BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,PESHAWAR.

Appeal No. 1574/2019

Date of Institution ... 19.11.2019

Date of Decision ... 10.02.2021

Faheem Bacha, Ex-Inspector (Now Sub-Inspector), P.S Kalu Khan, Swabi. ... (Appellant)

VERSUS

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

Present.

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

Mr. Kabirullah Khattak,
Addl. Advocate General ... For respondents.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN
MR. ATIQUR REHMAN WAZIR, ... MEMBER(E)

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. Instant appeal is preferred against the order dated 24.04.2019, whereby, the departmental appeal of the appellant was partially allowed and his penalty of removal from service was converted into that of reduction in the rank of Sub Inspector. The appellant is also aggrieved of the order dated 24.10.2019, through which his revision petition was rejected.

2. The facts, as gatherable from the memorandum of appeal, are that the appellant was appointed as ASI in the year 2006. During the course of his service, he was promoted to the rank of Inspector. At the relevant time, the appellant was posted as SHO P.S Mandani when a person namely Gulzada son of Sher Malang submitted a complaint, in terms, that the appellant kept him in custody and took Rs. 22000/- from one Zahir Shah for

release of the detainee. Departmental enquiry was conducted which was ultimately filed. The appellant was still serving as SHO P.S Mandani when a charge sheet was served upon him alongwith statement of allegations. It shall be useful to reproduce hereunder the allegations contained in the charge sheet:-

1. *As per information frequent complaints have been received against you regarding your involvement in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to you.*
2. *You were also involved in changing of genuine chars with local sub-standard Chars.*
3. *Reportedly you were also involved in NCP Smuggling by taking illegal gratification.*
4. *You are also involved in taking gifts from locals."*

3. Enquiry against the appellant was conducted wherein minor punishment was recommended. Subsequently, re-enquiry in the matter was ordered, report whereof was submitted by S.P Investigation Charsadda on 18.3.2019. While concluding the report, it was recommended that the appellant was liable for major punishment under the Khyber Pakhtunkhwa Police Rules, 1975. Final show cause notice was issued to the appellant on 19.03.2019, whereby, the appellant was given the option for personal hearing. Order dated 25.03.2019 followed, whereby, penalty of removal from service was awarded to the appellant. A departmental Appeal was submitted by him which was decided on 24.04.2019. In the order, the Regional Police Officer, Mardan was pleased to mitigate the penalty of appellant and awarded him major punishment of reduction in the rank of S.I. The appellant was reinstated into service while the intervening period was treated as leave

without pay. The appellant preferred a Revision Petition under Rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975. It could not find favour and the Board decided to maintain the penalty of reduction in rank.

4. Learned counsel for the appellant as well as learned AAG heard and available record gone through with their assistance.

5. It was the argument of learned counsel that the re-enquiry against the appellant was ordered and conducted without any rhyme or reason, therefore, the appellant could not have been penalized on the basis of its report. Further, the re-enquiry did not find mention in the rules ibid. Referring to the statements of witnesses it was contended that the same were contradictory regarding the amount received by the appellant as illegal gratification. In support of his arguments, learned counsel relied on judgments reported as 2004-SCMR-316, 2009-SCMR-605 and PLD 2011 Supreme Court 163.

As against that, learned AAG contended that through different statements, the appellant had admitted his guilt. During cross examination on the appellant, he admitted the recovery of Arms comprising two Kalashnikovs rifles as well as one pistol of 30-bore. He was also of the view that in six different cases, case properties were retained by the appellant without any good reason.

6. As regards the objection of appellant towards the re-enquiry, suffice it to note that the appellant had himself criticized the first enquiry in the memorandum of instant appeal. It is noted therein, under paragraph 4 of the factual part, that the first enquiry was conducted against the appellant in which no proper opportunity of defence was provided to him neither statements were recorded in the presence of appellant. He was not given opportunity of cross-examination, while in the findings part, enquiry officer

recommended minor punishment for the appellant. It is also noted in that Para that the enquiry officer conducted enquiry mostly on those allegations which were not mentioned in the charge sheet.

Having incorporated the above noted objections in his appeal, it did not lie in the mouth of appellant to question the holding of re-enquiry. Re-enquiry was not prohibited under the rules ibid or other laws applicable to the case of appellant.

7. It is also a matter of record that during departmental proceedings against him the appellant had, more than once, admitted that during his tenure as SHO the recovered arms and ammunition were not deposited in the Malkhana or any other relevant office, in time. Admittedly, on 20.01.2019, two Kalashnikovs riffles and one pistol 30-bore were recovered from possession of appellant during search and strike operation. The illegal retention of the arms and ammunition by the appellant could have serious repercussions regarding the merits of the case of accused therein.

8. For what has been discussed above, we are of the view that the impugned order of respondent No. 2/Regional Police Officer Mardan dated 24.04.2019, does not require any interference. Resultantly, the appeal in hand is dismissed hereby.

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

(HAMID FAROOQ DURRANI)
CHAIRMAN

(ATIQUR REHMAN WAZIR)
MEMBER(E)

ANNOUNCED
10.02.2021

1574/19

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
		Present. Mr. Taimur Ali Khan, Advocate ... For appellant Mr. Kabirullah Khattak, Addl. Advocate General, ... For respondents.
	10.02.2021	Learned counsel for the appellant as well as learned Addl. A.G heard and available record gone through with their assistance. Vide our detailed judgment, we are of the view that the impugned order of respondent No. 2/Regional Police Officer Mardan dated 24.04.2019, does not require any interference. Resultantly, the appeal in hand is dismissed hereby. Parties are left to bear their respective costs. File be consigned to the record room. CHAIRMAN (Atiq-ur-Rehman Wazir) Member ANNOUNCED 10.02.2021

22.12.2020 Counsel for the appellant and Asstt. AG for the respondents present.

Former requests for time to further prepare the brief. To come up for hearing before the D.B on 15.01.2021.

(Mian Muhammad)
Member(E)

Chairman

15.01.2021 Mr. Taimur Ali Khan, Advocate for appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Shah Jehan, Inspector for the respondents present.

Learned counsel for the parties concluded their respective arguments. To come up for order on 10.02.2021. Learned AAG shall, in the meanwhile, provide the complete record of enquiry including the statements of witnesses ~~and~~ other documents relevant with the case shall also be provided before the next date.

(Atiq-ur-Rehman Wazir)
Member(E)

Chairman

24.03.2020 Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.06.2020 before S.B.

Reader

16.06.2020 Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Shah Jehan, S.I (Legal) for the respondents present. Representative of the department furnished written reply/para-wise comments on behalf of respondents No. 1 to 3 which is placed on record. To come up for rejoinder, if any, and arguments on 31.08.2020 before D.B.

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

31.08.2020 Due to summer vacation, the case is adjourned to 05.11.2020 for the same as before.

Reader

05.11.2020 Junior to counsel for the petitioner and District Attorney for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 15.01.2021 for hearing before the D.B.

(Mian Muhammad)
Member

Chairman

26.12.2019 Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present service appeal against the order of appellate authority dated 24.4.2019 whereby major penalty of removal from service awarded to the appellant vide order dated 26.03.2019, was converted into major punishment of reduction to the rank of Sub Inspector. The appellant has also assailed the order of the Appeal Board dated 24.10.2019 whereby the order of the appellate authority was kept intact.

Points urged need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 21.02.2020 before S.B

Appellant Deposited Security & Process Fee
26/12/19

Member

21.02.2020 Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Shah Jehan, S.I (Legal) for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department seeks adjournment to furnish written reply/comments. Adjourned to 24.03.2020 for written reply/comments before S.B.

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1574/**2019**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/11/2019	The appeal of Mr. Faheem Bacha presented today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-	20/11/19	This case is entrusted to S. Bench for preliminary hearing to be put up there on 26/12/19 CHAIRMAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO.1574/2019

Faheem Bacha V/S Police Deptt:

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7.	Copies of order dated 25.03.2019, departmental appeal and order dated 24.04.2019	J,K&L	25-27
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APPELLANT

THROUGH:

TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)
&

ASAD MAHMOOD
(ADVOCATE HIGH COURT)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1574 /2019

FaheemBacha, Ex-Inspector (Now Sub-Inspector),
PS Kalu Khan, Swabi.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, KP, Peshawar.
2. The Regional Police Officer, Mardan Region, Mardan.
3. The District Police Officer, Charsadda.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 25.03.2019, WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE, AGAINST THE ORDER DATED 24.04.2019, WHEREBY ON THE DEPARTMENTAL APPEAL OF THE APPELLANT, THE MAJOR PUNISHMENT OF REMOVAL FROM SERVICE WAS CONVERTED INTO MAJOR PUNISHMENT OF REDUCTION IN THE RANK OF SUB INSPECTOR AND AGAINST THE ORDER DATED 24.10.2019, WHEREBY REVISION OF THE APPELLANT WAS REJECTED.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 25.03.2019, 24.04.2019 AND 24.10.2019 MAY KINDLY BE SET ASIDE AND RESPONDENTS MAY FURTHER BE DIRECTED TO RESTORE THE APPELLANT TO HIS RANK/CADRE/SCALE OF INSPECTOR 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 SHEWTH:

FACTS:

1. That the appellant was appointed as ASI in the year 2006 and due to excellent performance, he was promoted to the rank of Inspector. The appellant since his appointed performing his duty with great devotion and honesty, whatsoever assigned to him and no complaint has been filed against him regarding his performing.

