivance with LHC Muhammad Tariq No.627 of PPAL Office Mardan and his brother LHC Niaz Ali No.2697 of PP Shahoodan (Now both suspended) registered the above quoted case against himself, because on the day and at the time of occurrence, accused Kamran was not present on the spot and no direct recovery has been made from him, while on the next day (02-09-2021), accused Kamran was handed-over to Constable Ayaz Ali No.1663 without handcuffs in the Court, wherein before the concerned Magistrate, accused Kamran resiled from his statement and was sent to Judicial Lockup Mardan. From the preliminary enquiry, it has been found that accused Kamran in connivance with LHC Muhammad Tariq has planned his entrance to Mardan Jail and this fact has been accepted by all.

4) From the above discussion, your involvement in this episode/plan can't be ruled-out.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Adnan Azam SDPO Sheikh Maltoon vide his office letter No.634/St-SMT dated 13-12-2021, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.226/PA, dated 01-10-2021, holding responsible you of gross misconduct & recommended for major punishment. You were heard in OR on 02-02-2022, during which, you have failed to present any plausible reason in your defense.

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

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

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

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

Received by

Dated: 7/12/2022

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

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

جناب عالی:-

بھالہ ڈپٹی سب ڈیوٹی ایجنٹ، شوکار ڈسٹریکشن نمبری No. 1076/77/PA مورخہ 07-02-2022 کا یہ خطاب
DPO صاحب مردان مشورہ حسب ذیل معروضات خدمت ہوں:-

1- یہ کہ مراسلہ تحریر شدہ نہ میں نے لکھا ہے نہ میں نے Dictaid کیا ہے۔ اور نہ ہی میرا ہینڈ رائٹنگ
ہے۔ بلکہ تمام تر کاروائی غلط اور بوسے ہے۔ میرے نوٹس میں لائے بغیر مراسلہ تحریر شدہ بھی
نیا رطل LHC نے متذکرہ اندراج کیلئے خود تھانہ پہنچایا ہے۔

2- یہ کہ نہ میں نے ملزم کا مران ولد نور حبیب ساکن تو اس کلی طور پر کو گرفتار کیا ہے، نہ دیکھا ہے اور نہ
ہی اسے جانتا ہوں۔

3- یہ کہ مورخہ 02-09-2021 کو میں نے نہ ملزم کا مران کیلئے ریماڈ جوڈیشل تحریر کیا ہے اور نہ ہی
اس پر میرا اور بجٹل دستخط ہے۔ بلکہ تمام تر کاروائی بوسے ہے۔

4- یہ کہ اگر افسران بالا مناسب سمجھے تو مراسلہ تحریر شدہ ریماڈ جوڈیشل تحریر شدہ اور فرد دستخطی
تحریر شدہ اور ان پر دستخط ثبت شدہ کے نسبت گواہان فرد کے علاوہ بذریعہ ہینڈ رائٹنگ ماہر
FSL پشاور تھانہ ترقی اور تسلی کا ممنون ہوگا۔

5- یہ کہ LHC نیا رطل متعینہ چونکہ شہیدان نے مراسلہ فرد اور چنگل ضمانت ملزم اور ریماڈ جوڈیشل
اپنی مرضی سے تحریر کر کے ان پر میرا بوسے دستخط ہائے میرے اجازت کے بغیر، مجھے بتائے بغیر،
دکھائے بغیر ثبت کیے ہیں۔ اور ملزم کا مران سے سنا باز کر کے اس کو فرضی چنگل پر رہائی
دلائی ہے۔

6- یہ کہ تھانہ سے واپس چونکہ پہنچنے پر میں نے LHC نیا رطل سے ملزم کے نسبت معلومات پر اس نے
بتلایا کہ اس کو میں نے چھوڑا ہے اور خود کل مورخہ 02-09-2021 کو عدالت متعلقہ آجایا۔

7- یہ کہ LHC نیا رطل نے مجھ سے دھوکہ دہی اور ملزم کا مران کو ناکہ پہنچانے کے لئے مقدمہ
889 مورخہ 03-09-2021 رقم PPC302-324/34 تھانہ طور کو نقصان

پہچانے کے علاوہ چاہو دہرہ یاد کیا ہے۔

8- یہ کہ مورخہ 02-09-2021 کو بذریعہ ریماڈر جوڈیشل پوسٹل پوسٹ کے ذریعہ ملزم کا مران LHC نیاز علی اور اس کے بھائی محمد طارق LHC/627 حسینہ پال پراج مردان کے ساز باز سے کچھری مردان آ کر انہوں نے چالان کس کی بجائے ریماڈر جوڈیشل تحریر کر کے اس پر میرا ایس دستخط ثبت کر کے سوچتے کچھ سکیم کے تحت متعلقہ عدالت سے جوڈیشل لاک اپ بھیجوا یا ہے۔

9- یہ کہ مورخہ 02-09-2021 کو LHC نیاز علی اور اس کا بھائی محمد طارق نمبر LHC/627 باقاعدہ ملزم کا مران کے ساتھ کچھری مردان میں موجود تھے۔ جو ان کے مابین گئی دونوں سے صلاح مشورہ معلوم ہونے کا دلیل ہے۔

10- یہ کہ LHC نیاز علی اور اس کے بھائی محمد طارق LHC/627 اور ملزم کا مران آپس میں موبائل فون پر رابطے، ان کے مابین نزدیکی تعلق کا زائدہ ثبوت کے علاوہ ان کے CDR سے بھی تصدیق کر سکتے ہیں۔

11- یہ کہ LHC نیاز علی اور اس کے بھائی محمد طارق LHC/627 نے تمام ترکار وائی ملزم کا مران کو مقدمہ مثل میں دعویداری سے بچانے کی خاطر اپنے فوس کا ناجائز فائدہ اٹھا کر کیا ہے۔ درحقیقت یہ ہے کہ میں بحیثیت انچارج جوکی شہیدان حسب حکم افسران بالاعتینات ہوں۔ مورخہ 01-09-2021 کو حسب اجازت شب یا سنی گھر خود سے واپس جوکی شہیدان آئے پر حسب اطلاع حسب ہدایت تھانہ سٹم کے موبائل گشت میں بطور انچارج موبائل افسر ڈیوٹی پر تھا۔ کاس دوران LHC نیاز علی جوکی شہیدان میں میرے ساتھ ڈیوٹی کر رہا ہے مجھے ذریعہ موبائل فون کال کی کایک جمان انٹر کول بلا اسٹنس ہسٹول 30 ہوسٹ گرفاڑ کیا گیا ہے تمہارے طرف سے مقدمہ رجسٹر کیا جائے۔ جبکہ میں نے کہا کہ ملزم سمیت مال مقدمہ تھانہ سٹم پہنچایا جائے۔ پھر مقدمہ رجسٹر کیا جائے۔ اس کے ملی بھگت اور ساز باز سے ملزم چھپنے میں اور نہ ہی جہاں SHO صاحب دیکھا تھا۔ نہ ساتھ۔ میرے اور SHO کے اجازت کے بغیر ملزم کو چھوڑ کر مقدمہ ملت نمبر 1057 مورخہ 01-09-2021 م 15AA تھانہ سٹم برخلاف ملزم کا مران اولد نور حبیب سکندر لوہا کی طور دوران رجسٹر کر کے دفتر سے روز مورخہ 02-09-2021 کو اپنے بھائی محمد طارق LHC/627 متعلقہ پال پراج مردان کے صلاح مشورہ سے کچھری مردان متعلقہ عدالت طلب کر کے وقوع مقدمہ 889 مورخہ 03-09-2021 م 302-324/34 تھانہ طورو

(13)

مردان مرزد کرنے کی خاطر قصداً عملاً جوڈیشل حوالات سنٹرل جیل مردان بھیج دیا گیا ہے۔ تاکہ
مردان کامران مقدمہ قتل میں دعویداری سے بچ سکے۔

جناب والا کے حضور اقداس میں تہایت عاجزانہ التماس ہے۔ کہ یہ تمام تر کارروائی LHC نیاز علی اور اس
کے بھائی محمد طارق 627/LHC متعلقہ پال برانچ مردان اور ملزم کامران کے پہلے سے باقاعدہ صلاح مشورہ
تھا۔ اور مورخہ 01-09-2021 کو میرے چیکی میں عدم موجودگی کا فائدہ اٹھا کر تمام تر ذمہ داری میرے سر پر
ڈال کر میرے طرف سے تمام خط و کتابت پوسٹ طریقے سے تحریر کے تمام کارروائی پر میرا بوجھ دیکھنا ثابت
کر کے میرے اور میرے بچوں کے ساتھ انتہائی ظلم کے علاوہ پولیس فورس کو بدنام کرنے کے ساتھ ساتھ مقدمہ قتل
بھی تباہ و برباد کیا ہے۔

اللہ تعالیٰ کو حاضر و ناظر جانتے ہوئے تمام تر کارروائی سے لاعلم ہوں۔ جس کے نسبت افسران بالا کے رویہ
ہر قسم تسلی کے ساتھ ساتھ گواہان فرد اور میرے موبائل کا CDR بھی گواہ ہیں۔

استدعا ہے کہ میرے خلاف چارج شیٹ ہذا مشمولہ بلا کسی مزید جھگمانہ کارروائی داخل دفتر فرما کر مجھے معطل
سے بحال فرما کر مسائل تاحیات آپ کی بلند اقبال کا ڈعا گورے گا۔

العارض

تاجدار مایہ خان IHC/3293 معطل پولیس لائن مردان



**DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: gromdn@gmail.com

2022

EO 14

No. 195-27 /PA

Dated 13 /2022

ORDER ON ENQUIRY OF IHC ABID KHAN NO. 3293

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the IHC Abid Khan on the report of SDPO Rural circle containing the allegations of criminal negligence and gross misconduct. Brief facts of the case are that:-

During routine patrolling on 01-09-2021, IHC Abid Khan No.3293 & LHC Niaz Ali No.2697 etc of PP Shaheedan arrested Kamran s/o Nawan Killely Toru with a 30 bore unlicensed pistol along with five bullet rounds and a case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam was registered against him.

On the next day IHC Abid Khan prepared a report for obtaining judicial remand and sent it to the Court through Constable Ayaz No.1663 with advice that the accused Kamran will be waiting at Mardan Katcheri. On reaching Mardan Katcheri, Constable Ayaz found LHC Niaz Ali No. 2697 who was standing with accused, Kamran, so Constable Ayaz handed-over the report for obtaining judicial remand to LHC Niaz Ali. The accused was produced in the Court by LHC Niaz Ali wherein, the accused couldn't produce any money, so the Court fined him Rs.1000/-, but the accused did not pay the above mentioned fine and he was sent to judicial lock up. The main motive behind sending the accused to judicial lock-up was that on 03-09-2021 the brother of accused namely Amir Sajjad had to commit murder with the connivance of his brother and the delinquent official. Later on, a case vide FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru was registered in which the accused Kamran was also charged, for the commission of offence.

It is worth mentioning that SP/Investigation Mardan vide his office order No 531PA/Inv: dated 06-09-2021 also highlighted the fact that accused Kamran in connivance with IHC Abid Khan, LHC Niaz Ali No. 2697 and LHC Tariq Ali malaofidely got registered the above mentioned case so as to entitle the accused for plea of alibi in a murder case and the accused Kamran was presented in court without handcuffs for enabling him to judicial lock up.

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

No.2125-27/PA

Dated 10/3/2022

ORDER ON ENQUIRY OF IHC ABID KHAN NO.3293

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against IHC Abid Khan on the report of SDPO Rural circle containing the allegations of criminal negligence and gross misconduct. Brief facts of the case are that:-

During routine patrolling on 01-09-2021, IHC Abid Khan No.3293 & IHC Niaz Ali No.2697 etc. of PP Shaheedan arrested Kamran r/o Nawan Killey Toru with a 30 bore unlicensed pistol along with five bullet rounds and a case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam was registered against him.