2. That the appellant was posted as SHO PS Mandani, a person namely Gulzada S/O Sher Malang filed complaint against the appellant that the appellant took him in custody and took Rs.22000 from Zahir shah for his release in which inquiry was conducted against the appellant and during the inquiry proceeding the complainant clearly stated that he filed compliant against the appellant on the instigation of Tehsil Naib Nazim Mushtiq, due to which the inquiry was filed without further proceeding against the appellant. **(Copies of complaint, inquiry report along with statements are attached as Annexure-A&B)**

3. That while serving in the same capacity as SHO, charge sheet on baseless allegations along with statement of allegations were served to the appellant, which was duly replied by the appellant and denied the allegations and gave real facts about the situation. **(Copies of charge sheet, statement of allegations and reply to charge sheet are attached as Annexure-C,D&E)**

4. That on the bases of baseless allegation, inquiry was conducted against the appellant in which 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 and in finding the inquiry officer recommended minor punishment for the appellant. It is pertinent to mentioned here that inquiry officer conducted inquiry mostly on those allegations, which were not mentioned in the charge sheet. **(Copy of 1st inquiry report is attached as Annexure-F)**

5. That without giving any reason by the authority for not agreeing with the recommendation of first inquiry report, another inquiry was conducted against the appellant in which again 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 and in that inquiry too, the inquiry officer conducted inquiry mostly on those allegations, which were not mentioned in the charge sheet, but inspite that inquiry officer held him responsible. **(Copy of 2nd inquiry report is attached as Annexure-G)**

6. That show cause notice was issued to the appellant which was duly replied by the appellant in which he mentioned that his reply to charge sheet may be considered as reply to show cause notice. **(Copies of show cause notice and reply to show cause are attached as Annexure-H&I)**

7. That on the baseless allegation and irregular inquiry, the appellant was removed from service vide order dated 25.03.2019, against which the appellant filed departmental appeal on 27.03.2019 on which respondent No.2 passed an order dated 24.04.2019, wherein punishment of removal from service awarded to the appellant was converted into major punishment of reduction in rank of Sub Inspector and reinstated him into service. **(Copies of order dated 25.03.2019, departmental appeal and order dated 24.04.2019 are attached as Annexure-J,K&L)**

8. That then appellant filed then revision under Rule 11-A of Police Rules 1975 (Amended in 2014) on 29.04.2019, which was rejected on 24.10.2019. **(Copies of revision and rejection order dated 24.10.2019 are attached as Annexure-M&N)**

9. That now the appellant comes to this august Tribunal on the following grounds amongst others.

GROUNDS:

A) That the impugned order dated 25.03.2019, 24.04.2019 and 24.10.2019 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.

B) That inquiry was not conducted against the appellant 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, therefore, the impugned orders are liable to be set aside on this ground alone.

C) That before issuing charge sheet to the appellant, a person namely Gulzada S/O Sher Malang filed complaint against the appellant that the appellant took him in custody and took Rs.22000 from Zahir shah for his release in which inquiry was conducted against the appellant and during the inquiry proceeding the complainant clearly stated that he filed compliant against the appellant on the instigation of Nazim Mushtaq, due to which the inquiry was filed without further proceeding against the appellant and in the charge sheet, on which the appellant was penalized, it was also mentioned that frequent complaints have been filed against the appellant, which shows that the appellant was penalized on those baseless complaints.

D) That one of the charge in the charge sheet was that, the appellant changing of original/foreign made weapon with the local made, however appellant did not change the weapon and in inquiry too changing of original/foreign made weapon with the local made was not proved, other charge in the charge sheet was that of changing of genuine chars with local sub-standard chars which was also not proved in the inquiry. Other charge was involved in NCP smuggling by taking illegal gratification, which was also not proved in the inquiry against the appellant. Other charge was that he took gifts from local people, but the appellant also denied that charge, which shows that the appellant has been punished for no fault on his part.

E) The inquiry officer conducted inquiry mostly on those allegations, which were not mentioned in the charge sheet and on that allegations the appellant was punished, which is not permissible under the law.

F) That statements taken of different officials in both inquires were also different and on those statements, the appellant was penalized, which is against the norms of justice and fair play.

G) That in first inquiry, the inquiry officer recommended minor punishment, but without giving any reason by the authority for not agreeing with the recommendation of first inquiry report, another inquiry was conducted against the appellant, which is not permissible under the law and rules.

H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

APPELLANT
Faheem Bacha

THROUGH:

TAIMUR ALI KHAN
(ADVOCATE HIGH COURT),

ABDUL WAHID
(ADVOCATE)

ASAD MAHMOOD
(ADVOCATE HIGH COURT)

A 5

﴿شکایت پروفارمہ﴾

سرکل تنگی

تھانہ مندنی

مقدمہ نمبری ---------

نام درخواست دہندہ گلزادہ ولد شیر ملنگ سکنہ طاہر کلے مندنی۔

شکایت: مورخہ 18.01.2019 کو سراج (گنر SHO) نے گڈبانہ کلے سے گرفتار کر کے تھانہ مندنی لے گیا۔ SHO مندنی فہیم باچا، گنر سراج وغیرہ نے بہت مارا پیٹا اور 28 گھنٹے اپنے کوارٹر میں چارپائی کے ساتھ باندھ رکھا تھا، پھر 24 گھنٹے حوالات میں رکھا اور اس کے بعد ظاہر شاہ عرف باچا نے 22000 روپیہ SHO کو حوالہ کر کے سائل کو چھوڑ دیا۔ اس سلسلے میں انکوائری کی جائے۔

Office of the Distt: Police officer Charsadda 90 29.1.19

Attested

B (6)

GOVERNMENT OF KHYBER PAKHTUNKHWA
DEPUTY SUPERTENDANT OF POLICE HQRS,
CHARSADDA

No. 47 /S, dated Charsadda the 14 /03/2019.

To: The District Police Officer
Charsadda

Subject: DEPARTMENTAL ENQUIRY AGAINST INSPECTOR FAHIM BACHA SHO PS MANDANI.

Memo: Kindly refer to your office Diary No.90/C.Cell dated 18.01.2019

It is submitted that matter was thoroughly enquired and during the course of enquiry Inspector Fahim Bacha SHO PS Mandani and complainant were summoned the office of undersigned wherein, the complainant and the said officer were heard in detail. They were confronted to each other and heard them in person. Inspector Fahim produced a written statement stating therein that, the allegations leveled by the complainant are totally false/baseless.

However, during formal proceedings the applicant produced a written statement, in which he stated that he submitted the instant application against Inspector Fahim Bacha due to some misunderstanding and now does not want any further action on his application.

For the reason discussed above, enquiry may be filed, if agreed.

Submitted, please.

Deputy Superintendent of Police
HQrs Charsadda

Filed
19/3

Attested

(7)

جناب DPO صاحب مانسہرہ

جناب عالی!

گذارش ہے کہ مورخہ 18/1/19 کو صبح تقریباً 8 بجے
پولیس تھانہ شنکیاری SHO انسپکٹر
پستا سمیت تھانہ منڈن سے
تھانہ میں SHO نسیم باچہ انسپکٹر سمیت دیگر
نے بیرک میں لا کر پیٹا اور 28 گھنٹے اپنے کوئی
حبس جائز میں رکھا تھا۔
اور 28 گھنٹے حوالات میں رکھا رہا لیکن ظاہر
طرف باچہ نے 22 ہزار روپے SHO کو دیئے
کہ لیکن سائل کو چھوڑ دیا اور پیسے
سائل سے پیشتر کی بازیابی کا دعویٰ
کیا وہ اور بن جوانا کہ حراست میں
تھا اور بن جوانا کہ حراست میں

Complaint

لہٰذا عاجز درخواست ہے
متعلقہ افسران کو ہدایت کی جائے
کہ مجھے میرے پیسے واپس کئے جائیں

العارض:
سائل محمد زادہ ولد شیر جنت سکنہ طاؤس
0341-2006691

Attested

(8)

ہمسایان از ان ظاہر شاہ عرف باچا ۔

میں ہمسایان ظاہر شاہ عرف باچا سکنہ بشیر میاں باندا ہر ہمسایہ حلفاً اقرار کرتے ہیں کہ گل زادہ ولد بشیر بلنگ نے جو درخواست اسٹرانبالا کو ہر خلاف SHO صاحب تھانہ حدود دیا ہے اور اس میں جو الزام لگایا ہے کہ درخواست کنندہ نے میرے بیٹے کو مارا ۔ SHO صاحب تھانہ ہذا کو جملہ 22000/- روپے دیئے ہیں اور یہ بیان بنا پر SHO صاحب کے درخواست کنندہ کو تھانہ سے چھوڑا ہے تو میں بالکل

ظاہر شاہ

ظاہر شاہ عرف باچا سکنہ بشیر میاں باندا
0301-5310303

سوال :- آپ درخواست کنندہ کو جانتے ہو ؟

جواب :- ہاں جانتا ہوں درخواست کنندہ کے والد صاحب نے میرے سامنے میرے دوست کا بیٹا ہے ۔ درخواست کنندہ میرے سامنے پیدا ہوا ہے ۔ ظاہر شاہ

سوال :- درخواست کنندہ کیا کام کرتا ہے ؟

جواب :- زمینداری کرتا ہے ۔ ظاہر شاہ

سوال :- درخواست کنندہ کے ساتھ آپ کیسے زندگی گزارتا ہے ؟

جواب :- کوئی لینا دینا ہے ۔ والد صاحب کی آپس کی دوستی ہے ۔ ظاہر شاہ

by E.O

Attested

(9)