On the next date IHC Abid Khan prepared a report for obtaining judicial remand and sent it to the Court through Constable Ayaz No.1663 with advice that the accused Kamran will be waiting at Mardan Katcheri. On reaching Mardan Katcheri, Constable Ayaz found LHC Niaz Ali No. 2697 who was standing with accused Kamran, so Constable Ayaz handed-over the report for obtaining judicial remand to LHC Niaz Ali. The accused was produced in the Court by LHC Niaz Ali wherein, the accused couldn't produce (sic) the Court fined him Rs.1000/-, but the accused did not pay the above mentioned fine due to which he was sent to judicial lock up. The main motive behind sending the accused to judicial lock-up was that on 03-09-2021 the brother of accused namely Amir Sajjad had to commit murder with the connivance of his brother and the delinquent official. Later on, a case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru was registered in which the accused Kamran was also charged for the commission of offence.

It is worth mentioning that SP/Investigation Mardan vide his office order No.531/PA/Inv: dated 06-09-2021 also highlighted the fact that accused Kamran in connivance with IHC Abid Khan, LHC Niaz Ali No. 2697 and LHC Tariq Ali malafidely got registered the above mentioned case so as to entitle the accused for plea of alibi in a murder case and the accused Kamran was presented in court without handcuffs for entitling him to judicial lock up.

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ikh Maltoon vide his office letter No.634/St-SMT dated 13-12-2021. It was
delinquent official acted in connivance by falsely implicating the accused
minor offence to save him from FIR No.889 dated 03-09-2021 U/S 302/324/34
holding IHC Abid Ali guilty of gross misconduct and hence recommended for
ment. During his hearing in O.R on 02-02-2022, he failed to present any
son in his defense. therefore, he (IHC Abid Ali) was served with a Final Show
under Khyber Pakhtunkhwa Police Rules-1973, issued vide this office
PA dated 07-02-2022, to which, his reply was received and found unsatisfactory.

IHC Abid Ali was heard in OR on 09-03-2022. During which, he failed
any plausible reasons in his defense. therefore, keeping in view the findings of the
Officer & material on record, the allegations leveled against the delinquent official
en proved, therefore, awarded him major punishment of dismissal from service with
the effect, in exercise of the power vested in me under Police Rules-1975.

(Dy. Zaidi Qureshi) P.S.O
District Police Officer
Mardan

- Copy forwarded for information & action to:-
- 1) The DSP/HQrs Mardan.
 - 2) The P.O & E.C (Police Office) Mardan.
 - 3) The OSI (Police Office) Mardan with () Sheets.

SDPO Sheikh Maltoon vide his office letter No.634/St-SMT dated 13-12-2021, it was (sic) delinquent official acted in connivance by falsely implicating the accused (sic) offence to save him from FIR No.889 dated 03-09-2021 U/S 302/324/34 (sic) holding IHC Abid Ali guilty of gross misconduct and hence recommended for punishment. During his hearing in O.R on 02.02.2022, he failed to present any reason in his defense, therefore, the (IHC Abid Ali) was served with a Final Show Cause under Khyber Pakhtunkhwa Police Rules, 1975, issued vide this office No.____/PA dated 07-02-2022, to which, his reply was received and found unsatisfactory.

Order

IHC Abid Khan was heard in OR on 09-03-2022, during which, he failed to give any plausible reasons in his defense, therefore, keeping in view the findings of the Enquiry Officer & material on record, the allegations leveled against the delinquent official have been proved, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the powers vested in me under Police Rules-1975.

No.633

Dated ____/03/2022

Sd/-
(Dr. Zahid Ullah) PSP
District Police Officer,
Mardan.

Copy forwarded for information & n/action to:-

- 1) The DSP/HQrs, Mardan.
- 2) The P.O & E.C (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with () sheets.

(16)

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To,

The Deputy Inspector General of
Police, Mardan.

Subject: **DEPARTMENTAL APPEAL AGAINST THE ORDER OF DPO
DATED 10/03/2022 WHEREBY APPELLANT IS DISMISSED
FROM SERVICES WHICH IS ILLEGAL AGAINST LAW AND
FACTS.**

PRAYER:- On acceptance of this appeal order dated 10/03/2022 passed by DPO/PSP may please be set aside and the appellant may please be reinstated in services by granting all back benefits.

Respected Sir,

1. That appellant was appointed as constable in 2007 and successfully completed courses and then transferred to ELITE force where the appellant performed his duties with zeal and full devotion. (Copy of Appointment Order is attached).
2. That the appellant best service was highly appreciated and also granted commendation certificates and cash prizes on best performance. (Copy Attached).
3. That the appellant entire service is unblemished and there is no simple complaint against the appellant during his entire service.
4. That appellant was dismissed from service on 10/03/2022 on the ground of misconduct, however the appellant is innocent and falsely/intentionally implicated in the case and dismissed from service. (Copy of Dismissal order dated 10/03/2022 is attached).
5. The dismissal order is illegal against law and facts and liable to be set aside on the following grounds.

GROUND:-

- A. Because the appellant neither scribed/dictated/signed the murasilla nor he arrested the accused.
- B. Because for taking judicial remand of the accused, the remand was also not signed by the appellant and the scribed signed of appellant is bogus and based mala fide and having some ulterior motives by other officials who planned this story.
- C. Because the appellant also brought these facts of fake sign etc in the notice of Superiors but they didn't verified my signatures and writings

from any relevant experts and nor sent it to Forensic Science Laboratory (FSL) for matching signatures and writings.

D. Because the LHC Niaz Ali and his brother LHC Muhammad Tariq done all these illegal acts with due deliberations and consultations with accused Kamran without informing the appellant and the superiors officials/ inquiry officer perused the CDR of both Niaz Ali and Muhammad Tariq.

E. Because no impartial inquiry was conducted.

F. Because the appellant was not provided opportunity of fair trial as envisaged in Article 10-A of the Constitution of Islamic Republic of Pakistan and principle of natural justice by not providing the opportunity to cross examine the accused and officials.

G. Because the appellant having unblemished service record of about 15 Years.

H. Because the appellant is the sole bread earner of his family.

It is therefore, humbly requested that by acceptance of this departmental appeal the order dated 10/03/2022 may kindly be set aside and the appellant may kindly be reinstated with all back benefits.

Dated. 17/03/2022

Appellant



Abid Khan (FIC 3293)

S/O Khan Gul

R/O Sawalther Tehsil and District Mardan

Contact No. 0346-5491598

D 9 (18)

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-IHC Abid Khan No. 3293 of Mardan District Police, against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 633 dated 09.03.2022. The appellant was proceeded against departmentally on the basis of report of Sub Divisional Police Officer, (SDPO) Rural, Mardan containing the allegations of criminal negligence and gross misconduct.

As on 01.09.2021 during routine patrolling, delinquent Officer and LHC Niaz Ali No.2697 etc of Police Post Shaheedan Police Station Rustam, Mardan arrested Kamran r/o Nawan Killely Toru with a 30 bore unlicensed pistol along with five live rounds and a case vide FIR No.1057 dated 01.09.2021 U/S 15-AA Police Station Rustam was registered against him.

On the next day i.e 02.09.2021 the delinquent Officer drafted application for obtaining judicial remand and sent it to the Court through Constable Ayaz No.1663 with advice that the accused Kamran will be waiting at Mardan Katcheri. On reaching Mardan Katcheri, constable Ayaz found LHC Niaz Ali No. 2697 who was accompanied by accused Kamran, so constable Ayaz handed-over the said documents to LHC Niaz Ali. The accused was produced in the Court by LHC Niaz Ali as he (accused) couldn't produce any surety so the Court awarded him punishment of fine to the tune of Rs.1000/-, but the accused did not pay the above mentioned fine due to which he was sent to judicial lock up. The main motive behind sending the accused to judicial lock-up was that on 03-09-2021 the brother of accused namely Amir Sajjad had to commit murder with the connivance of his brother and the delinquent Officer. Later on, a case vide FIR No.889 dated 03.09.2021 U/S 302/324/34-PPC Police Station, Toru was registered in which the accused Kamran was also charged for the commission of offence.

It is worth mentioning that Superintendent of Police Investigation, Mardan vide his office letter No.531/PA/Inv: dated 06-09-2021 also highlighted the fact that accused Kamran in connivance with LHC Tariq Ali, delinquent Officer and LHC Niaz Ali No. 2697 mala fide got registered the above mentioned case so as to entitle the accused for plea of alibi in a murder case and the accused Kamran was presented before the Court without handcuffs.

Proper departmental enquiry proceedings were initiated against him and enquiry was entrusted to Mr. Adnan Azam Sub Divisional Police Officer (SDPO) Sheikh Malloon, Mardan. During the course of enquiry it was proved that the delinquent Officer in active connivance with accused Kamran booked him in the aforementioned case for extending benefits as the accused and his brother had managed/planned the murder as a result of which they succeeded in their design and 02 persons lost their lives vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC Police Station Toru. The enquiry Officer held the delinquent Officer guilty of gross misconduct and recommended for major punishment. During his hearing in Orderly Room on 02-02-2022 by the District Police Officer, Mardan, he failed to present any plausible reason in his defense, therefore, he was served with a Final Show Cause Notice, to which, his reply was received and found unsatisfactory.

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The delinquent Officer was again heard in Orderly Room on 09.03.2022 by the District Police Officer, Mardan but this time too he failed to present any cogent reasons in his defense, therefore, he was awarded major punishment of dismissal from service with immediate effect

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 31.03.2022.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Moreover, the Investigating Officer of case FIR No. No.889 dated 03-09-2021 U/S 302/324/34 PPC Police Station Toru also affirmed the involvement of appellant in this heinous criminal case because Call Data Record of accused Kamran revealed that he was present in his village Toru despite his arrest in case FIR No. 1057 dated 01.09.2021 U/S 15-AA Police Station Rustam and on the very next day he came to District Courts, Mardan from his home where from he was sent to District Jail, Mardan. The accused Officer namely Abid Khan No. 3293 (appellant) staged the drama of the FIR for sending accused Kamran to Jail just to facilitate him in a murder which the brother of the accused planned to commit after two days. Hence, the involvement of appellant in such like activities is clearly a stigma on his conduct. Therefore, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. Moreover, he could not present any cogent justification regarding his innocence.

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.


Regional Police Officer,
Mardan.

No. 2769 IES, Dated Mardan the 05/04 2022.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 62/LB dated 25.03.2022. His Service Record is returned herewith.

(*****)



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

**BEFORE: KALIM ARSHAD KHAN ... CHAIRMAN
FAREEHA PAUL ... MEMBER (Executive)**

Service Appeal No.620/2022

Date of presentation of Appeal.....26.04.2022

Date of Hearing.....24.07.2023

Date of Decision.....24.07.2023

Abid Khan, Ex-JHC No. 3293, Incharge PP Shaheedian
Mardan.....*Appellant*

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. The Regional Police Officer, Mardan Region Mardan.
3. The District Police Officer, Mardan.....(*Respondents*)

Present:

Mr. Taimur Ali Khan, Advocate.....For the appellant

Mr. Fazal Shah Mohmand,
Additional Advocate General.....For respondents.

.....
**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED 10.03.2022, WHEREBY
THE APPELLANT WAS DISMISSED FROM SERVICE,
AGAINST THE ORDER DATED 05.04.2022, WHEREBY
THE DEPARTMENTAL APPEAL OF THE APPELLANT
HAS BEEN REJECTED FOR NO GOOD GROUNDS**

.....
JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Facts of the case as stated in the

memo of appeal are that appellant was appointed in the respondent department in the year 2012; that he was posted as Incharge Police Post Shaheedian and on 02.09.2021 after arrival from routine Shabahsi, he was on duty as mobile officer in the Police Station Rustam mobile where LHC Niaz Ali called him that he had arrested a young man namely Kamran

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alongwith unlicensed pistol of 30 bore and asked to register an FIR against him on which the appellant replied that the accused alongwith case property should be brought to the Police Station Rustam and then registered an FIR against the accused, however, LHC Niaz Ali without permission of the appellant and concerned SHO registered an FIR No. 1057 dated 01.09.2021 U/S 15AA PS Rustam against the accused Kamran on his own and released him on Machalka and on 02.09.2021 LHC Niaz Ali with the connivance of his brother LHC Tariq Ali No. 627 called the accused Kamran to Kacheri Mardan and sent him to the judicial lock up for the reason that on 03.09.2021, the brother of accused Kamran namely Amir Sajjad with the connivance of Kamran committed a murder on which FIR No. 889 dated 03.09.2021 U/Ss 302/324/34 PPC Police Station Toru was registered in which the accused Kamran was also charged for commission of offence so as to facilitate the accused Kamran to get benefit of plea of *ali-bi* in a murder case; that on the basis of above reason, charge sheet alongwith statement of allegations were served and replied by the appellant, in which he denied the allegation and clearly mentioned in his reply that neither he prepared the Murasila of the case nor dictated anyone and stated that the Murasila had been written by LHC Niaz Ali and also brought that to the Police Station without his notice. Similarly he neither prepared remand judicial nor signed that and requested to send the same for FSL for analyzing; that the respondent department conducted enquiry against the appellant; that show cause notice was issued to the appellant, which was properly replied by the appellant; that finally the appellant was dismissed from service vide impugned order dated 10.03.2022; that feeling aggrieved, the appellant

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Chairman
Feroze Paul
Member Executive
Khyber Pakhtunkhwa
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preferred departmental appeal on 17.03.2022 which was rejected on 05.04.2022, hence, the present service appeal.

02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

03. We have heard learned counsel for the appellants and learned Additional Advocate General for respondents.

04. The Learned counsel for the appellant argued that the appellant was innocent and the allegations leveled against him was totally wrong and baseless; that no material in support of the allegations against the appellant was available but even then the inquiry officer has wrongly held that the allegations against the appellant stood proved; that inquiry conducted against the appellant was not according to the prescribed procedure as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, which is violation of law and rules and as such the impugned orders are liable to be set aside on this ground alone.

05. Learned Additional Advocate General argued that the impugned orders were according to law, facts and norms of justice, hence, liable to be maintained; that plea taken by the appellant was baseless, because he had been properly proceeded against departmentally by issuing him charge sheet with statement of allegations and full opportunity of hearing. He submitted that during the inquiry proceedings, the appellant had been properly

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heard in Orderly Room, but he had failed to present plausible reason in his defense, hence, he had served with final show cause notice, the reply of which found unsatisfactory. Further submitted that the appellant had been heard twice but he had failed to justify his innocence, therefore, major penalty of dismissal from service commensurate with the gravity of misconduct of the appellant. He concluded that the stance taken by the appellant was baseless because he had been treated in accordance with law. Therefore, he requested for dismissal of the instant service appeal.

06. During the course of arguments, learned counsel for the appellant referred to the consolidated judgment dated 25.10.2022, passed by the Tribunal in Service Appeal No.569/2022 and stated that case of the appellant was similar to the appellants of the above mentioned service appeal, therefore, instant service appeal might also be accepted on the same footing. The concluding Para of judgment in Service Appeal No.569/2022 is reproduced as under:

"In view of the above discussion, the appeal in hand as well as connected Service Appeal bearing No.570/2022 titled "Tariq Ali Versus District Police Officer Mardan and two others" are allowed by setting-aside the impugned orders and the appellants are reinstated in service for the purpose of de-novo inquiry. The de-novo inquiry shall be completed within a period of one month of the receipt of copy of this judgment, strictly in accordance with relevant law/rules. Needless to mention that the appellants shall be fully associated with the inquiry proceedings by providing them fair opportunity to cross examine the witnesses as well as production of evidence in their defence. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record".

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Peshawar


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07. Perusal of record reveals that the present appellant has also not been given proper opportunity of defence. No opportunity of cross examination has been provided to the appellant during the course of inquiry proceedings. After the occurrence, inquiry was conducted, the copy of which was also not given to the appellant and by issuing a final show cause notice, the impugned order of dismissal from service has been passed, which cannot be sustained.

08. Therefore, we allow this appeal, set aside the impugned orders and direct that de-novo inquiry be conducted in this matter. We further direct that the appellant be reinstated for the purpose of de-novo inquiry. The said inquiry is to be conducted within 30 days of the receipt of judgment, strictly in accordance with law/rules. The appellant shall be fully associated with the inquiry proceedings by providing him fair opportunity of personal hearing and cross examination. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Consign.

09. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 24th day of July, 2023.*


KALIM ARSHAD KHAN
Chairman


FAREEHA PAUL
Member (Executive)

Certified to be true copy
EX-112/2023
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 04/07/23
Number of Writs 2
Copying Fee 250/-
Urgent
Total 250/-
Name of Counselor
Date of Completion of Copy 04/07/23
Date of Delivery of Copy 04/07/23

I (25)



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

Tel No. 0937 923009 & Fax No. 0937 923011
Email: dpo_mardan@yahoo.com

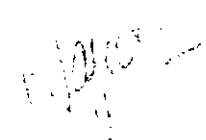
ORDER

In compliance of the orders of Honourable Chief Justice
tribunal announced on 21.07.2023 in service appeal No. 1019 of 2023, Internal
Internal Accountability Branch, KP, Peshawar letter No. 1539 dated 14.08.2023
dated 20.09.2023, B-1HC Abid Air No. 9293 is hereby recommended for
the purpose of de novo enquiry with immediate effect.

Mr. Abdul Hayee, Principal BPFC, Peshawar is hereby
appointed as enquiry officer. He shall submit his findings report within stipulated
period positively.

OB No. 1915

Dated. 27.12.2023


(Najeeb-Ur-Rehman) BPS
District Police Officer
Mardan

No. 4452-60 /EC, dated 22/09/2023.

Copy for information to the:

1. Regional Police Officer, Mardan.
2. Superintendents of Police, HQR, City, Rural & Sadda, Mardan
3. Superintendent of Police, Investigation, Mardan
4. District Accounts officer, Mardan.
5. DSP/Legal
6. DSP/HQR
7. PO
8. PA
9. OSI

OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No.0937-9230109 & Fax No. 0937-9230111

Email: upto-mardan@yahoo.com

ORDER

In compliance of the orders of Honourable KP service Tribunal announced on 24.07.2023 in service appeal No. 620/2022 & DIG Internal Accountability Branch, KP, Peshawar Letter No. 1459-62/CPO/IAB, dated 20.09.2023, Ex-IHC Abid Ali No. 3293 is hereby re-instated in service for the purpose of de-novo enquiry with immediate effect.

Mr. Abdul Hayee, Principal EPTC, Nowshera is hereby appointed as enquiry officer. He shall submit his finding report within stipulated period positively.

OB No. 1923

Dated: 22.09.2023

(Najeeb-ur-Rehman Bugvi) PSP
District Police Officer
Mardan

No. 4952-60/EC, dated 22.09.2023.

Copy for information to the:-

1. Regional Police Officer, mardan
2. Superintendents of Police, HQr, City, Rural & Saddar Mardan
3. Superintendent of Police, Investigation, Mardan.
4. District Accounts officer, Mardan.
5. DSP/Legal
6. DSP/HQr
7. PO
8. PA
9. OSI

J (26)



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

Tel No: 0937-9230109 & Fax No: 0937-9230111
Email: dpomdn@gmail.com

2023

CHARGE SHEET (DE-NOVO PROCEEDINGS)

I, NAJEEB-UR-REHMAN BUGVI (PSP), District Police Officer Mardan, as competent authority, hereby charge HC Ahid Khun No.3293, while posted as In-charge P.P Shaheedan (now Police Lines Mardan), as per attached Statement of Allegations.

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

Attended

Najeeb

(Najeeb-ur-Rehman Bugvi) PSP
District Police Officer, Mardan.

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**PRINCIPAL
INVESTIGATION CENTRE
MARDAN**



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

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No. 8982 /PA

Dated 10 / 10 / 2023

DE-NOVO DISCIPLINARY ACTION

I, NAJEEB-UR-REHMAN BUGVI (PSP), District Police Officer Mardan, as competent authority am of the opinion that IHC Abid Khan No.3293, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, IHC Abid Khan No.3293, while posted as In-charge P.P Shaheedan (now Police Lines Mardan) was found negligent for the following irregularities, as per SDPO Rural Mardan office letter No.1299/R dated 07-09-2021:- ✓

- 1) On 01-09-2021, he accompanied by LHC Niaz Ali No.2697 etc arrested one Kamran r/o Nawan Killip Toru with a (30) bore without number and unlicensed pistol & (05) rounds during routine patrolling vide case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam.
- 2) On 02-09-2021, he (IHC Abid Khan) has prepared Remand Judicial Chhalla and sent it to the Court through Constable Ayaz No:1663 with advice that the accused is writing at Mardan Katcheri. On reaching Mardan Katcheri, he found LHC Niaz Ali No. 2697 along-with accused Kamran, so he handed-over the Remand Judicial papers to LHC Niaz Ali, who produced the accused to the Court wherein the accused couldn't produce any surety, so the Court fined him, of Rs.1000/-, but intentionally the accused neglected by not paying the fined amount, so he was sent to Judicial Lock-up. The main purpose behind preferring Judicial Lock-up was that on 03-09-2021, brother of accused named, Amir Sajjad committed murder vide case FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, in which, he (accused Kamran) was also charged for the commission of crime.
- 3) As per SP/Investigation Mardan vide his office letter No.531/PA/inv dated 06-09-2021, highlighting that accused Kamran in connivance with LHC Muhammad Tariq No.627 of PAI Office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shaheedan (Now both suspended) registered the above quoted case against himself, because on the day and at the time of occurrence, accused Kamran was not present on the spot and no direct recovery has been made from him, while on the next day (02-09-2021), accused Kamran was handed-over to Constable Ayaz Ali No.1663 without handover in the Court, wherein before the concerned Magistrate, accused Kamran resiled from his statement and was sent to Judicial Lockup Mardan. From the preliminary enquiry, it has been found that accused Kamran in connivance with LHC Muhammad Tariq has planned his entrance to Mardan Jail and this fact has been accepted by all.

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(Page 02) Denovo Enquiry of IHC Abid Khan No.3293

4) From the above discussion, the involvement of IHC Abid Khan in this episode/plan can't be ruled-out

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Abdul Hayee (PSP) Principal EPTC Nowshera is nominated as Enquiry Officer to conduct denovo proceedings as directed by DIG/IAB K.P Peshawar.

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

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

Received by IHC Abid Khan

[Signature] on /10/2023
10-10-23

[Signature]

(Najeeb-ur-Rellman Bugvi) PSP
District Police Officer, Mardan.

Copy forwarded to the Principal EPTC Nowshera for information & further necessary action with reference to his office letter No.3685-86/EPTC/NSR dated 02-10-2023.

[Signature]

PRINCIPAL
STATE POLICE TRAINING CENTRE
NOWSHERA

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The Inquiry Officer(PSP),
Principle LPT Nowshera in Denovo Inquiry.

Respected sir,

Reply/statement of Abid Khan IHC submitted as under:

1. That I was appointed as constable in 2007 and successfully completed courses and then transferred to Elite Force where I performed my duties with zeal and fully devotion.
2. That, I have best service in highly appreciated and also granted commendation certificates and cash prizes on best performance. (Copy attached.)
3. That, my entire service is unblemished and there is no single complain against me during my entire service.
4. That, I was dismissed from service on 10.03.2022, on the grounds of misconduct, however, I am innocent and falsely/intentionally implicated in the case and dismissed from service.
5. That, dismissal order is illegal against law and facts and liable to be set aside on the following grounds.

Grounds:

- That, because I neither scribed/dedicated/signed the Murasila nor I arrested the accused.
- That, because for taking judicial remand of the accused, the remand was also not signed by me and the scribed signed of mine is bogus and based malafide and having some ulterior motives by other officials who planned this story.
- That, because I also brought these facts of fake sign etc. in the notice of Superiors but they didn't verified my signatures and writings from any relevant expert and nor sent it to Forensic Science Laboratory (FSL), for matching signatures and writings.

12/10/25

- That, because the LHC Niaz Ali and his brother namely LHC Muhammad Tariq done all these illegal acts with due deliberations and consultations with accused Kamran without informing me and the superiors officials/inquiry officer perused the CDR of both Niaz Ali and Muhammad Tariq.
- That, because no impartial inquiry was conducted.
- That, because I was not provided opportunity of fair trial as envisaged in Article 10-A of the Constitution of Islamic Republic of Pakistan and principle of natural justice by not providing the opportunity to cross examine the accused and officials.
- That, because I having unblemished service record of about 15 years.
- That, because I was the sole bread earner of my family.