بخدمت جناب ایس ایچ او صاحب تھانہ سٹی ایبٹ آباد

میں سمی شہر بلند ولد حاجی میاں گل ساکن عیال آباد ہری چند حلفاً و قراراً لکھ دیتا ہوں کہ مجھے اطلاع ملی کہ میرا بیٹا گل زادہ مفاہ نہ بندی میں پولیس والوں نے دیا ہے۔ میرا پولیس کے ساتھ کسی قسم کی تعلقات نہیں ہے۔ اسلئے میں نے اپنے ساتھ ظاہر شاہ عرف باچا محمد حالہ خان MPA خانا فرہ ہے اور تھانہ آتا جاتا ہے۔ تو ہم مفاہ نہ بندی چلے گئے میرا SHO صاحب نے بتایا کہ آپکا بیٹا خرس فروشی میں ملوث ہے اور اس بابت ہمیں شکایت موصول ہوئی ہے۔ تو میں نے گئے حوالات میں بند مفاہیں نے بتایا کہ میرا بیٹا خرس بیچنے کا عادی ہے تو فرنسفا ہے مگر خرس فروشی کا کام نہیں کرتا۔ جس پر SHO صاحب نے مجھے سختی سے ہدایات دی کہ اگر آئندہ اس قسم کی شکایت موصول ہوئی تو میں اپنے بیٹے کو حوالات سخت مافوں کارروائی کرونگا اس بار آپ کے سفارش کی خاطر چھوڑ رہا ہوں۔ اور میرے بیٹے کو میرے ساتھ فوری طور پر چھوڑ دیا۔ اس بات کی تسلی میں اسٹرن بالا اور عدالت میں کرنے کو تیار ہوں کہ میں نے اور نہ ظاہر شاہ نے SHO صاحب کو کسی قسم کی رقم دی ہے۔

مشتاق ناظم نے میرے بیٹے کو پیسے لے کر پہلے انکار کیا تھا تو میں نے مشتاق ناظم کو خود کہا کہ میرے بیٹے کو پیسے لے کر چھوڑ دو تو انہوں نے چھوڑ دیا ہے۔ اس نے بتایا کہ غم خوش مشرب ہو میں دیکھے بیٹے کو واپس لے آؤنگا۔ مشتاق ناظم نے اپنے پر میرے بیٹے نے SHO صاحب کے خلاف درخواست دیا ہے۔ میرے بیٹا سادہ آدمی ہے ناظم کے باتوں میں آیا ہے اور ایک من گھڑت اور جھوٹ پر مبنی درخواست دیا ہے میں اپنے بیٹے پر ملنا افسوس کرتا ہوں نہ میں نے اور نہ ظاہر شاہ نے SHO صاحب کو رقم دی ہے بلکہ SHO صاحب نے نصیحت کی ہے کہ آئندہ ایسا نہ کرنا۔

المرقوم ۱۲/۱۲/۱۷

شیر بلند

0345-9191052

1710 2-1166845-9

Attested

(10)

کیا آپکے بیٹے کے ساتھ 22ces ہوئے تھے؟

جواب:- نہیں میرے بیٹے کے ساتھ رقم نہیں لیا۔ الف شہر مالک

سوال:- کیا آپ نے محکمانہ کارروائی کیلئے SHO کو رقم دیا ہے؟

جواب:- نہیں۔ الف شہر مالک

سوال:- کیا ظاہر شاہ نے آپکے بیٹے سے SHO کو رقم دیا ہے؟

جواب:- نہیں۔ الف شہر مالک

سوال:- کیا SHO نے آپکے بیٹے کو 28 گھنٹے حوالات میں رکھا تھا۔

جواب:- نہیں۔ تقریباً 2/3 گھنٹے میں ہم تھانہ گئے اور SHO صاحب نے فوراً ہمیں ضمانت پر چھوڑ دیا۔ الف شہر مالک

سوال:- کیا SHO صاحب نے آپ کے بیٹے کو مارا پیٹا ہے؟

جواب:- نہیں۔ الف شہر مالک

Focus

Attested

(11)

بیان از ان سید ا ج 1088 گنر ضلع - SHO تھانہ سٹی

میں سید ا ج نمبر 1088 گنر ضلع - SHO صاحب تھانہ سٹی حلفاً اقرار کرتے ہوئے بتاتا ہوں کہ SHO صاحب کو اطلاع ملی تھی کہ درخواست گزار منشیات فروش ہے۔ اس پر SHO صاحب نے مقدمہ درج تھانہ کرنے کا کہا۔ اور حوالات میں بند کیا۔ درخواست گزار نے جو الزام لگایا ہے کہ مجھے مارا پیٹا ہے۔ اور SHO صاحب نے ہمراہ ظاہر شاہ 22088 نے مجھے مارا پیٹا ہے یہ سراسر جھوٹ پر مبنی ہے۔ نہ میں نے مارا پیٹا ہے اور نہ ہی ظاہر شاہ نے مارا پیٹا ہے۔ درخواست گزار کو تقریباً 2/3 گھنٹے حوالات میں بند تھا۔ اور بعد میں ہمراہ والا بالا اور ظاہر شاہ مرسلہ ہا ہاتھ SHO صاحب کی مثل کی کہ درخواست گزار منشیات فروشی میں ملوث نہیں ہے۔ اور بعد تصدیق SHO صاحب نے درخواست گزار کو خاص سرکل اتنہ حفاظت پر چھوڑا ہے۔ میں یہی میرا بیان ہے جو حقیقت پر مبنی ہے۔

30/1/18

سید ا ج 1088 گنر ضلع - SHO تھانہ سٹی

0342 6202848

Attested

(12)

بیان از ان نعیم باجا SHO تھانہ نندنی

میں نعیم باجا SHO تھانہ نندنی بیان کرتا ہوں کہ مجھے اطلاع ملی تھی کہ درخواست گزار گل زادہ منشیات فروشی کا دھندہ کرتا ہے۔ جس پر میں نے درخواست گزار کو تھانہ بلایا۔ اور سرچ اینڈ ریکوری کیا جو برآمدگی میں بند کرکے تو پایا گیا۔ مختصر یہ کہ درخواست گزار کا والد صاحب اللہ ظاہر شاہ عرف باجا تھانہ نندنی آئے اور بتایا کہ میرے بیٹے کو ایس ایچ او نے بند کیا ہے۔ میں نے بتایا کہ اپ کے بیٹے کے خلاف منشیات فروشی کی شکایت موصول ہوئی ہے۔ جس پر اس کے والد صاحب نے بتایا کہ میرا بیٹا چرس پیتا ہے کاشت کرتا ہے لیکن منشیات فروش نہیں ہے۔ جس پر میں نے بتایا کہ آپکے سفید داڑھی کا خیال کرتے ہوئے آپکے بیٹے کو آپ کے سپرد ضمانت پر چھوڑتا ہوں لیکن اگر آئندہ اس قسم کی شکایت موصول ہوئی تو میں آپکے بیٹے کے خلاف قانونی کاروائی کرونگا۔ بس درخواست گزار کو ضمانت پر چھوڑ دیا۔ جہاں تک درخواست میں رقم کا الزام ہے تو میں حلفاً کہتا ہوں کہ میں نے رقم لیا ہے اور نہ ہی درخواست گزار کو مارا پیٹا ہے بلکہ اس کے والد صاحب کے تسلی پر ضمانت پر چھوڑا ہے۔

SHO PS MNB
30-1-2018

Attested

(13)

بیان از ایں گل زادہ ولد شیر ملنگ

میں مسمی گل زادہ ولد شیر ملنگ سکنہ طابر کلے بیان کرتا ہوں کہ میں نے ایک درخواست ہرحلاف SHO صاحب تھانہ سٹرکی دیا تھا۔ غلط فہمی کی بنیاد پر درخواست دیا تھا۔ جسے بعد میں نے بنایا تھا کہ SHO صاحب کو میرے حمایت پر ملبغ 22000/- روپے دیئے ہیں اب مجھے تسلی ہوئی ہے اور میں اپنے درخواست پر کسی قسم کا قانونی کاروائی نہیں کرنا چاہتا۔ میں یہی سچا بیان ہے جو کہ حقیقت پر مبنی ہے۔

الف

گل زادہ ولد شیر ملنگ سکنہ طابر کلے

0341 2006691

سوال: کیا تم نے SHO صاحب کو 22000 روپے دیئے ہیں؟

جواب: ہیں۔ الف

سوال: کیا کسی اور نے بھی طاہر شاہ کی بابت SHO صاحب کو رقم دی ہے؟

جواب: ہیں۔ الف

سوال: کیا اب کو SHO صاحب نے مارا پیٹا ہے؟

جواب: ہیں۔ الف

سوال: تم نے کیوں مدعی نے اپنے پر درخواست دیا تھا؟

جواب: میں نے مشتاق ناظم کے کہنے پر درخواست دیا تھا۔ ناظم صاحب اور SHO صاحب طابر کلے میں تنازعہ ہوتا ہے تھا۔ علوم نہیں۔ الف

Attested

CHARGE SHEET UNDER KPK POLICE RULES 1975

I, **Irfan Ullah Khan**, District Police Officer Charsadda, as competent authority hereby charge you **Inspector Faheem Bacha** as follows.

That you **Inspector Faheem Bacha,** while posted as SHO PS Mandani,

1. As per information frequent complaints have been received against you regarding your involvement in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to you.
2. You were also involved in changing of genuine chars with local sub-standard Chars.
3. Reportedly you were also involved in NCP Smuggling by taking illegal gratification.
4. You are also involved in taking gifts from locals.

During preliminary enquiry DSP Tangi visited your quarter and asked you regarding case property i.e 02 Kalashnikov and 01 pistol both foreign made which were taken into possession during search and strike operation conducted within the territorial jurisdiction of Police Station Mandani. In response to the query you replied that the same are laying with you in your Almirah at quarter. You took out the same from the almirah and handed over to DSP Tangi. Being a member of disciplined force as Inspector SHO your acts are highly objectionable and also stigmatized the force.

This amounts to grave misconduct on your part, warranting Departmental action against you as defined in section-6(I) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section 02(III) of the KPK Police Rules 1975 and has render your self liable to all or any of the penalties as specified in section 04 (I) a & b of the said rules.
2. You are therefore, directed to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.
3. Your written defense, if any should reach to the enquiry officer within the specified period, in case of failure, it shall be presumed that you have no defense to put-in and in that case an ex-parte action shall follow against you.
4. Intimate, whether you desired to be heard in person.

District Police Officer,
Charsadda

Attested

District Police Officer,
Charsadda

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0302 - 81 82405

Government of Khyber Pakhtunkhwa
Office of the District Police Officer
Charsadda

15

DISCIPLINARY ACTION UNDER KPK POLICE RULES -1975

I, **Irfan Ullah Khan**, District Police Officer Charsadda, as competent authority am of the opinion that Inspector Faheem Bacha, has rendered himself liable to be proceeded against as he has comitted the following acts/omissions within the meaning of section -02 (iii) of KPK Police Rules-1975.

STATEMENT OF ALLEGATIONS

That he **Inspector Faheem Bacha**, while posted as SHO PS Mandani,

1. As per information frequent complaints have been received against him regarding his involvement in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to him.
2. He was also involved in changing of genuine chars with local sub-standard Chars.
3. Reportedly he was also involved in NCP Smuggling by taking illegal gratification.
4. He was also involved in taking gifts from locals.

During preliminary enquiry DSP Tangi visited his quarter and asked him regarding case property i.e 02 Kalashnikov and 01 pistol both foreign made which were taken into possession during search and strike operation conducted within the territorial jurisdiction of Police Station Mandani. In response to the query he replied that the same are laying with you in his Almirah at quarter. He took out the same from the almirah and handed over to DSP Tangi. Being a member of disciplined force as Inspector SHO his acts are highly objectionable and also stigmatized the force. This amounts to grave misconduct on his part, warranting Departmental action against him.

For the purpose scrutinizing the conduct of the said official **Mr. Taj Muhammad Khan DSP Tangi** is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section -6 (1) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within stipulated period of (10) days. Inspector Faheem Bacha, is directed to appear before the enquiry officer on the date, time and placed fixed by the later (enquiry officer) a statement of charge sheet is attached herewith.

District Police Officer,
Charsadda

No. 226-27 /HC, dated Charsadda the 18/02/2019

Copies for Information to the:

1. Mr. Taj Muhammad Khan DSP Tangi
2. Inspector Faheem Bacha (Police lines)

Attested

Charsadda

E

16

بیان از ان انسپکٹر فہیم باچہ سابقہ SHO صاحب تھانہ مندنی حال معطل پولیس لائن چارسدہ

جناب عالی

بحوالہ چارج شیٹ مشمولہ معروض خدمت ہوں۔ کہ من SHO نے بدوران تعیناتی جو اسلحہ ایمونیشن برآمدگی ہے بروقت داخل مال خانہ کرانے کے رجسٹر اور متعلقہ میں تکمیل کی گئی ہے جہاں تک مورخہ 20/01/2019 کو دوران سرچ اینڈ سٹریک اپریشن دو ضرب کلاشنکوف، ایک عدد پستول کا تعلق ہے۔ تو اس سلسلہ میں مقدمات علت 16، علت 18 درج رجسٹر ہو کر مال مقدمات کے داخل مال خانہ میں تاخیر اس وجہ سے ہوئی کہ ملاحظہ آرسوورڈ کیلئے درخواست ہائی تحریر کی گئی تھی لیکن بوجہ دیگر ضروری کارسرکار رائے حاصل نہیں کی گئی تھی۔ اور اسلحہ ھائے نیک نیتی سے اس وجہ سے اپنے تحویل میں رکھا تھا تاکہ (SAFE) طور پر بغیر کسی چھیڑ چھاڑ کے داخل مال خانہ کئے جاسکے۔ اور اگر اسلحہ کو من SHO بدنیتی سے تبدیل کرنے کا ارادہ رکھتا تو بروقت متبادل دیسی ساخت کا اسلحہ داخل مال خانہ کر کے اصل اسلحہ کو کوائر سے ہٹا دیتا لیکن میں نے اب اور پوری سروس میں بھی ایسا کرنے کا سوچا بھی نہیں ہے

۲۔ بدوران تعیناتی من SHO نے مقدمات علت 21 مورخہ 24/01/2019 جرم 9BCNSA میں 600 گرام علت 25 مورخہ 25/01/2019 جرم 9BCNSA میں 610 گرام اور علت 32 مورخہ 01/02/2019 جرم 9BCNSA میں 560 گرام چرس برآمد کر کے پارسل ھائے نمبرا۔ بعرض تجزیہ FSL بھجوا کر جو رائے FSL مثبت موصول ہوئے ہے۔ جبکہ پارسل ھائے نمبر ۲۔ سلسلہ نمبرات 21/19,22/19,26/19 پر بروقت داخل مال خانہ کئے گئے ہے۔ جو ریکارڈ پر موجود ہے۔

۳۔ جہاں تک NCP گاڑیوں کا تعلق ہے تو میں نے دوران تعیناتی بحیثیت SHO مندنی دو عدد NCP گاڑیاں برآمد کر کے باقاعدہ طور پر قانونی کاروائی عمل میں لائی ہے۔ میرا سروس ریکارڈ گواہ ہے۔ کہ میں نے کبھی بھی جرائم پیشہ افراد کے ساتھ کوئی رابطہ نہیں رکھا۔ اگر NCP گاڑیاں کے سمگلرز سے کوئی رابطہ ہو تو میرے موبائل کے CDR سے بھی پتہ لگ سکتا ہے۔ اگر ان سے ساتھ رابطے ثابت ہو جائے تو میں ہر قسم کی سزا بھگتنے کیلئے تیار ہوں۔

۴۔ جہاں تک تحفے تحائف کا مقامی لوگوں سے لینے کا تعلق ہے۔ تو میں نے کبھی بھی تحفے تحائف مقامی لوگوں سے نہ تو مانگے ہے اور نہ ہی کسی نے دیئے ہیں۔ یہ الزام بھی سراسر جھوٹ پر مبنی ہے۔

علاوہ ازیں میں ایک معزز خاندان سے تعلق رکھتا ہے۔ سال 2006 میں محکمہ پولیس میں بحیثیت ASI بھرتی ہو کر مختلف تھانہ جات میں اپنی فرائض نہایت دیانداری سے سرانجام دیئے ہیں۔ کئی تھانہ جات میں انچارج انوسٹیگیشن اور SHO رہا ہوں۔ مکلف افسران نے وقتاً فوقتاً فرائض کی درست طور پر بجاآوری اور جانفشانی ایمانداری سے سرانجام دینے کے سلسلے میں انعامات اور سرٹیفکیٹ عطا کئے ہیں۔

دروان سروس میرے خلاف کسی نے بھی کوئی شکایت نہیں کی ہے۔ میرے خلاف لگائے گئے الزامات مفروضوں پر مبنی ہے۔ جسمیں ذرہ بھی صداقت نہیں ہے۔

نہایت آدب سے استدعا ہے۔ کہ میرے خلاف لگائے گئے الزامات سے مجھے بری الزمہ قرار دیکر باعزت بحال کرنے کا حکم صادر فرمایا جائے۔

تاعمر دعا گو رہوں گا۔

23/02/2019

فہیم باچہ سابقہ SHO تھانہ مندنی حال معطل پولیس لائن چارسدہ

صاحب عالی!

Allowed
Supdt. of Police
Tangi.

Asp. Dl. CHD 14.3.19

Attested

F

NO. 228 /ST

Dated 11/03 /2019

17

Subject: - **DEPARTMENTAL ENQUIRY REPORT AGAINST INSP. FAHEEM BACHA REFERENCE ATTACHED.**

ALLEGATIONS

The instant enquiry was entrusted to the undersigned by the W/DPO against Inspector Faheem Bacha, he while posted as SHO PS Mandani has committed the following misconduct;-

He was involved in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to him.

He was also involved in changing of genuine chars with local sub-standard chars.

Reportedly he was also involved in NCP Smuggling by taking illegal gratification besides it has also been alleged that he takes gifts from locals. Hence, the Worthy DPO Charsadda, as a competent authority, served him with charge sheet and summary of allegations and the enquiry was entrusted to the undersigned to scrutinize the conduct of the said delinquent official.

PROCEEDINGS:-

To unearth the real facts all concerned were called and their statements were recorded.

STATEMENT OF INSPECTOR FAHEEM BACHA (THE THEN SHO PS MANDANI)

The delinquent official was called, heard him in person and obtained his statement (attached), wherein he blatantly denied the allegations leveled against him. He was also cross questioned (attached)

STATEMENT OF HC HAMID JAN MHC PS MANDANI

He stated that on 20-01-2019 during search and strike operation, Inspector Faheem Bacha (the then SHO PS Mandni) recovered two SMGs and one pistol 30 Bore vide FIRs No 16,17 and 18 dated 20-01-2019 U/Ss 15-AA PS Mandani and kept

Attested

the same in his own custody. When he requested him to hand over the said case properties for completion of record, he refused and replied that the case properties are lying in his almirah at his residential quarter. He requested the SHO time and again for the completion of record and obtaining of Armourer report but he did not handover the said case properties to him. He stated that in this respect he also entered a report vide DD.No.23, dated 06-02-2019 PS Mandani (attached). He further disclosed that the then SHO was also involved in corruption, receiving gifts and bribes from the public as he has taken bribe from one Shaukat involved in case vide FIR No.11, dated 14-01-2019 U/S 324/429/148/149 PPC PS Mandani and he has also confessed his guilt before the under signed in his presence at SHO office PS Mandani. Similarly the then SHO was involved in receiving of gifts from public. On the demand of the then SHO Faheem Bacha a person namely Mushtaq had brought carpet, quilts and pillows for his residential quarter.

STATEMENT OF MUSHTAQ S/O SHERZA DIN R/O HARICHAND

He stated that on the day of arrival of Inspector Faheem Bacha as SHO he went to his residential quarter at PS Mandani to meet with him. During meeting the then SHO Faheem Bacha had demanded carpet, pillows, quilts, and some money for other expenditure of his residential quarter. Upon his demand he provided the said articles and cash amount of Rs.10000 to him.

STATEMENT OF SHOUKAT ALI R/O KODAI MANDANI

He disclosed in his statement that he has a land dispute with one Hussain Khan. On 14 .01.2019 they have fired upon each other and a case was registered against both the parties at PS. Mandani. On the day of occurrence at evening time I have paid Rs.60000/- to SHO Faheem Bacha at the hand of my friend namely Asfandiar. SHO Faheem Bacha assured him that he will favour him in his case. He further stated that Asfandiar had told him that he had spent some more dough and he will liquidate it later on.