Prayer:

It is there humbly prayed to vanish the instant Denovo Inquiry as I was malafidely involved in the said act being innocent.

15-10-2023
11-10-2023
11-10-2023

Principal
Elite Police Training Centre
Kunshera
12-10-23

Abid Khan (IHC 3293)
S/O Khan Gul
R/O Sawaldher Tehsil & District Mardan.
Contact No. 0346-5491598

کراس - XXX

جارج ٹیٹ آپ کو کب ملے گا اور کس آفس سے
 15-10-23 کو ملے گا۔ DPO مردان کے دفتر سے
 15-10-23 کو ملے گا۔
 آپ نے زبان بڑھ کر کہہ سکتے ہیں
 اور کھورا۔ کچھ نڈالیں
 جارج ٹیٹ کا جواب کس نے فرمایا ہے۔ اس پر اس نے کہہ دیا ہے

✓ 1

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SUBJECT: DE-NOVE ENQUIRY AGAINST IHC ABID KHAN NO. 3293

Kindly refer to DPO Mardan letter No 4970/EC dated 26.09.2023 Annex-A and DIG IAB CPO Peshawar letter No. 1459-62/CPO/IAB dated 20.09.2023 Annex-B. The undersigned was entrusted for de-novo enquiry in the case of IHC Abid Ali No. 3293.

Brief fact of the case is that IHC Abid Ali No. 3293 was dismissed by DPO Mardan on the charges "That while posted as In Charge PP Shaheedan (now police line mardan) was found negligence for the irregularities, as per SDPO Rural Mardan Office letter No. 1299/R dated 07.09.2021. Copy of Show Cause is attached as per Annex-C. Having aggrieved with the orders, the official file appeal in Khyber Pakhtunkhwa, Service Tribunal. The Honourable Tribunal in its decision dated 24.07.2023 set aside the impugned order and direct De-novo enquiry in the matter."

PROCEEDINGS OF THE ENQUIRY


In order to probe into the matters and ascertain real facts DPO Mardan was requested vide this office letter No. 3685-86/EPTC/NSR dated 2.10.2023 (Annex-D) for issuance of Show Cause Notice. Show Cause Notice was issued to IHC Abid Khan No. 3293 vide DPO Mardan letter No. 8982/PA dated 10.10.2023 (Annex-E). As per statement of allegations:-

- a. On 01.09.2021, he accompanied by LHC Niaz Ali No. 2697 etc arrested one Kamran R/O Nawan Kille Toru with a 30 bore without number and unlicensed pistol and 05 rounds during routine patrolling vide case FIR No. 1057 dated 01.09.2023 U/S 15AA PS Rustam.
- b. On 02.09.2023, he (IHC Abid Khan) has prepared Remand Judicial Challan and sent it to the Court through FC Ayaz No. 1663 with advice that the accused is waiting at Mardan Katcheri. On reaching Mardan Katcheri, he found IHC Niaz Ali No. 2697 along with accused Kamran, so he handed over the Remand Judicial papers to LHC Niaz Ali, who produced the accused to the Court wherein the accused couldn't produce any surety, so the Court fined him of Rs. 1000/-, but intentionally the accused regretted by not paying the fined amount, so he was sent to Judicial Lock-up. The main purpose behind preferring Judicial Lock-Up was that on 03.09.2021, brother of accused namely Amin Sajjad committed murder vide case FIR No. 889 dated 03.09.2021 U/S 302/324/34 PPC PS Toru, in which, he (accused Kamran) was also charged for the commission of crime.


PRINCIPAL
RUSTAM POLICE THANA
RUSTAM

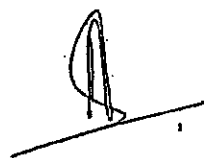
c. As per SP/Investigation Mardan vide his office letter No. 531/PA/Inv: dated 06.09.2021, highlighted that accused Kamran in connivance with IHC Muhammad Tariq No. 627 of PAL Office Mardan and his brother LHC Niaz Ali No. 2697 of PP Shaheedan (Now both suspended) registered the above quoted case against himself, because on the day and at the time of occurrence, accused Kamran was not present on the spot and no direct recovery has been made from him, while on the next day 02.09.2021, accused handed over to FC Ayaz Ali No. 1663 without handcuffs in the Court, wherein before the concerned Magistrate, accused Kamran resiled from his statement and was sent to Judicial Lockup mardan. From the preliminary enquiry, it has been found that accused Kamran in connivance with LHC Muhammad Tariq has planned his entrance to Mardan Jail and this fact has been accepted by all.

d. From the above discussion, the involvement of IHC Abid Khan in this episode/ plan can't be ruled out.


 FEDERAL
 INVESTIGATING CENTRE
 MARDAN

The charge sheet was received by IHC Abid Khan and submitted his reply to enquiry officer on 11.10.2023 (Annex-F). On 11.10.2023 DPO Mardan was requested vide this office letter No. 3791-92/EPTC/NSR dated 11.10.2023 (Annex-G) for provision of relevant record and recording statements of the officials in connection with the enquiry. Based on the reply submitted by IHC Abid Khan, statements of witnesses FC Sajjad Ahamd 2979, FC Wakeel No. 2644, FC Ayaz Ali No. 1663, ASI Khalil ur Rehman, LHC Niaz Ali and LHC Tariq of district mardan were recorded and made the part of the enquiry. Statement of IHC Abid Khan was cross examined. Statements of IHC Abid Khan and Statements of the witnesses were also crossed examined. All the statements and cross examination/ cross questions were signed from the witness.

On 13.10.2023 relevant record i.e Daily Dairy Report (Annex-H) and Photocopy of FIR No. 15AA / 1057 (Annex-J) were produced/ perused in detail. Furthermore, statements of Moharrar PP Shaheedan, HC Amjid, Muharrar PS Rustam ASI Yousaf and the then Moharrar PS Rustam ASI Zahoor were also recorded and made part of the enquiry.



FEDERAL
 INVESTIGATING CENTRE
 MARDAN

Reply/ Statement of IHC Abid Khan (Annex-F) is reproduced as:-

- a. That I was appointed as constable in 2007 and successfully completed courses and then transferred to Elite Force where i performed my duties with zeal and fully devotion.
- b. That, I have best service in highly appreciated and also granted commendation certificates and cash prized on best performance.
- c. That my entire service is unblemished and there is no single complain against me during my entire service.
- d. That, I was dismissed from service on 10.03.2022, on the grounds of misconduct, however, i am innocent and falsely/ intentionally implicated in the case and dismissed from service.
- e. That, dismissal order is illegal against law and facts and liable to be set aside on the following grounds.

Grounds

- That because I, neither scribed/ dedicated/ signed the Murasila nor I arrested the accused.
- That, because for taking judicial remand of the accused, the remand was also not signed by me and the scribed signed of mine is bogus and based on malafide and having some ulterior motives by other officials who planned this story.
- That, because I also brought these facts of fake sign etc, in the notice of Superiors but they didn't verified my signatures, and writings from any relevant expert and npr. sent it to Forensic Laboratory (FSL), for matching signatures and writings.
- That, because the LHC Niaz Ali and his' borther namely LHC Muhammad Tariq done all these illegal acts with due deliberations and consultations with accused Kamran without informing me and the superiors officials/inquiry officer perused the CDR of both Niaz Ali and Muhammad Tariq.
- That, because no impartial inquiry was conducted.
- That, because I was not provided opportunity of fair trial as envisaged in Article 10-A of the Constitution of Islamic Republic of Pakistan and principal of natural justice by not providing the opportunity of cross examine the accused and officials.
- That, because I having unblemished service record of about 15 years.
- That, because I was the sole bread earner of my family.

Prayer:

It is therefore humbly prayed to vanish the instant De-novo Inquiry as I was malafidely involved in the sad act being Innocent.

Statement/ Reply (Annex-L) of FC Sajjad Ahmed No. 2919 is reproduced as:-

I stated that I was posted at PP Shaheedan at that time. IHC Abid Khan was the incharge and LHC Niaz Ali was Muharrar of PP Shaheedan at that time. Daily Diary was run/maintained by LHC Niaz Ali. I have no knowledge of the said FIR in which we are summoned, neither have I seen the Murassila, nor I have seen the accused. I have not signed the Challan/ Fard. Hence this is my statement and is based on truth.

Statement/ Reply (Annex-M) of FC Wakeel No. 2644 is reproduced as:-

I reply the written statement that the FIR has been filed/ registered on accused Kamran just to show progress. I have neither seen the accused Kamran, in the Police Post nor have I seen the case property. I have not signed the challan/ Fard. I have no knowledge of the said FIR. Hence this is my statement and is based on truth.

Statement/ Reply (Annex-N) of FC Ayaz Ali No. 1663 is reproduced as:-

On 02.09.2023, I obtained challan from PS Rustam and submitted it to Judicial Magistrate. Meanwhile I received call from LHC Niaz Ali of PP Shaheedan, to bring missal of 15 AA in the custody of IHC Abid Khan in the name of Kamran to Katcheri. The accused will come to the Katcheri. I bring the said in the notice of Muharrar staff. When I reached the Katcheri LHC Niaz Ali was present along with accused Kamran. After a while the brother of LHC Niaz Ali, IHC Muhammad Tariq also arrived at the katcheri. The accused was handed over to me to produce him before the court. The court has ordered the release of the accused upon the presentation of two guarantors; however, the accused did not produced guarantors. Then the court fined the accused for Rs. 1000/-. However the accused told that he did not have the fined amount. The court ordered to lent Rs. 1000/- from someone, however he was using delaying tactics. Then I told LHC Niaz Ali to pay the fine, but he also denied. Then the court ordered to send the accused Kamran behind the bar and issued Jail warrant. Then I sent the accused Kamran to District Jail Mardan and obtained receipt from jail authorities. Hence this is my statement and is based on truth.



Statement/ Reply (Annex-Q) of ASI Khalil ur Rehman is reproduced as:-

On 01.09.2023, I ASI Khalil ur Rehman was posted on General Duty on 01.09.2023 at PS Rustam. Neither I registered FIR No. 1057 U.S 15AA dated 01.09.2023 against Kamran Khan S/O Noor Habib R/O Nawan Kalli Toru, nor I signed FIR. The murasal of 15AA had not handed over to me by LHC Niaz Ali and IHC Abid Ali.

Statement/ Reply (Annex-P) of LHC Niaz Ali No. 3333 is reproduced as:-

That I was performing duties with IHC Abid Khan at PP Shaheedan on 01.09.2023. A young man was arrested with unlicensed pistol along with 5 x rounds of ammo who disclosed his identity as Kamran Khan S/O Noor Habib R/O Nawan Kalli Toru. IHC Abid Khan sent Murasila to Police Station Rustam and FIR No. 1057 U/S 15AA dated 1.09.2021 at PS Rustam registered. On 02.09.2023 Muharrar Staff has produced the accused before the court, which is not in my knowledge because I was on Check Post/ Naka Bandi duty with IHC Abid Khan on 02.09.2021 vide DD Report No. 04 dated 02.09.2023. I have no knowledge that the accused Kamran has been released by the court or send behind the bar. On 03.09.2023 at the jurisdiction of PS Toru incident of murdered took place. Kamran S/O Noor Habib was nominated in the FIR vide No. 889 dated 03.09.2021 U/S 302/324 PS Toru. As at that time the accused Kamran was behind the bar in FIR No. 1057 U/S 15AA dated 1.09.2021 PS Rustam. The Police declared the FIR of PS Rustam as pre-planned/ scripted drama and confined me to quarter guard for 06 days vide DD No. 13 dated 05.09.2021. Later on I was dismissed from service on 09.03.2022, on the pretext of an offence I did not committed. Having aggrieved on the decision I filled an instant appeal at KP Service Tribunal. The Honourable Service Tribunal set aside the impugment order and ordered for restoration of my services. I was also proved innocent in De-novo enquiry conducted by AIG Inquiry CCP Peshawar, SP Headquarter Peshawar and DSP Legal CCP Peshawar, after recording statements of the witnesses. As I am proved innocent in the De-Novo enquiry and I had did nothing wrong. As Constable I have no power to registered FIR against anyone nor can I release any one.

Statement/ Reply (Annex-Q) of LHC Muhammad Tariq No. 1608 is reproduced as:-

Stating that I was performing duties at PAL office for one year. On 05.09.2023, I was present at home and received a call from Police Line Mardan to report to Muharrar Police Line. I was confined to Quarter Guard due to FIR No. 1057 U/S 15AA dated 1.09.2021, PS Rustam was registered against Kamran, and was sent to Jail. On 03.09.2021 the accused was also nominated in FIR No. 889 dated 03.09.2021 U/S 302/324 PS Toru. I was illegally involved in planning of registering FIR U/S 15AA for some ulterior motives. I was performing my duties at PAL Office mardan and I had no

power to register FIR in PS Rustam and PS Toru and to arrest someone. I also did not know the accused Kamran, nor know about his enmity. Later on I was dismissed from service on 09.03.2022. The Honourable Service Tribunal set aside the impugment order and ordered for restoration of my services. I was also proved innocent in De-novo enquiry conducted by AIG Inquiry CCP Peshawar, SP Headquarter Peshawar and DSP Legal CCP Peshawar, after recording statements of the witnesses. Record of FIR. 889 dated 03.09.2021 U/S 302/324 PS Toru, and witnesses therein was also perused by the officer. I was proved innocent in the de-novo enquiry and the court decision was declared as per law/ merit.

Statement/ Reply (Annex-R) of LHC Amjid No. 265 is reproduced as:-

I, HC Amjid Zaman No. 265 performing General Duties at PP Shaheedan since 31.12.2021. As there is no permanent Muharrar at PP Shaheedan, therefore, documentation/ issue and receipt duties are also performed by me. The said incident was occurred 04 x months prior to my posting at PP Shaheedan. As for as Daily Dairy dated 01.09.2021 is concerned I had checked the entire record, but did not find Daily Dairy. I along with Incharge PP Shaheedan checked the record room PS Rustam but in vain. However since my posting at PP Shaheedan all the Roznamcha Record are present in record of PP. Hence this is my statement and based on truth.

Statement/ Reply (Annex-S) of ASI Yousaf Khan is reproduced as:-

I, ASI Yousaf present Moharrar PS Rustam stating that I am performing Muharrar duties at PS Rustam since 30.05.2023. As Muharrar PS is the custodian of all the relevant record. Attested Photocopies of the decided case U/S 15AA alongwith Departure DD.Report, attested photocopies of Registered No. 19 alongwith Original FIR Book is also produced herewith before the enquiry officer. Hence this is my statement.

Statement/ Reply (Annex-T) of ASI Zahoor Ahmad is reproduced as:-

I Zahoor Ahmed the then Moharrar PS Rustam stating that on 01.09.2021 at 0830 I was appeared before DSP City Mardan. And on the same date at 1700 hours I returned. My departure and arrival is present in the PS Daily Dairy. As for as the registration of FIR No. 1057 U/S 15AA dated 1.09.2021 PS Rustam is concerned, it registered before my arrival. Hence this is my statement.

CROSS QUESTION/ CROSS EXAMINATION

Cross question on IHC Abid Khan No. 3293

Question: When did you receive the charge sheet? From which office it is issued? Did you affix your signature on its receipt?

Answer: Received the Charge Sheet on 10.10.2023 from DPO office Mardan, through PA Fazal Qadir and affixed my signature on receiving slip.

Question: Did you read and write English? Who explain it to you?

Answer: I can read English, and understand a little bit. However my Class Fellow Advocate Abid explain the charge sheet.

Question: Who write the reply of charge sheet? And who affix the signature?

Answer: The reply was written by me, and I affix the signature on it.

Question: Where were you on 01.09.2021?

Answer: I was at home on a routine Shab Bashi; I did not recall the date, However proper entry has been made at Daily Diary. I return from home at morning on 01.09.2021.

Question: You did not fully understand the English, however your reply to the charge sheet is in English, who prepare the reply for you?

Answer: I prepared the reply in Urdu, and an advocate at Katchehri has translated it in English, and it is my reply.

Question: When did you departed for checking/ Gasht on 01.09.2021?

Answer: At morning, did not recall the exact time, proper entry has been made in DD.


ELITE POLICE
HONSHERA

Question: Who accompanied you, and was it a mobile patrolling or foot?

Answer: I went on private vehicle towards PS Rustam for patrolling. No one was with me.

Question: When you went on patrolling from PS Rustam, was it mobile patrolling or foot and who accompanied you?

Answer: It was mobile patrolling round about 0900 to 1000 hrs. Did not remember about the officials.

Question: Where did you conduct mobile patrolling?

Answer: At Rustam Bazar, Nawan Kalli, Mouta, Sheren Khan Chawk and Shaheedan Kalli etc.

Question: Where did you have your lunch?

Answer: I do not remember.

Question: Did you go to PF Shaheedan during patrolling, or did you contact anyone?

Answer: I did not go to PF but I contacted LHC Niaz Ali who was on General Duty and also maintaining the Daily Dairy. Did not remember the time.

Question: Why did you contact LHC Niaz Ali?

Answer: Did not remember the time, but LHC Niaz Ali told me regarding 15AA FIR. He was going to pass it on my behalf to Muharrar staff PS Rustam for registering FIR and I replied him to pass the same.

Question: Did you asked detail form LHC Niaz Ali regarding challan/ FIR?

Answer: No.



Question: Did you affix your signature on Murasalla.?

Answer: No.

Question: When did you return from Mobile Patrolling, and did you asked any detail from LHC Niaz Ali?

Answer: Did not remember the time. Entry has been made at DD. Niaz Ali told me that Remand Judicial has been prepared and the accused Kamran will come to appear before the court by tomorrow.

Question: Did the accused was present in the PP?

Answer: I did not see him at PP.

Question: Did you read case FIR No. 1057 dated 01.09.2021 U/S 15AA against Karman?

Answer: I did not remember regarding Case FIR nor Judicial Remand.

Question: What does recover in this case?

Answer: No recovery has been made.

Question: Who sealed the parcel?

Answer: There was no parcel, it was a progressive case. Nothing was recovered on the spot; normally the Police file such progressive cases. License has been obtained from the friends and registered the case.

Question: Did it was a progressive FIR?

Answer: Yes

Question: Why you did not affix your signatures on Murasilla, despite you allow LHC Niaz Ali to pass the FIR?

Answer: As I told earlier. It is a practice in the Police Stations that Name of the accused is passed through Wireless Set or mobile phone and FIR is registered. Niaz Ali affixed my signatures on the murasla and told me that I had affixed our signatures, and prepared Judicial Remand.

Question: Who produced the accused Kamran before the court?

Answer: FC Ayaz has brought the Judicial Remand documents to the court, and was in contact with LHC Niaz Ali.

Question: What happened at court?

Answer: Latter on FC Ayaz told me that the LHC Niaz Ali alongwith accused Kamran reached the court. Brother of Niaz Ali LHC Tariq also reached the court. The Honourable Judge has fined the accused Kamran for Rs. 1000/-; The accused Kamran was reluctant to pay the dues, nor did he produce any guarantor. The Honourable Judge has ordered to send the accused Kamran to Jail. FC Ayaz has sent the accused Kamran to the jail in hand cuffs.

Question: The accused Kamran fall in which Police Station, and where did FIR of 15AA registered?

Answer: He is the resident of PS Toru Mardah. Case FIR of 15AA was registered at PS Rustam.

Question: Your local Police Station name?

Answer: PS Jabbar Mardan.

Question: Local Police Station name of LHC Niaz Ali and LHC Tariq?

Answer: PS Sadder Mardan.

PRINCIPAL
POLICE STATION
TORU MARDAH
01-09-2021

Question: When did and where the murder occur, in which Kamran was nominated?

Answer: The murder occur on 3.10.2023 or 4.10.2023, FIR has been registered at PS Toru.

Question: When did you know about the FIR?

Answer: On 5.09.2021 or 6.09.2021, when SP Investigation message me to appear before him.

Question: What did you do, when you knew about the FIR against Kamran?

Answer: I narrated the same story to SP Investigation.

Question: What amount did you receive upon registering the bogus FIR of 15AA?

Answer: I did not receive any amount.

Question: What amount did LHC Niaz Ali give to you?

Answer: I did not receive any amount.

Question: Did you know the accused Kamran or his relative?

Answer: No.

Question: When you were dealt with departmentally and dismissed, did you take any action against Niaz Ali?

Answer: I did nothing against Niaz Ali, however I told him and his father that I will deal with them as per Pushto tradition at Jirga.

Question: Did you file any complain against Niaz Ali to high-ups.

Answer: No.

PRINCIPAL
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QUESTION / ANSWER ON FC SAJJAD 2979 DISTRICT MARDAN

Question: Who was maintaining Daily Dairy at PP Shaheedan?

Answer: LHC Niaz Ali.

Question: Where were you posted on 01.09.2021?

Answer: General Duty at PP Shaheedan, Police Station Rustam.

Question: Where was Incharge PP IHC Abid Khan on 01.09.2023?

Answer: I did not remember.

Question: How many time you spent at PP on 01.09.2021?

Answer: I was present at PP for the whole day.

Question: Did you know the accused Kamran?

Answer: No.

Question: Did IHC Abid Khan arrest anyone on 01.09.2021?

Answer: I did not remember.

Question: Who arrested the accused Kamran, and what did recover from him?

Answer: I did not know.

Question: Did you know anything regarding 15AA or murdered case?

Answer: When IHC Abid Khan was dismissed, I knew about bogus FIR.

Question: Did LHC Niaz Ali issued any FIR or arrested someone?

Answer: I did not know.

QUESTION / ANSWER ON FC WAKEEL 2344 DISTRICT MARDAN.

Question: Who was maintaining Daily Dairy at PP Shaheedan?

Answer: LHC Niaz Ali.

Question: Who was preparing documents of Judicial Remand?

Answer: LHC Niaz Ali.

Question: Where was incharge LHC Niaz Ali on 01.09.2023?

Answer: I did not remember.

Question: Where were you posted on 01.09.2021?

Answer: At PP Shaheedan, Police Station Rustam.

Question: What did you know about the entire story of 15AA and Misal Muqadima?

Answer: LHC Niaz Ali has told IHC Abid Khan that it is not a progressive case, and IHC Abid Khan told him to issue the FIR.

Question: Did you sign the Pert?

Answer: No.

Question: Did you know the accused Kamran?

Answer: I did not know.

Question: What amount did you receive?

Answer: I did not receive any amount.

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KORASHERA

QUESTION / ANSWER ON FC NIAZ 1663 DISTRICT MARDAN

Question: Who told you regarding judicial remand?

Answer: LHC Niaz Ali has told me on telephone to obtained missal from IHC Abid "MUT HA" and brings it.

Question: Did the accused Kamran was present you reached the court?

Answer: When I reached the court and contacted LHC Niaz Ali, he told me that he is also coming and later he came with the accused Kamran.

Question: Did you produce the accused before the court?

Answer: LHC Niaz Ali told me to produced the accuse before the court and I produced the accused before the judicial magistrate.

Question: What did happened next?

Answer: The court has accepted the bail of the accused based on production of two guarantors of fifty thousand rupees. However the accused did not produced guaran, rs. Then the court fined the accused for Rs. 1000/-. The accused was reluctant to pay the fine. I told LHC Niaz Ali to pay the fine as he was accompanied with him. Then I obtained orders from the court and submit the accused at Mardan Jail.

Question: Did IHC Abid Khan know about the case?

Answer: I did not know.

Question: Did IHC Abid Khan give you any directions?

Answer: No.

Question: Did IHC Abid Khan was present at PP on 02.09.2021.

Answer: I did not saw him.

Question: Did you know the accused Kamran before or saw him at PP.

Answer: No. I saw him during appearance before the court.

Question: Who was accompanied with, when LHC Abid Ali brings the accused Kamran to the court?

Answer: After some time brother of LHC Niaz Ali, LHC Tariq also came to the court.

QUESTION / ANSWER ON ASI KHALIL UR REHMAN DISTRICT MARDAN

Question: Did you affix your signature on case FIR No. 1057 dated 1.09.2021 U/S 15AA PS Rustam?