FINDINGS

From the above statements it transpired that Inspector Faheem Bacha the then SHO Mandani had conducted raids on 20.01.2019 and recovered two kalashenkove and one pistol vide case FIR Nos,16, 18 and 17 u/s 15AA Ps. Mandani.

He did not send the same for Armourer report in time.

Attested

(19)

He did not hand over the above mentioned recoveries to the MHC for keeping it in PS kot due to which the record/index of FIR was also remained incomplete

He submitted challan without Armourer report which will result in the acquittal of the case.

The MHC requested him for completion of record and obtaining of Armourer report and for this reason he entered a report vide DD No, 23 dated 6-2-2019.

(1) The aforementioned SMGs and Pistol were recovered from the personal Almirah of accused official on 11.02.2019 and were handed over to MHC for completion of record and the same were sent for Armourar inspection on 12.02.2019.

He had taken bribe from one Shoukat, hence he registered a case vide FIR No.11 dated 14.01.2019 u/s 324/429/148/149PPC at PS Mandani in his favour.

He had demanded carpet, quilts, and some money for other expenditure of his residential quarter from one namely Mushtaq which is clear from his statement. It is worthwhile that a secret probe was also conducted which also supported the allegations leveled against the accused official.

Keeping in view the above facts, statements of concerned persons, the allegations leveled against Inspector Faheem Bacha (the then SHO PS Mandani) were proved. However, as the delinquent official hails from a poor family and keeping in view his service, his future, a lenient view may please be taken and he may be awarded a "MINOR PUNISHMENT" in order to mend his way.

Submitted please

Dy: Superintendent of Police
Tangi

Worthy DPO Charsadda R/Sir, Submitted for P/o Perusal & further orders Please

SP/Inv
Re-inquire and report within (7) days.

Head clerk
11-03-019

W/ASP/Bch

Attested

G

20

GOVERNMENT OF KHYBER PAKHTUNKHWA
SUPERINTENDENT OF POLICE
INVESTIGATION CHARSADDA
PHONE NO. 091-9220402

To:- The District Police Officer,
Charsadda.

No. 659 /PA/Invest: dated Charsadda, the 18/03/2019

Subject:- **RE-INQUIRY REPORT AGAINST INSPECTOR FAHEEM BACHA (THE THEN SHO PS MANDANI) NOW POLICE LINES CHARSADDA.**

Memo:-

Kindly refer to your office Dairy No. 1571/GB, dated 11.03.2019, (return in original).

1. Whereas departmental enquiry against Inspector Faheem Bacha (the then SHO PS Mandani) conducted by Mr. Taj Muhammad Khan, DSP Tangi, with the recommendation of minor punishment, later-on such enquiry was marked to the undersigned for re-inquiry and report.

2. It is submitted that as per kind directions re-inquiry was conducted into the matter, the following Police officers and other concerned persons were called to the office of undersigned. They were heard in person, their detailed previous statements were examined & they were also crossed questioned. They corroborated their previous statements, while one Shaukat who disowned his earlier statement, hence his fresh statement as well as statements of DSP Tangi and SHO Tangi were also recorded.

i. Mr. Taj Muhammad Khan DSP Tangi
ii. Inspector Faheem Bacha Police Lines Charsadda.
iii. SI Gul Shed Khan, SHO PS Tangi.
iv. HC Hamid Jan Moharrir PS Mandani.
v. Mushtaq s/o Sher Zarin r/o Harichand.
vi. Shaukat Ali s/o Ghulam Muhammad r/o Kody Mandani.

Statement of Mr. Taj Muhammad Khan, (the then DSP Tangi)

As per his statement that on 11.02.2019 he conducted a surprise visit to PS Mandani, during checking of record/index FIRs No. 16,17 & 18 u/s 15-AA PS Mandani were found in-complete. On the query MHC Hamid Jan stated that on 20.01.2019 during Search and Strike Operation Inspector Faheem Bacha (the then SHO) recovered two SMGs and 01-pistol 30-bore in the above cases, kept the same case property in his own custody, when he was requested to hand over the same for completion of record, he refused and replied that the case property are lying in his almirah of his residential quarter, he requested time and again for completion of PS record and obtaining the Armourer report but he did not hand over the said case property to him. In this regard a report vide D.D No. 23 dated 06.02.2019 was also lodged. During discussion MHC Hamid Jan further disclosed that the then SHO was also involved in corruption, receiving gifts and bribes from the public as he has taken bribe from one Shaukat involved in case FIR No. 11, dated 14.01.2019 u/s 324/429/148/149-PPC PS Mandani. Then the matter was discussed with Inspector Faheem Bacha at his office, who confessed regarding taking of illegal gratification in the above mentioned FIR in the presence of Moharrir Hamid Jan, (copy attached vide annexure-A).

Not XX

Statement of Inspector Faheem Bach (the then SHO PS Mandani):

He stated that on 20.01.2019 during Search and strike operation, he arrested 03-accused and recovered 02-SMG and 01-pistol 30 bore from their possession. In this regard cases vide FIR No.s 16, 17 and 18 dated 20.01.2019 u/s 15-AA were registered at PS Mandani against the accused. Due to huge burden of official work he did not obtained Armourer report in time. He kept the case properties with himself in safe custody and there is no dishonesty or malafide intention of him. Further stated that during his period of posting, he recovered 02-NCP vehicles and taken necessary legal action. He denied the allegations of contacts with criminals. He also denied of taking any gifts, nor made demands, (copy of statement is attached vide annexure-B).

EOJ

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Statement of SI Gul Shed Khan, SHO PS Tangi:

As per his statement that on 11.02.2019 he went to PS Mandani with DSP Taj Muhammad Khan, SHO Faheem Bacha was on mobile patrolling. He was called by the DSP. On his arrival, the DSP asked SHO Faheem Bacha that it has alleged of taken bribes in case u/s 324/429-PPC PS Mandani, SHO replied that he never favour/support any party, however, his gunner give him Rs.60,000/-, further he is unaware, (copy of statement is attached vide annexure-C).

Statement of HC Hamid Jan Moharrir PS Mandani:

He stated that on 20.01.2019 while search & strike operation, Inspector Faheem Bacha, (the then SHO PS Mandani), arrested accused Muhammad Ibrahim, Bilal sons of Latif, Ayub s/o Muhammad Yousaf r/o Harichand and recovered 02-SMGs with 60-rounds & 01-pistol 30-bore from their possession, registered proper cases vide FIR Nos. 16, 17 and 18 dated 20.01.2019 u/s 15-AA PS Mandani, however kept the case properties with him. He was requested to deposit/hand over the case property for completion of record and obtaining Armourer's report. In reply the SHO told that the said case properties are lying in cupboard/almirah of his residential quarter. He requested the SHO time and again to hand over the said case properties but in-vain. In this regard a report was lodged in the Roznamcha vide DD No. 23, dated 06.02.2019. He further stated that Inspector Faheem Bacha (the then SHO PS Mandani) was also involved in corruption, i.e receiving gifts and taking bribes from public. Further disclosed that vide FIR No. 11, dated 14.01.2019 u/s 324/429/148/149-PPC PS Mandani, Inspector Faheem Bacha has taken Rs. 01-lac as bribe from one Shaukat. On 11.02.2019 Inspector Faheem Bacha admitted his guilt before Mr. Taj Muhammad Khan (the then DSP Tangi) in his presence. Similarly the alleged Inspector also takes gifts from the different peoples. While on the demands of SHO Faheem Bacha one Mushtaq Nazim brought Carpet, pillow, quilts etc, (copy of statement is attached vide annexure-D).

Statement of Mushtaq s/o Sher Zarin r/o Harichand:

He stated that he visited the Police Station to meet with the SHO Faheem Bacha, during meeting SHO desired to provide Carpet, pillow, quilts etc for his Quarter and some amounts for other expenses. Hence he brought the desired items and also paid cash amount Rs. 10,000/- to the SHO, (copy attached vide annexure-E).

Attested

ement of Shaukat Ali s/o Ghulam Muhammad r/o Koday Mandani:

Although during enquiry conducted by DSP Tangi, whereas Shaukat Ali nfessed that he has given Rs. 60,000/- to SHO Faheem Bacha through his friend sfandyar, while during re-inquiry into the matter, the said Shaukat Ali rebelled from his earlier statement. His fresh statement was recorded. As per his statement that he told Asfandyar to bring sum of Rs. 60,000/- from their house, when he released from Jail, called Asfandyar and enquired about the said amount. He explained that some of the amounts paid to the Lawyers while rest of the amount was spent over the taxi's vehicles. He further enquired that how many amounts was given to SHO, it was replied that nothing was paid to the SHO, as the whole amounts were spent over the engagement of lawyers and taxi's vehicles, (copy attached vide annexure-F)

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Facts/Findings:-

i. The alleged SHO Inspector Faheem Bacha badly failed to hand over the case properties i.e SMGs + pistol, recovered vide FIR No. 16, 17 and 18 dated 20.01.2019.

Admitted

ii. Although he was bound to deposit the case property without any delay to Moharrir but he did not justify of keeping the case property in his personnel cupboard.

iii. Due to not handing over the said case properties to Moharrir, the record/index of FIR remained incomplete.

iv. That Moharrir Hamid Jan has lodged a report vide DD No. 23, dated 06.02.2019 for not handing over of the said case properties for completion of record/obtaining of Armourer opinion.

v. Also Challaned the case without obtaining Armourer report, which will badly effect the prosecution case.

vi. On 11.02.2019 both the SMGs and pistol were recovered from the personal Almirah of alleged Inspector by DSP Tangi and then handed over to Moharrir for completion of PS record and further proceedings.

vii. That he admitted of taking Rs. 60,000/- in front of Mr. Taj Muhammad Khan (the then DSP Tangi).

viii. SHO Tangi Gul Shed Khan, also confirmed that in his presence the alleged Inspector categorically admitted that amount of Rs. 60,000/- was given to him by his gunner.

ix. He also takes gifts from the public, especially from one Mushtaq and on his transfer he also took away the said articles i.e Carpet, pillow, quilts etc.

Recommendation:

Keeping in view the above facts, circumstance and re-enquiry conducted, the allegations against Inspector Faheem Bacha has been proved/established. Hence he is hereby recommended for major punishment under KPK Police Rules-1975.

Submitted, please.

R/Sir,
Submitted Pl.
10/3/2019 Scan and issue Call in OK
19/3

Superintendent of Police,
Investigation, Charsadda.

FINAL SHOW CAUSE NOTICE

H
F
23

Whereas, the charge of negligence was referred to enquiry officer for General Police Proceedings, contained u/s 5(3) Police Rules 1975.

AND

Whereas, the enquiry officer has submitted his findings, recommending you for Major Penalty.

AND

Whereas, I am satisfied with the recommendation of the enquiry officer that you **Inspector Faheem Bacha,** while posted as SHO PS Mandani,

1. As per information frequent complaints have been received against you regarding your involvement in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to you.
2. You were also involved in changing of genuine chars with local sub-standard Chars.
3. Reportedly you were also involved in NCP Smuggling by taking illegal gratification.
4. You are also involved in taking gifts from locals.

During preliminary enquiry DSP Tangi visited your quarter and asked you regarding case property i.e 02 Kalashnikov and 01 pistol both foreign made which were taken into possession during search and strike operation conducted within the territorial jurisdiction of Police Station Mandani. In response to the query you replied that the same are laying with you in your Almirah at quarter. You took out the same from the almirah and handed over to DSP Tangi.. This shows your inefficiency and lack of interest n the performance of your official duties.

Thus the act amounts to gross misconduct and renders you liable for punishment, under Police Rules 1975.

Therefore, I, Irfan Ullah Khan, District Police Officer, Charsadda in exercise of the powers vested in me under rules 5(3) (a) (b) of Police Rules 1975, call upon you to explain as to why the proposed punishment may not be awarded to you.

Your reply should reach the undersigned within 07-days of receipt of this notice, failing which disciplinary action pertaining to your dismissal from service will be taken ex-parte.

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

Dated 18/03/2019

District Police Officer,
Charsadda

Attested

I

(24)

جناب عالی!

بحوالہ فائنل شوکاز نوٹس گزارش خدمت ہوں کہ اس سے قبل انکوائری میں افسران بالا کو جو بیان دے چکا ہوں اس میں کسی قسم کی ردوبدل نہیں کرنا چاہتا ہوں

معافی کا خواہاں ہوں معافی دی جائے۔ اور فائنل شوکاز نوٹس فائیل کرنے کا حکم صادر فرمائیں

العبد

انسپکٹر نعیم ناصر معطل پولیس لائن چارسدہ

Attested

Dated 19/03/2019

District Police Officer,
Charsadda

I

(25)

ORDER

This Order will dispose off the departmental enquiry against **Inspector Faheem Bacha,** while posted as SHO PS Mandani,

1. As per information frequent complaints have been received against him regarding his involvement in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to him.
2. He was also involved in changing of genuine chars with local sub-standard Chars.
3. Reportedly he was also involved in NCP Smuggling by taking illegal gratification.
4. He was also involved in taking gifts from locals.

During preliminary enquiry DSP Tangi visited his quarter and asked him regarding case property i.e 02 Kalashnikov and 01 pistol both foreign made which were taken into possession during search and strike operation conducted within the territorial jurisdiction of Police Station Mandani. In response to the query he replied that the same are laying with you in his Almirah at quarter. He took out the same from the almirah and handed over to DSP Tangi. Being a member of disciplined force as Inspector SHO his acts are highly objectionable and also stigmatized the force.

In the above allegation he was issued Charge Sheet together with statement of allegation under Sub Section 3, Section 5 of Police Rules 1975. Enquiry Officer **Mr. Nazir Khan SP Investigation Charsadda** was nominated for conducting departmental enquiry against him and he after conducting proper departmental enquiry submitted findings.

Subsequently, Inspector Faheem Bacha, was issued Final Show Cause Notice U/S 5(3) Police Rules 1975 reply to which was received but found un-satisfactory.

After perusal of the enquiry papers and recommendation of the enquiry officer he is hereby awarded the **Major punishment of Removal from service** with immediate effect.

District Police Officer,
Charsadda

O.B No 340
Date 25/2/2019

No. 402-04 /HC, dated Charsadda the 26/03 /2019

Copy for information and necessary action to the:-

1. Pay Officer
2. EC/FMC Enclosed (34) Pages

Attested

Dated 18/03 /2019

District Police Officer,
Charsadda

K

26

بحضور جناب ڈپٹی انسپکٹر جنرل آف پولیس مردان ریجن

عنوان: محکمانہ اپیل

جناب عالی:۔

سائل یوں عرض ذیل ہے۔

۱) کہ سائل 28-02-2006 کو بطور ASI محکمہ پولیس میں شعبہ اکوٹہ کے تحت بھرتی ہوا تھا۔

۲) یہ کہ سائل اپنی سروس کے دوران مختلف اضلاع میں تعینات رہا ہے۔اس کے علاوہ سائل Elite Force اور CTD میں بھی اپنی فرائض بہ احسن خوبی سرانجام دیں ہیں۔

۳) یہ کہ سائل نے ضلع صوابی اور نوشہرہ میں بطور CIO مختلف تھانہ جات میں ڈیوٹی سرانجام دی ہے۔

۴) یہ کہ سائل جنوری 2019 کو بطور SHO تھانہ مندنی چارسدہ تعینات ہوا۔

۵) یہ کہ بہ دوران تعیناتی بطور SHO مندنی سائل کو چارج شیٹ کیا گیا جس میں درج ذیل الزامات سائل کے خلاف لگائے گئے۔

(I) کیس پراپرٹی کا تبادلہ یعنی اصلی اسلحہ کی جگہ دیسی ساخت کا اسلحہ رکھنا۔

(II) اصلی چرس کو غیر معیاری چرس سے تبدیل کرنا۔

(III) NCP گاڑیوں کی سمگلنگ میں ملوث ہونا۔

(IV) لوگوں سے تحفے تحائف وصول کرنا۔

۶) یہ کہ سائل نے مذکورہ الزامات کا تفصیلی جواب جمع کیا جس میں سائل تمام الزامات سے انکاری رہا۔

۷) یہ کہ سائل کے خلاف پہلے ایک انکوائری بذریعہ DSP تنگی کی گئی جس میں انکوائری آفسر نے سائل کے خلاف Minor Punishment تجویز کی۔

۸) یہ کہ بعد میں بذریعہ SP انویسٹگیشن صاحب Re-Enquiry کی گئی جس میں سائل کے خلاف Major Punishment تجویز کی گئی۔

۹) یہ کہ Re-Inquiry کی بنیاد پر سائل کو Major Punishment (Removal From Service) دی گئی۔

۱۰) یہ کہ سائل نے اپنی تمام ملازمت کے دوران اپنی ڈیوٹی نہایت ایمانداری اور خوش اسلوبی سے ادا کی ہے۔

۱۱) یہ کہ سائل نے اپنی تمام ملازمت کے دوران کبھی بھی آفسران بالا کو شکایت کا موقع نہیں دیا ہے۔

۱۲) یہ کہ سائل کو اچھی کارکردگی کی بنیاد پر آفسران بالا کی جانب سے مختلف اوقات میں تعریفی سرٹیفکیٹ اور نقد انعامات ملے ہیں۔

مندرجہ بالا معروضات کو مدنظر رکھتے ہوئے سائل نہایت عاجزانہ طور پر عرض کرتا ہے۔کہ سائل کو دی گئی سزا انتہائی سخت ہے۔

لہذا سائل کے عرصہ ملازمت اور سائل کی کمزور مالی حالت کو مدنظر رکھتے ہوئے گزارش ہے۔کہ سائل کی سزا کو ختم کیا جائے اور سائل کو دوبارہ ملازمت پر بحال کرنے کا حکم جاری کیا جائے۔

تحریر۔27-03-2019

Attested

العارض۔

آپ کا تابع فرمان فہیم باچا سابقہ انسپکٹر پولیس

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Inspector Faheem Bacha** of Charsadda District Police against the order of District Police Officer, Charsadda, wherein he was awarded Major Punishment of Removal from Service by the District Police Officer, Charsadda vide his office OB: No. 340 dated 25.03.2019.

Brief facts of the case are that the appellant while posted as SHO Police Station Mandani the following charges were leveled against him.

1. As per information frequent complaints have been received against him regarding his involvement in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to him.
2. He was also involved in changing of genuine chars with local sub-standard Chars.
3. Reportedly he was also involved in NCP Smuggling by taking illegal gratification.
4. He was also involved in taking gifts from locals.

During preliminary enquiry Deputy Superintendent of Police ,Tangi visited his quarter and asked him regarding case property i.e 02 kalashnikov and 01 Pistol both foreign made which were taken into possession during search and strike operation conducted within the territorial jurisdiction of Police Station Mandani. In response to the query he replied that the same are laying in his almirah at quarter. He took out the same from the almirah and handed over to Deputy Superintendent of Police ,Tangi. Being a member of disciplined force as Inspector SHO his this acts are high objectionable and also stigmatized the force.

In the above allegation he was issued Charge Sheet together with statement of allegation and Mr. Nazir Khan Superintendent of Police Investigation, Charsadda was nominated as Enquiry Officer for conducting departmental enquiry against him and he after conducting proper departmental enquiry submitted his findings. He was served with Final Show Cause Notice to which his reply was received and found unsatisfactory. After perusal of enquiry papers and recommendation of the enquiry Officer awarded him Major Punishment of Removal from Service.