Answer: No

Question: Where were you posted on 01.09.2021?

Answer: I was posted at PS Rustam, however I didn't remember where does I was.

Question: Who affixed signature on FIR?

Answer: I did not know.

Question: What did you know about the case 15AA?

Answer: I only know that it was a bogus case, and may passed on mobile phone.

Question: Did IHC Abid, LHC Abid Ali or LHC Tariq discussed anything with you about the case.

Answer: No.

Question: Did you know the accused Kamran?

Answer: No.

Question: Did you write the FIR No. 1057 U/S 15AA.

Answer: No.

QUESTION / ANSWER ON LHC NIAZ ALI DISTRICT MARDAN

Question: Where were you on 01.09.2021?

Answer: I was present at PP Shaheedan PS Rustam.

Question: Where were you on 02.09.2021?

Answer: I was at Nakabad/ Check post in front of PP Shaheedan alongwith IHC Abid Khan.

Question: Did you know the accused Kamran before?

Answer: No.

Question: Did you contact with the accused Kamran on phone?

Answer: No.

Question: Did you arrest the accused Kamran in front of PP?

Answer: I did not arrest the accused Kamran, however IHC Abid Khan has arrested the accused the Kamran.

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MARDAN

Question: Did you prepare documents of Judicial Remand of the accused Kamran?

Answer: No.

Question: Were you were present with the accused Kamran at court?

Answer: No.

Question: Did your brother LHC Tariq visited the court?

Answer: I did not know, as I was on Nakabandi in front of PP Shaheedan.

Question: Did your brother LHC Tariq remain MM at PS Toru mardan.

Answer: Yes.

Question: Did you know about friendly relations of your brother LHC Tariq with the accused Kamran, and they contacted on phone?

Answer: I did not know.

Question: Where were LHC Tariq performing duties?

Answer: At PAL office mardan.

Question: Why LHC Tariq has been involved in the enquiry.

Answer: I did not know.

Question: Where was IHC Abid Khan on 01.09.2021?

Answer: PP Shaheedan PP Rustam.

Question: On that day did IHC Abid went on Patrolling from PS Rustam.

Answer: Yes, but IHC Abid Khan came back to PP round about 1145 to 1200.

Question: Who chalked the Murasila 15AA against the accused Kamran, and who affixed his signature?

Answer: I did not chalked the Murasilla, nor I affixed the signature.

Question: Who prepared the remand documents?

Answer: I did not know.

Question: Did you know FC Ayaz Ali No. 1663?

Answer: Yes I knew he is performing duties in Police.

Question: Where was FC Ayaz Ali posted at that time?

Answer: PS Rustam.

Question: Where were you posted at that time?

Answer: General Duties at PP Shaheedan.

Question: Who were Moharrar PP Shaheedan at that time?

Answer: No one, every one maintaining DD including mine.

Question: Who did case Flk 15AA was registered against the accused Kamran?

Answer: I did not know, IHC Abid Khan is responsible for it.

Question: When and where did murdered case registered against accused Kamran?

Answer: On 03.09.2021 at PS Toru.

Question: How did you know regarding murdered case?

Answer: During enquiry.

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Question: How much amount you and your brother received from accused Kamran?

Answer: Nothing.

Question: How much amount did IHC Abid Khan received?

Answer: I did not know.

Question: On 01.09.2021 what kind of duty you perform?

Answer: Nakabandi at the front of PP Shaheedan from 0830 to round about 1200 hrs.

Question: Where IHC Abid Khan did arrested the accused Kamran?

Answer: Somewhere out the PP, and did not bring to Police Post.

Question: Did you talked with Muharrar Staff of PS Rustam regarding 15AA case?

Answer: No.

QUESTION / ANSWER ON LHC TARIQ DISTRICT MARDAN

Question: Did you know the accused Kamran?

Answer: No

Question: Did you have any contact with accused Kamran on mobile phone?

Answer: My be, I was MM at PS Toru..

Question: Did you have any contact with accused Kamran on after or before 01.09.2021?

Answer: May be, but I don't remember.

Question: Did you meet or contacted IHC Abid Khan before 01.09.2021?

Answer: Yes I knew IHC Abid Khan, maybe we meet, however we did not contact on phone.

Question: Did you went the court alongwith the accused Kamran on 02.09.2021?

Answer: No.

Question: Did you know FC Ayaz Ali 1663?

Answer: Yes, he is my batch mate.

Question: Did you meet with FC Ayaz??

Answer: Yes

Question: Did you brother serving or served in Police department?

Answer: Yes, LHC Niaz Ali is my brother.

Question: Where were LHC Niaz Ali posted on 01.09.2021?

Answer: At PP Shaheedan PS Rustam.

Question: Where were FC Ayaz Ali posted on 01.09.2021?

Answer: I did not know.

Question: Where were IHC Abid Ali posted at that time?

Answer: He was incharge PP Shaheedan.

Question: What was the posting of LHC Niaz Ali at PP Shaheedan?

Answer: General Duty.

PRINCIPAL
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NOWSHERA

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Question: Why were you gone to the court on 02.09.2021 when the accused Kamran was appeared before the court.

Answer: I did not go.

Question: Why were you dismissed from the services?

Answer: I was confined to quarter guard and then dismissed from the services, due to 15AA case on the accused Kamran.

Question: How much amount you received from accused Kamran?

Answer: Nothing, not give any amount to IHC Abid Khan.

QUESTION / ANSWER ON HC AMJID ZAMAN 265 DISTRICT MARDAN

Question: When were you posted at PP Shaheedan?

Answer: Since 31.12.2021.

Question: Why you did not produced the record of 01.09.2021?

Answer: The record is not present at PP.

Question: What is the detailed regarding 15AA case against accused Kamran?

Answer: As far as I knew, that IHC Abid Khan has registered an FIR, and he was suspended. Before it IHC Abid Khan was MM PS Rustam, and I was posted at PP Batroch PS Rustam. I know IHC Abid before it.

QUESTION / ANSWER ON ASI YOUSAF KHAN DISTRICT MARDAN

Question: When were you posted at PS Rustam?

Answer: Since 30.05.2023; Muharrar PS Rustam.

Question: What was recovered in case FIR 1057 U/S 15AA, at what serial number it is written in Registered 19?

Answer: Unlicensed 30 bore Pistol was recovered. Entry has been made at Register No. 19 at serial No. 988. Attested photocopies have also produced herewith.

Question: Did original FIR No. 1057 is available at register No. 01.

Answer: Yes available at register No. 01. Attested photocopies have also produced wherewith for perusal.

Question: Did IHC Abid Khan has served with you before, and you recognized his signatures?

Answer: No.

Question: Who affixed the signatures on registering FIR?

Answer: ASI Khalil ur Rehman.

Question: Did you know ASI Khalil ur Rehman, and know is signature?

Answer: I know ASI Khalil ur Rehman, but did not recognize his signature.

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QUESTION / ANSWER ON ASI ZAHOOR AHMAD DISTRICT MARDAN

Question: What were your posting at PS Rustam?

Answer: When this incident occur and IHC Abid Khan incharge PP Shaheedan sent the murasala, I was performing duties of Muharrar PS Rustam. I was posted as Muharrar 2/3 months before it.

Question: Did you see the Murassila sent by IHC Abid Khan?

Answer: No.

Question: Did IHC Abid Khan visit PS on 01.09.2021?

Answer: I did not remember.

Question: Who bring the Murassila written by IHC Abid, and who registered the FIR No. 1057?

Answer: LHC Niaz Ali has brought the Murassila, and the FIR was registered by ASI Khalil ur Rehman.

Question: As a Muharrar did you report arrival of LHC Niaz Ali and Murasilla at DD.

Answer: I had made the arrival on 01.09.2021 at 1610 and 1620 vide DD No. 24-25.

Question: Did you recognize signature of ASI Khalil ur Rehman?

Answer: I did not remember.

Question: Who was the accused in 15AA, and what did recovered from him?

Answer: Kamran S/O Noor Habib R/O Nawa Kalli, Toru Mardan. Pistol 30 bore without number and 5 ammunitions were recovered. However, the recovery was not brought with Murasila.

Question: Recovery was handed over to you?

Answer: On 18.01.2022 handed me unlicensed 30 bore pistol with fixed charger alongwith 5 rounds.

Question: Did the recovery were sealed in parcel?

Answer: No.

Question: When the murasilla was sent to PS, did anyone contacted you from PP Shaheedan, or told you about the incident.

Answer: No.

Question: Did the accused Kamran was brought to PS Rustam?

Answer: No.

Question: Did you know the accused Kamran?

Answer: No.

Question: Who investigated case FIR 1057 u/s 15AA?

Answer: IHC Abid Khan.

Question: When complete challan regarding the case was sent, and who affix the signatures on it?

Answer: On 30.09.2023 complete challan was sent from SHO Khaista Rehman

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FINDINGS FROM THE STATEMENTS BY THE ENQUIRY OFFICER

1. In cross examination of IHC Abid Khan said that he was called from PS Rustam for patrolling. During the patrolling LHC Niaz Ali called to him via mobile and informed him about FIR of 15AA and ask for permission to pass the FIR to PS Rustam, which was allowed by him. He further said that that it was a progressive case, and in such case no accused is arrested on the spot, nor direct recovery is made on the spot. Information regarding accused and recovery made thereof is passed on mobile phone to Muharrar staff of concerned Police Station, and FIR is registered. He did not ask any information from LHC Niaz Ali, nor did he affix any signature on the Misal. Niaz Ali himself signed all the documents. IHC Abid Khan also denied any relationship with the accused Kamran. In cross question he told that I had already told all the information to SP Investigation Mardan. However, he did not file any application/ complaint against LHC Niaz Ali.

2. FC Sajjad Ahmad No. 2979 in his statement told that he was present at PP Shaheedan on 01.09.2023. He disclosed that he did not see the accused Kamran at PP, nor he knows regarding any case. Later on when IHC Abid Khan was dismissed from services he came to know about the bogus FIR.

3. FC Ayaz Ali No. 1663 disclosed in cross examination that he bring Remand paper on to Court on the directions of LHC Niaz Ali. On arrival at court he contacted LHC Niaz Ali and in while Niaz Ali came to the court along with the accused Kamran. Later his brother LHC Tariq also came to the court. The accused Kamran was presented before the Judge obtained the Judicial Remand Warrant and sent him to jail.

4. ASI Khalid Rehman also denied affixing his signature on the on FIR 1057 US 15AA. He was not aware of registering FIR, however he accept the fact that 15AA bogus case was passed on mobile phone.

5. LHC Niaz Ali 3333 in his detailed statement stated that he was present on duty with IHC Abid Khan that the accused Kamran was arrested with 30 bore unlicensed pistol and 05 rounds ammunition. The accused Kamran was arrested on the spot and IHC Abid Khan sent the Murasilla to PS Rustam. In cross examination LHC Niaz Ali stated that he was present on Naka Bandi in front of PP Shaheedan when the accused Kamran was arrested by IHC Abid Khan. However, he denied his visit to court on 02.09.2023. In cross examination he stated that FC Ayaz Ali 1663 was posted at PS Rustam. He denied his Muharrar duty at PP Shaheedan. He stated that he was performing duties in front of PP alongwith IHC Abid Khan, in cross examination he stated that IHC Abid Khan has arrest

the accused Kamran somewhere outside the PP, however in written statement he accepted that the accused Kamran has been arrested in his presence.

6. LHC Tariq in cross examination stated that he is the batch mate of FC Ayaz No. 1663, which shows that they know each other. He also did not give any clear statement regarding his relations with the accused Kamran.

7. HC Amjad Zaman No. 265 stated that he just knows that IHC Abid Khan has been suspended by registering a bogus FIR.

8. ASI Yousaf in cross examination stated that case property (30-bore pistol and 05 rounds) of FIR No. 1057/21 U/S 15AA is present in PS Malkhana. Proper entry has been made in Register No. 19. FIR has been registered by ASI Khalil ur Rehman.

9. Zahoor Ahmed, the then Moharrar PS Rustam stated that he didn't remember his statement. Later on he stated that at the time of registering FIR he was appeared before DSP City Mardan. However in cross examination he stated that the Murasilla of 15AA was brought by LHC Niaz Ali to PS Rustam. He further stated that he made entry into DD vide No. 24-25 dated 01.09.2021 at 16:10-16:20 of registering FIR and stated that ASI Khalil Ur Rehman affixed his signature. The murasilla was against the accused name was Kamran S/O Noor Habib R/O of Toru, however he did not receive case property on the spot. Later on IHC Abid Khan handed over case property to ASI Yousaf on 18.01.2023. Proper entries have been made in the relevant register to complete the record.

FINDINGS BY THE ENQUIRY OFFICER

After perusal of the relevant record, going through to the statements of the witnesses and cross questions/examination following facts come to the surface:-

1. On 01.09.2023 at 16:10 hrs case FIR No. 1057 U/S 15AA was registered against Kamran S/O Noor Habib R/O of Toru on the Murasilla of IHC Abid Khan. The accused was arrested and 30 bore pistol unlicensed and 05 rounds were recovered from him. Time 1530 and spot IPP Shaheedan was written on the murasilla. Murasilla was written by IHC Abid Khan with his signatures. Crime scene/ Naqsha Moqa were also prepared by IHC Abid Khan with affixing signature. Signature and statements of LHC Niaz Ali and FC Wakeel 2644 are affixed on recovery memo/ fard maqboozgi. All the relevant documents have signed by IHC Abid Khan. It is strange that neither Abid Khan nor Niaz Ali is taking the responsibility for affixing signatures. Upon careful examination, it becomes evident that all the signatures on the documents are distinct from one another.

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2. IHC Abid Khan admitted in his statement during cross-examination that he was aware of FIR No. 1057-21 U/S 15AA, and LHC Niaz Ali informed/passed the information to PS Rustam after obtaining telephonic approval. The question still remains unanswered as to why and how the resident of Nowan Kall Toru came to Police Post Shaheedan with an unlicensed 30-bore pistol. IHC Abid Khan admitted in his statement that, while on patrolling duties, LHC Niaz Ali had called him and suggesting registering a bogus FIR in order to show progress. IHC Abid Khan has confessed to committing the act of registering a bogus FIR, which constitutes a crime in itself.

3. Similarly, in his initial statement, LHC Niaz Ali stated that they apprehended the accused Kamran with an unlicensed 30-bore pistol during a routine check in front of Police Post Shaheedan, yet during cross-examination, he denied his earlier statement. There are significant discrepancies between his initial statement and his testimony during cross-examination. Furthermore, his brother LHC Tariq also admitted that he remained MM at Police Station Toru.

4. The key witness FC Ayaz Ali admitted in both his statement and cross-examination that he received directions from LHC Niaz Ali to bring the Misal Miqaddima and Remand Judicial. Upon arrival at the Court, LHC Niaz Ali and the accused Kamran were present, with all instructions being issued by LHC Niaz Ali. Meanwhile, LHC Tariq also arrived at the court. When the court ordered the production of two guarantors, they willfully did not produce them, as the production of guarantors was not an impossible task to LHC Niaz Ali and LHC Tariq. Likewise, when the court imposed a fine of Rs. 1000/- on the accused Kamran, he chose to go to jail instead of paying the fine.


5. Based on the aforementioned facts, it becomes evident that the entire scheme was orchestrated with the clear motive of imprisoning the accused Kamran in order to serve certain ulterior motives. The arrest of accused Kamran far from his home, the filing of a bogus FIR under 15AA, the presence of different signatures of IHC Abid Khan on all the documents, the suspicious statements of Muharrar ASI Zahoor Ahmad, the false statements of ASI Khalil ur Rehman, and his denial of the signature on the case all seem to compose scenes of a pre-planned drama. The statements and cross-examinations of LHC Niaz Ali are also inconsistent and contentious.

49

CONCLUSION BY THE ENQUIRY OFFICER

After reviewing the previous enquiry file and relevant records, carefully perusing/ studying the statements of the witnesses and cross-examinations, and considering the principles of justice, the following conclusions have been drawn as an inquiry officer.

1. The case FIR No. 1057, dated 01.09.2021, under section 15AA is bogus/ baseless and contrary to the facts.
2. The motive behind registering the FIR under section 15AA seems pre-planned, aiming to provide a safe passage to the accused Kamran in the case FIR No. 889 under sections 302/324, dated 03.09.2021, at PS Toru.
3. The main architects of the plan were LHC Niaz Ali and his brother LHC Tariq, who later included IHC Abid Khan in the scheme. Despite being aware of all the facts, IHC Abid Khan remained a part of the plan, providing benefits to the accused Kamran and contributing to the massacre of justice.
4. ASI Khalid ur Rehman and ASI Zahoor are giving false statements and intentionally enabling a safe passage for IHC Abid, LHC Niaz Ali, and LHC Tariq indirectly.


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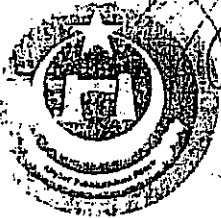
RECOMMENDATIONS BY THE ENQUIRY OFFICER:-

Forgoing in view the above following action is recommended:-

1. Stringent departmental action should be taken against HC Niaz Ali and LHC Tariq to set an example for other police personnel. This would discourage involvement in similar deceptive activities, ensuring the prevalence of justice.
2. Major Punishment of IHC Abid Khan No. 3293 is recommended to be intact.
3. Departmental action is also recommended against ASI Khalil ur Rehman and ASI Zahoor for attempting to conceal the facts and mislead the enquiry officer.
4. Given that the registration of a false FIR and shielding any accused from punishment is a criminal act in itself, IHC Abid Khan, LHC Niaz Ali, and LHC Tariq are also to be dealt with in accordance with the Pakistan Penal Code separately.
5. Report of De-novo enquiry is submitted for perusal, please.

(Abdul Hayee)PSP, UNPM
Principal/ Enquiry Officer
Elite Police Training Centre
Nowshera

PRINCIPAL
ELITE POLICE TRAINING CENTRE
NOWSHERA



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: cpomdn@gmail.com

No

9293

/TA

Dated 18/10/2023

FINAL SHOW CAUSE NOTICE

IHC Abid Khan No.203 (Old No. 3293), while posted as In-charge PP Shaheedan (now Police Lines-Mardan) have been dismissed from service on account of showing arrest of one Kamran resident of Nawan Killey with a 30 bore without number/unlicensed pistol in the area of PS Rustam vide case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam in collaboration with LHC Niaz Ali No.3333 & LHC Muhammad Tariq No.1608 (both brothers and dismissed) who was actually present at Nawan Killey (Toru) at that time, as proved from his CDR analys.s. He was produced before concerned court on the following day and was fined Rs.1000/-, however, in a deliberate and preplanned move, he intentionally refused to pay the fine, resultantly he was sent to Judicial lock-up. The main purpose of accused to be arrested and lodging in Jail was to have a plea of alibi and to get himself of absolved from being charged in a murder case vide FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru, which was committed by his brother namely Amir Sajjad after due planning and conspiracy, wherein he (accused Kamran) was also charged for the commission of crime.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Adnan Azam, the then SDPO Sheikh Maltoon, held responsible you of grave misconduct & recommended for major punishment.

Later-on, you have been reinstated in service on the directions of K.P Service Tribunal and proceeded against departmentally (De-novo) through Mr. Abdul Hayee Principal EPTC Nowshera, who after fulfillment necessary departmental process, submitted his findings to this office vide his office letter No.3851-52/EPTC dated 19-10-2023, holding responsible you of grave misconduct and recommended that major punishment against you to be intact.

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

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

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

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

Received by

(Najeeb-ur-Rehman Bugvi) PSP
District Police Officer, Mardan.

Dated: / /2023

To:

The worthy District Police Officer,
Mardan.

Respected sir,

Reply/statement of Abid Khan IHC submitted as under:

1. That I was appointed as constable in 2007 and successfully completed courses and then transferred to Elite Force where I performed my duties with zeal and fully devotion.
2. That, I have best service in highly appreciated and also granted commendation certificates and cash prizes on best performance. (Copy attached.)
3. That, my entire service is unblemished and there is no single complain against me during my entire service.
4. That, I was dismissed from service on 10.03.2022, on the grounds of misconduct, however, I am innocent and falsely/intentionally implicated in the case and dismissed from service.
5. That, dismissal order is unjust against the facts and liable to be set aside on the following grounds.

Grounds:

- That, because I neither scribed/dedicated/signed the Murasila nor I arrested the accused.
- That, because for taking judicial remand of the accused, the remand was also not signed by me and the scribed signed of mine is bogus and based malafide and having some ulterior motives by other officials who planned this story.
- That, because I also brought these facts of fake sign etc. in the notice of Superiors but they didn't verified my signatures and writings from any relevant expert and nor sent it to Forensic Science Laboratory (FSL), for matching signatures and writings.
- That, because the LHC Niaz Ali and his brother namely LHC Muhammad Tariq done all these illegal acts with due deliberations and consultations with accused Kamran without informing me and the superiors officials/inquiry officer perused the CDR of both Niaz Ali and Muhammad Tariq.
- That, because no impartial inquiry was conducted.

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- That, because I was not provided opportunity of fair trial as envisaged in Article 10-A of the Constitution of Islamic Republic of Pakistan and principle of natural justice by not providing the opportunity to cross examine the accused and officials.
- That, because I having unblemished service record of about 15 years.
- That, because I was the sole bread earner of my family.

Prayer:

It is therefore humbly prayed to file the instant Denovo Inquiry as I was falsely and malafidely involved in the said act being innocent.

Abid Khan (IHC 3293)
Contact No. 0346-5491598

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Submitted for perusal
in orders

DPS/PA

OR

NAJAB
16/11/23

NAJAB
DPS/PA
02/11/23



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230108 & Fax No. 0937-9230111
Email: dpo.mardan@gmail.com

N 54

2023

No. 10007-7/PA

Dated 22/11/2023

ORDER ON DEPARTMENTAL (DE-NOVO) ENQUIRY OF IHC ABID KHAN NO.203

This order will dispose of a Departmental (De-novo) Enquiry under Police Rules 1975, initiated against IHC Abid Khan No.203 (did No.3293), under the allegations that while posted as In-charge PP Shanceedan (now Police Lines Mardan) on 01-09-2021, he in collaboration with LHC Muhammad Tariq No 627 & LHC Niaz Ali No.2697 both brothers (now dismissed from service) had shown arrest of one Kamran resident of Nawal Killee Toru with a (30) bore without number/unlicensed pistol and (05) rounds in the area of PS Rustam vide case FIR No:1052, dated 01-09-2021 U/S 5AA PS Rustam, who was actually present at Nawal Killee (Toru) at the time of his alleged arrest as proved from his CDR analysis. He was produced before the concerned court on the following day & was fined Rs.1000/-. However, in a deliberate and preplanned move, he intentionally refused to pay the fine, hence he was sent to Judicial Lock-up. The main purpose of accused to be arrested and lodging in Jail was to have a plea of alibi and to get himself absolved from being charged in a murder case vide FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru which was committed by his brother namely Amir Sajjad, after due planning & conspiracy, in which he (accused Kamran) was also charged for the commission of crime. Thus, IHC Abid Khan abetted & connived with Kamran to get him plea of alibi in murder case vide FIR No.889 PS Toru by registering a false case against him & showing him arrested in Police Station Rustam, whereas in actuality he was present in Toru at that time.

After the allegations levelled against him were established during the course of departmental enquiry conducted by M Adnan Azam, the then SDPO Sheikh Maltoos vide his office letter No 614/SI-SMT dated 13-11-2021; in pursuance of this office Statement of Disciplinary Action/Charge Sheet No:226/T dated 07-10-2021, the accused official IHC Abid Khan was served with Final Show Cause Notice, issued vide this office No:1076-77/PA dated 07-02-2022 & founding 1st reply as unsatisfactory, the then DPO Mardan vide this office OB No:533 dated 09-03-2022; issued vide order No:2125-27/PA dated 10-03-2022 dismissed IHC Abid Khan from service.