He was called in orderly room held in this office on **18.04.2019** and heard him in person. Having serious allegations which were proved against him in departmental Inquiry. However, Keeping in view clean Service Record of Ex-Inspector Faheem Bacaha the punishment of Removal from Service awarded to him is converted into Major Punishment of Reduction in the rank of Sub Inspector, he is re-instated into service. The intervening period is treated as leave without pay. On reinstatement into service he is transferred/posted to Operation Wing, Swabi.

ORDER ANNOUNCED.

(MUHAMMAD ALI KHAN)PSP
Regional Police Officer,
Mardan.

No. 7480-82/ES, **Dated Mardan the** 24/04 **/2019.**

Copy forwarded for information and necessary action to the:-

1. Deputy Inspector General of Police HQrs:, Khyber Pakhtunkhwa, Peshawar please.
2. The District Police Officer, Swabi.
3. District Police Officer, Charsadda w/r to his office Memo: No. 684/EC dated 08.04.2019. The Service Record is returned herewith.

(*****)

Attested

M

28

بخدمت جناب انسپکٹر جنرل آف پولیس خیبر پختونخوا پشاور

مضمون :- نظرثانی درخواست زیر رول A-11 پولیس رولز 1975

تھرو :- پراپر چینل

جناب عالی! مضمون درخواست زیل ہے۔

1) کہ سائل 28-2-2006 کو بطور Asi محکمہ پولیس میں متعدد اکوائریز کے تحت بھرتی ہوا تھا۔

2) یہ کہ سائل اپنی سروس کے دوران مختلف اضلاع میں تعینات رہا ہے۔ اسکے علاوہ سائل Elite Force اور CTD میں بھی اپنی فرائض بہ احسن خوبی سرانجام دی ہیں

3) یہ کہ سائل نے سیلاب صوابی اور نوشہرہ میں بطور OIC مختلف تھانہ جات میں ڈیوٹی سرانجام دی ہے۔

4) یہ کہ سائل جنوری 2019 کو بطور SHO تھانہ مندنی چارسدہ تعینات ہوا۔

5) یہ کہ بدوران تعیناتی بطور SHO مندنی سائل کو چارج شیٹ کیا گیا جس میں بے بنیاد الزامات سائل کے خلاف لگائے گئے۔

6) یہ کہ سائل نے تمام الزامات کا تفصیلی جواب جمع کیا جس میں سائل تمام الزامات سے انکاری رہا۔

7) یہ کہ سائل کے خلاف پہلے ایک انکوائری بذریعہ DSP شنگی کی گئی جس میں انکوائری افسر نے سائل کے خلاف minor punishment تجویز کی۔

8) یہ کہ Re. Inquiry کی بنیاد پر سائل کو major punishment دی گئی (Removal From Service)

Attested

(29)

سائل نے مذکورہ سزا کے خلاف محکمانہ اپیل کی۔ حکم نمبری 7480-82 Dated 24.4.19 جو منظور ہو کر سائل کی سزا برخاستگی سے تبدیل کر کے تنزلی سبعہدہ ای کر کے بحال کیا۔۔۔

سائل کے ساتھ انصاف فرما کر بمنظوری نگرانی سبعہدہ انسپکٹر بحال کرنے کا حکم صادر فرمائیں۔

تحریر - 29.4.2019

العارض

آپکا تابع فرمان نعیم ماچھ ای

Attested

OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

No. S/ 3647-3706/19, Dated Peshawar the 24/10/2019.

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by **Ex-Inspector Faheem Bacha (now Sub-Inspector).** The appellant was awarded punishment of Removal from service with immediate effect by the DPO/Charsadda vide OB No. 340, dated 25.03.2019. Later on the appellant preferred an appeal to the RPO/Mardan. The RPO/Mardan the punishment of Removal from Service awarded to him is converted into Major Punishment of Reduction in the rank of Sub-Inspector, he is reinstated into service. The intervening period was treated as leave without pay by RPO/Mardan vide order Endst: No. 7480-82/ES, dated 24.04.2019.

Meeting of Appeal Board was held on 30.09.2019, wherein the appellant was heard in person. He could not satisfy the board and badly failed in producing any plausible evidence to ward off the allegations leveled against him.

Keeping in view the position explained above, the Board decided that the impugned major punishment of Reduction in the rank of Sub-Inspector as well as the intervening period of treating as without pay is to remain intact.

(DR. ISHTIAQ AHMAD) PSP/PPM
Addl: IGP/HQrs,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even.

Copy of the above is forwarded to the:-

1. Regional Police Officer, Mardan Region, Mardan.
2. COS to the IGP/Khyber Pukhtunkhwa Peshawar.
3. District Police Officer, Swabi.
4. District Police Officer, Charsadda.
5. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
6. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
8. PA to AIG/Establishment CPO Peshawar.
9. Office Supdt: E-II, E-III, CPO Peshawar.
10. Central Registrar, CPO.

Attested

فیم ۱۹۶۹ء 0502-8182405

VAKALAT NAMA

NO._____/2019

IN THE COURT OF KP Service Tribunal Peshawar

Faheem Bacha (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt. (Respondent)
(Defendant)

I/We, Faheem Bacha

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

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

Dated _____/2019

(CLIENT)

Abdul Wahid
Advocate

ACCEPTED

TAIMUR ALI KHAN
Advocate High Court
BC-10-4240
CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:
Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1574/2019
Faheem Bacha
VS
Inspector General of Police, Khyber Pakhtunkhwa

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RESPONDENTS

p

Through

Shah Jehan, ASI Charsadda

(1)

BEFORE THE HONOURABLE KPK SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1574/2019

Faheem Bacha, Ex-Inspector (Now Sub-Inspector) PS Kalu Khan Swabi
.....Appellant

V E R S U S

IGP/KPK etc: .....Respondents

REPLY/PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 3.

Respectfully Sheweth:

Preliminary Objections:

1. That appellant has not approached this Hon'ble tribunal with clean hands.
2. That appellant has suppressed actual facts/factual position from this Hon'ble tribual.
3. That the appeal of appellant is not based on facts.
4. That the appeal of appellant is bad for non-joinder of necessary parties.
5. That the appellant is estoped by his own conduct to file the present appeal.

REPLY ON FACTS:

1. First part of the para pertains to enlistment of the appellant in Police department, hence needs no comments while rest of the para is incorrect because the appellant was not promoted to the rank of Inspector due to his performance rather he got promoted on his own turn as per rules/policy. As far as performing his duty with devotion and honesty is concerned, in this regard it is stated that each and every Police officers/official is under obligation to perform his duty upto the entire satisfaction of high ups.
2. Correct to the extent that the appellant while posted as SHO PS Mandani, a person namely Gul Zada s/o Sher Malang filed complaint against the appellant that the appellant kept him in the lockup for 28 hours and after receiving Rs.22000/- released him. On the basis of said allegation, enquiry was conducted through DSP HQrs Charsadda who during the course of enquiry, recorded statements of all concerned. However, the complainant during enquiry stated that he had submitted complaint due to some misunderstanding and does not want proceed further on his complaint. Hence, the enquiry officer recommended that the enquiry may be filed. On the recommendation of enquiry officer, enquiry against the appellant was filed (**enquiry report is annexed as A**)
3. Incorrect, the appellant was posted as SHO PS Mandani, the then SDPO Tangi submitted a report against the appellant wherein he stated that

on 11.02.2019 he conducted a surprise visit of PS Mandani and checked Index FIR, during checking, record/Index of FIR Nos. 16,17 & 18 u/s 15-AA PS Mandani was found remained incomplete. On the query, MHC Hamid Jan stated that on 20.01.2019, during Search & Strike operation, appellant recovered two SMGs and one pistol (30-bore) vide the above mentioned FIRs and kept the same in his own custody and when he requested him to hand over the said case properties for completion of record, then he refused and replied that the case properties are lying in his almirah (cupboard) at his residential quarter, he requested time and again for the completion of PS record and obtaining of Armourer report but he didn't hand over the said case properties to him. Hence, in this regard, he entered a report vide DD No.23 dated 06.02.2019 (**copy of report of SDPO Tangi is annexed as B**). Hence, on the charges contained in the report of the SDPO Tangi, appellant was issued Charge Sheet and Statement of Allegation.

4. Incorrect. On the allegations contained in the report of the then SDPO Tangi, a proper enquiry was conducted wherein the allegation against the appellant was proved/substantiated, however, the enquiry officer recommended that as the delinquent official belongs to a poor family and keeping in view of long service, his future, a lenient view may be taken and appellant be awarded minor punishment (**copy of enquiry report dated 11.03.2019 is annexed as C**).

5. Incorrect. As in the above mentioned enquiry allegations against the appellant were proved therefore, before passing punishment order, the matter was re-enquired through the then SP Investigation Charsadda. In the second enquiry, too, the allegations were proved against the appellant however, in second enquiry, the enquiry officer recommended the appellant for major punishment. On the recommendation of enquiry officer, appellant was awarded major punishment of removal from service (**copy of 2nd enquiry and removal order is annexed as D & C**)

6. Correct to the extent that final show cause notice was issued to the appellant to which he submit his reply which was found unsatisfactory.

7. Incorrect, 02 enquiries were conducted to probe into the allegations leveled against appellant. In both the enquiries, allegations against the appellant were proved, hence, the appellant was awarded major punishment of removal from service.

Feeling aggrieved, the appellant moved departmental appeal before the appellate authority whereupon he was reinstated in service and punishment of removal from service was converted into major punishment of deduction in rank of Sub-Inspector (**copy of order is annexed as E**).

8. Correct to the extent that appellant filed revision petition but the same was rejected vide order dated 24.10.2019.

9. That appeal of appellant is liable to be dismissed on the following grounds amongst the others.

GROUNDS:

A. Incorrect. Orders passed by the competent authority as well as by the appellate authority are in accordance with law and rules.

B. Incorrect. Enquiry was conducted in accordance with law and rules wherein after fulfillment of all legal and codal formalities, enquiry officer recommended appellant for punishment.