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

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

No.10002-7/PA

Dated 22/11/2023

ORDER ON DEPARTMENTAL (DE-NOVO) ENQUIRY OF IHC ABID KHAN NO.203

This order will dispose-off a Departmental (De-novo) Enquiry under Police Rules 1975, Initiated against IHC Abid Khan No.203 (old No.3293), under the allegations that while posted as In-charge PP Shaheedan (now Police Lines Mardan) on 01-09-2021, he in collaboration with LHC Muhammad Tariq No.627 & LHC Niaz Ali No.2697 both brothers (now dismissed from service) had shown arrest of one Kamran resident of Nawan Killely Toru with a (30) bore without number/unlicensed pistol and (05) rounds in the area of PS Rustam vide case FIR No.1057 dated 01-09-2021 U/S 15AA PS Rustam, who was actually present at Nawan Killely (Toru) at the time of his alleged arrears as proved from his CDR analysis. He was produced before the concerned court on the following day & was fined Rs.1000/-. However, in a deliberate and preplanned move, he intentionally refused to pay the fine, hence he was sent to Judicial Lock-up. The main purpose of accused to be arrested and lodging in Jail was to have a plea of alibi and to get himself absolved from being charged in a murder case vide FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC PS Toru which was committed by his brother namely Amir Sajjad, after due planning & conspiracy, in which, he (accused Kamran) was also charged for the commission of crime. Thus, IHC Abid Khan abetted & connived with Kamran to get him plea of alibi in murder case vide FIR No.889 PS Toru by registering a false case against him & showing him arrested in Police Station Rustam, whereas in actuality he was present in Toru at that time.

After the allegations leveled against him were established during the course of departmental enquiry conducted by Mr. Adnan Azam, the then SDPO Sheikh Maltoon vide his office letter No.634/St-SMT dated 13-12-2021; in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.226/T dated 01-10-2021, the accused official IHC Abid Khan was served with Final Show Cause Notice, issued vide this office No.1076-77/PA dated 07-02-2022 & founding his reply as unsatisfactory, the then DPO Mardan vide this office OB No.633 dated 09-03-2022, issued vide order No.2125-27/PA dated 10-03-2022 dismissed IHC Abid Khan from service.

Later on, he was reinstated in service on the directions of K.P. Service File No. 1923 dated 22-09-2023, issued vide order/endorsement No. 2-09-2023, and a de-novo enquiry vide this office Statement of Disciplinary Enquiry No. 8982/PA dated 10-10-2023 was conducted through Mr. Abdul Hayee, Nowshera. Wherein the Enquiry Officer held the delinquent official responsible and levied against him and found him guilty of grave misconduct.

Being held responsible of grave misconduct by Enquiry Officer, he was served with a Final Show Cause Notice, under Khyber Pakhtunkhwa Police issued vide this office No. 9293/PA dated 19-10-2023, to which, his un-satisfactory answer received.

For

HC. Abid Khan was heard on OR on 16-11-2023, during which, he failed to put any cogent reasons in his defense, thus the undersigned being authority awarded him punishment of dismissal from service with effect from 09-03-2022, in exercise of the powers vested in me under Police Rules-1975.

No. 2314

Dated 21/11/2023

(Najeeb-ur-Rehman Bugti) PSP
District Police Officer, Mardan.

Copy forwarded for information & n/action to:-

- 1) The Deputy Inspector General of Police Internal Accountability Branch, Khyber Pakhtunkhwa Peshawar with reference to his good office letter No. 1631-33/EPO/IAB dated 24-10-2023.
- 2) The Principal EPTC Nowshera with reference to his office letter No. 3851-52/EPTC dated 19-10-2023.
- 3) The DSP/FCs Mardan.
- 4) The E.C & P.O (DPO Office) Mardan.
- 5) The In-charge Lab (HRMIS) DPC Office Mardan.
- 6) The OSI (DPO Office) Mardan with 4 Sheets.

Page-02

Later-on, he was reinstated in service on the directions of K.P Service Tribunal vide office O.B No.1923 dated 22-09-2023, issued vide order/endorsement No. (sic) dated 2-09-2023 and a de-novo enquiry vide this office statement of Disciplinary (sic) No.8982/PA dated 10-10-2023 was conducted through Mr. Abdul Hayee, (sic) Nowshera wherein the Enquiry Officer held the delinquent official responsible (sic) leveled against him and found him guilty of grave misconduct.

Being held responsible of grave misconduct by Enquiry Officer, (sic) was served with a Final Show Cause Notice, under Khyber Pakhtunkhwa Police (sic) issued vide this office No.9293/PA dated 19-10-2023, to which, his un-satisfactory (sic) was received.

Order

IHC Abid Khan was heard in OR on 16-11-2023, during which, he failed to give any cogent reasons in his defense, thus the undersigned being authority awarded him major punishment of dismissal from service with effect from 09-03-2022, in exercise of the powers vested in me under Police Rules-1975.

No.2314

Dated 21/11/2023

Sd/-
(Najeeb-ur-Rehman Bugvi) PSP
District Police Officer, Mardan.

Copy forwarded for information & n/action to:-

- 1) The Deputy Inspector General of Police Internal Accountability Branch Khyber Pakhtunkhwa Peshawar with reference to his good office letter No.1631-33/CPO/IAB dated 24-10-2023.
- 2) The Principal EPTC Nowshera with reference to his office letter No.3851-52/EPTC dated 19-10-2023.
- 3) The DSP/HQrs Mardan.
- 4) The E.C & P.O (DPO Office) Mardan.
- 5) The In-charge Lab (HRMIS) DPO Office Mardan.
- 6) The OSI (DPO Office) Mardan with 157 sheets.

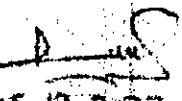
کتابت در مجلس اول در شهر مرداد ۱۱۱۷
بیت انوار و بحال

خدا مال

خود معرفت بیرون که من علم و فکرم ...
عبارت نشانی علم و معرفت که در ...
عبارت از عبارات کتب حدیث و روایت کبری ...
پایه حق است که من تمام ...
تکریم به هر چه حق است که در ...
کتاب زیاده از حد است و در ...
که از کتب و کتب حدیث است ...
مشتقات آن که در حدیث ...

بیرون کاتب

در روز بیست و نهم از ...
کتاب کتب کبری در حدیث ...
انعام

القول فی کتابت بحال ۲۱۳

0346-5491598
05-12-2023

بخدمت ریجنل پولیس آفیسر صاحب مردان

ایمیل بابت بحالی

جانب عالی!

معروض خدمت ہوں کہ من سائل تھانہ رستم چوکی شہیدان میں تعینات تھا۔
کنسٹیبل بنیاز علی نے من سائل کے طرف سے مراسلہ بجرم 15AA تھانہ ارسال کیا جس میں
ملزم مذکورہ بجرم 302 تھانہ چورونے چارج کیا جس میں من سائل کا انکوائری ہو کر بعد انکوائری
محکمہ سے بر طرف ہوا بعد سروس ٹرینیل نے دوبارہ بحال کر کے دوبارہ انکوائری شروع ہوا جس
میں من سائل کو گناہ گار تصور کر کے جناب DPO مردان نے نوکری سے بر طرف کر کے
محکمہ صادر کی طرف سائل دوران بر خاستگی کافی مقروض ہو چکا ہے۔

بذریعہ ایمیل استدعا ہے کہ سائل کو نوکری پر دوبارہ بحال کرنے کا حکم صادر فرمایا جاوے۔

Sd/-

0346-5491598

ORDER.

P 57

This order will dispose-off the departmental appeal preferred by Ex-IHC Abid Khan No. 203/3293 of Mardan District Police, against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 2314 dated 21.11.2023. The appellant was proceeded against a de-novo departmental enquiry under Police Rules 1975, under the allegations that he while posted as Incharge Police Post Shaheedan on 01.09.2021, he in collaboration with LHC Muhammad Tariq No. 627 and LHC Niaz Ali No. 2697 both brothers (now dismissed from service) had shown arrest of one Kamran resident of Nawan Killey Toru with a (30) bore without number/unlicensed pistol and (05) rounds in the area of Police Station Rustam vide case FIR No.1057 dated 01-09-2021 U/S 15AA Police Station Rustam, who was actually present at Nawan Killey (Toru) at the time of his alleged arrest, as proved from his Call Data Record analysis. He was produced before the concerned court on the following day and was fined Rs.1000/-. However, in a deliberate and preplanned move, he intentionally refused to pay the fine, hence he was sent to Judicial lock-up. The main purpose of accused to be arrested and lodging in Jail was to have a plea of alibi and to get himself absolved from being charged in a murder case vide FIR No.889 dated 03-09-2021 U/S 302/324/34 PPC Police Station Toru, which was committed by his brother namely Amir Sajjad, after due planning & conspiracy, in which, he (accused Kamran) was also charged for the commission of crime. Thus, IHC Abid Khan abetted and connived with Kamran to get him plea of alibi in murder case vide FIR No.889 Police Station Toru by registering a false case against him and showing him arrested in Police Station Rustam, whereas in actuality he was present in Toru at that time.

After the allegations leveled against him were established during the course of departmental enquiry conducted by Mr. Adnan Azam, the then Sub Divisional Police Officer, (SDPO) Sheikh Maltoon, Mardan the accused Officer IHC Abid Khan was served with Final Show Cause Notice and founding his reply as unsatisfactory, the then District Police Officer, Mardan vide his office OB No.633 dated 09-03-2022, issued vide order No2125-27/PA dated 10.03.2022 dismissed IHC Abid Khan from service.

Later-on, he was reinstated in service on the directions of Khyber Pakhtunkhwa Service Tribunal vide OB No.1923 dated 22.09.2023, issued vide order/endorsement No.4952-60/EC dated 22.09.2023 by the District Police Officer, Mardan and a de-novo enquiry was conducted by Mr. Abdul Hayee, Principal EPTC, Howshera, wherein the Enquiry Officer again held responsible the delinquent Officer and recommended him for awarding major punishment. He was issued Final Show Cause Notice to which his reply was received and found unsatisfactory.

The delinquent Officer was heard in Orderly Room on 16.11.2023, during which, he failed to present any cogent reasons in his defense, thus the District Police Officer, Mardan being authority awarded him major punishment of dismissal from service with effect from 09.03.2022.

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Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in the orderly Room held in this office on 24.01.2024.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Moreover, the Investigating Officer of case FIR No. No.889 dated 03.09.2021 U/S 302/324/34 PPC Police Station Toru also affirmed the involvement of appellant in this heinous criminal case because Call Data Record of accused Kamran revealed that he was present in his village Toru despite his arrest in case FIR No. 1057 dated 01.09.2021 U/S 15-AA Police Station Rustam and on the very next day he came to District Courts, Mardan from his home where from he was sent to District Jail, Mardan. The accused Officer namely Abid Khan No. 203/3293 (appellant) staged the theme of the FIR for sending accused Kamran to Jail just to facilitate him in a murder which the brother of the accused planned to commit after two days. Hence, the involvement of appellant in such like activities is clearly a stigma on his conduct. Therefore, the retention of appellant in Police Department will stigmatize the prestige of the Police Force as instead of fighting crime, he has himself indulged in criminal activities. Moreover, he could not present any cogent justification regarding his innocence.

Keeping in view the above, I, Muhammad Suleman, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal. Therefore, the same is rejected and filed, being devoid of merit.

Order Announced.

(MUHAMMAD SULEMAN) PSP
Regional Police Officer,
Mardan.

_____/ES, Dated Mardan the 29 / 01 / 2024

Copy forwarded to District Police Officer, Mardan, for information and necessary action w/r to his office Memo: No. 200/LB dated 21.12.2023. His Service Record is returned herewith.

(*****)

VAKALAT NAMA

NO. _____/2024

IN THE COURT OF KP Service Tribunal, Peshawar

Abid Khan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

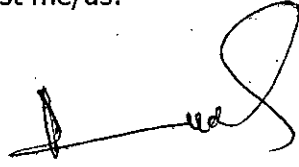
Police Department (Respondent)
(Defendant)

I/We, Abid Khan

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT**, 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 _____/2024



(CLIENT)

ACCEPTED


TAIMUR ALI KHAN
Advocate High Court

BC-10-4240
CNIC: 17101-7395544-5
Cell No. 03339390916