C. Para already explained.

D. Incorrect. On 20.01.2019 during Search & Strike operation appellant recovered 02 SMGs and one Pistol (30-bore) but rather to hand over the same recovered weapons to the Moharrar, he kept the said weapons in his personal almirah (cupboard) which were recovered from there by the then SDPO Tangi and then handed over to Moharrar for completion of Police Station record and further proceeding. Similarly, regarding other allegations, report of the then SDPO Tangi is worth perusal.

E. Para already explained.

F. Incorrect. In the second enquiry statements of those officials were recorded whose statement had been recorded in the first enquiry.

G. Para already explained.

H. That the respondent seeks permission of this Hon'ble Tribunal for further additional grounds at the time of arguments.

Keeping in view the facts above, it is therefore humbly prayed that the appeal of appellant being without merit and substance, may be dismissed with cost.

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

Deputy Inspector General of Police,
Mardan, Region-I Mardan
(Respondent No.2)

District Police Officer,
Charsadda
(Respondent No.1)

Annexure A

GOVERNMENT OF KHYBER PAKHTUNKHWA
DEPUTY SUPERTENDANT OF POLICE HQRS,
CHARSADDA.

No. 47 /S, dated Charsadda the 14 /03/2019.

To: The District Police Officer
Charsadda

Subject: DEPARTMENTAL ENQUIRY AGAINST INSPECTOR FAHIM BACHA SHO PS MANDANI.

Memo: Kindly refer to your office Diary No.90/C.Cell, dated 18.01.2019.

It is submitted that matter was thoroughly enquired and during the course of enquiry Inspector Fahim Bacha SHO PS Mandani and complainant were summoned to the office of undersigned wherein, the complainant and the said officer were heard in detail. They were confronted to each other and heard them in person. Inspector Fahim Bacha produced a written statement stating therein that, the allegations leveled by the complainant are totally false/baseless.

However, during formal proceedings the applicant produced a written statement, in which he stated that he submitted the instant application against Inspector Fahim Bacha due to some misunderstanding and now does not want any further action on his application.

For the reason discussed above, enquiry may be filed, if agreed.

Submitted, please.

Deputy Superintendent of Police
HQrs Charsadda

Filed

Annexure B (5)

تھانہ بندی

ضلع وار نمبر

نقل مد 23 رپورٹ نمبر 6 ۱۴

مد 23 رپورٹ حامد جان فورس وقت 07:40 بجے موصولہ 6 ۱۴ درج رجسٹر کی گئی
کہ دوران سرچ انڈر سٹینڈنگ آپریشن شدہ مد 16 موصولہ 20/1 ۱۴ ISAA
میں ملزم فرحان ابراہیم ولد لطیف ساکن پرنچند سے قبضہ شکوک بزری 6924
ہونگیس چاجر ہمراہ 30 عدد کارتوس، شدہ مد 17 موصولہ 20/1 ۱۴ ISAA
میں ملزم بلال ولد لطیف ساکن پرنچند قبضہ سے پستول 30 بور بلا نمبر
مع 2 عدد کارتوس جملہ شدہ مد 18 موصولہ 20/1 ۱۴ ISAA میں ملزم
ابوسہ ولد محمد یوسف ساکن شکلم پرنچند قبضہ سے قلہ شکوک بزری 8410 مع
ہونگیس چاجر ہمراہ 30 عدد کارتوس برآمد ہو کر جملہ مالمقدمات ضابطہ
کی جملہ باتیں اپنے سامنے کروا کر سنی درست لکھی ہے۔ لہذا مقدمات بالا پر اندراج
آخری رپورٹ بھی جائے۔ ضابطہ کی مد سے بھی مقدمات بالا پر
مقدمات بالا لکھے گئے۔ مگر تاحال ملزمان گرفتار نہیں کئے گئے
اس سلسلے میں رپورٹ درج ہے رپورٹ مد بزمن الخلاصیاں
افسران بالا صاحبان تا خدمت ارسال کی جاتی ہے۔

نقل مطابق اصل

Asstt. Commandant
Asstt. Commandant
Tangi

MHC. PS: MND
21-2-19

Annexure-C (6)

NO. 228 /ST

Dated. 11/03 /2019

Subject: - **DEPARTMENTAL ENQUIRY REPORT AGAINST INSP. FAHEEM BACHA REFERENCE ATTACHED.**

ALLEGATIONS

The instant enquiry was entrusted to the undersigned by the W/DPO against Inspector Faheem Bacha, he while posted as SHO PS Mandani has committed the following misconduct;-

He was involved in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to him.

He was also involved in changing of genuine chars with local sub-standard chars.

Reportedly he was also involved in NCP Smuggling by taking illegal gratification besides it has also been alleged that he takes gifts from locals. Hence, the Worthy DPO Charsadda, as a competent authority, served him with charge sheet and summary of allegations and the enquiry was entrusted to the undersigned to scrutinize the conduct of the said delinquent official.

PROCEEDINGS:-

To unearth the real facts all concerned were called and their statements were recorded.

STATEMENT OF INSPECTOR FAHEEM BACHA (THE THEN SHO PS MANDANI)

The delinquent official was called, heard him in person and obtained his statement (attached), wherein he blatantly denied the allegations leveled against him. He was also cross questioned (attached)

STATEMENT OF HC HAMID JAN MHC PS MANDANI

He stated that on 20-01-2019 during search and strike operation, Inspector Faheem Bacha (the then SHO PS Mandni) recovered two SMGs and one pistol 30 Bore vide FIRs No 16,17 and 18 dated 20-01-2019 U/Ss 15-AA PS Maridani and kept

the same in his own custody. When he requested him to hand over the said case properties for completion of record, he refused and replied that the case properties are lying in his almirah at his residential quarter. He requested the SHO time and again for the completion of record and obtaining of Armourer report but he did not handover the said case properties to him. He stated that in this respect he also entered a report vide DD.No.23, dated 06-02-2019 PS Mandani (attached). He further disclosed that the then SHO was also involved in corruption, receiving gifts and bribes from the public as he has taken bribe from one Shaukat involved in case vide FIR No.11, dated 14-01-2019 U/S 324/429/148/149 PPC PS Mandani and he has also confessed his guilt before the under signed in his presence at SHO office PS Mandani. Similarly the then SHO was involved in receiving of gifts from public. On the demand of the then SHO Faheem Bacha a person namely Mushtaq had brought carpet, quilts and pillows for his residential quarter.

STATEMENT OF MUSHTAQ S/O SHERZA DIN R/O HARICHAND

He stated that on the day of arrival of Inspector Faheem Bacha as SHO he went to his residential quarter at PS Mandani to meet with him. During meeting the then SHO Faheem Bacha had demanded carpet, pillows, quilts, and some money for other expenditure of his residential quarter. Upon his demand he provided the said articles and cash amount of Rs.10000 to him.

STATEMENT OF SHOUKAT ALI R/O KODAI MANDANI

He disclosed in his statement that he has a land dispute with one Hussain Khan. On 14 .01.2019 they have fired upon each other and a case was registered against both the parties at PS. Mandani. On the day of occurrence at evening time I have paid Rs.60000/- to SHO Faheem Bacha at the hand of my friend namely Asfandiar. SHO Faheem Bacha assured him that he will favour him in his case. He further stated that Asfandiar had told him that he had spent some more dough and he will liquidate it later on.

FINDINGS

From the above statements it transpired that Inspector Faheem Bacha the then SHO Mandani had conducted raids on 20.01.2019 and recovered two kalashenkove and one pistol vide case FIR Nos,16, 18 and 17 u/s 15AA Ps. Mandani.

He did not send the same for Armourer report in time.

(8)

DISTRICT POLICE OFFICER No. 1571 Date 11/3 CHARSADDA

He did not hand over the above mentioned recoveries to the MHC for keeping it in PS kot due to which the record/index of FIR was also remained incomplete

He submitted challan without Armourer report which will result in the acquittal of the case.

The MHC requested him for completion of record and obtaining of Armourer report and for this reason he entered a report vide DD No, 23 dated 6-2-2019.

The aforementioned SMGs and Pistol were recovered from the personal Almirah of accused official on 11.02.2019 and were handed over to MHC for completion of record and the same were sent for Armourar inspection on 12.02.2019.

He had taken bribe from one Shoukat, hence he registered a case vide FIR No.11 dated 14.01.2019 u/s 324/429/148/149PPC at PS Mandani in his favour.

He had demanded carpet, quilts, and some money for other expenditure of his residential quarter from one namely Mushtaq which is clear from his statement. It is worthwhile that a secret probe was also conducted which also supported the allegations leveled against the accused official.

Keeping in view the above facts, statements of concerned persons, the allegations leveled against Inspector Faheem Bacha (the then SHO PS Mandani) were proved. However, as the delinquent official hails from a poor family and keeping in view his service, his future, a lenient view may please be taken and he may be awarded a "MINOR PUNISHMENT" in order to mend his way.

Submitted please

Dy: Superintendent of Police
Tangi

Worthy DPO Charsadda R/Sir, Submitted for P/o Perusal & further orders Please

SP/inv Re-inquire and report within (7) days.

W/DPO/Chsd

Head clerk
11-03-019

GOVERNMENT OF KHYBER PAK
SUPERINTENDENT OF POLI HWA
INVESTIGATION CHARSADD
PHONE NO. 091-922040

Annexure-D (9)

To: - The District Police Officer,
Charsadda.

No. 659 /PA/Invest: dated Charsadda, the 12/03/2019.

Subject: - **RE-INQUIRY REPORT AGAINST INSPECTOR FAHEEM BACH SHO PS MANDANI) NOW POLICE LINES CHARSADDA.**

M mo:-

Kindly refer to your office Dairy No. 1571/GB, dated 1 (return in original).

1. Whereas departmental enquiry against Inspector Faheem Bac then SHO PS Mandani) conducted by Mr. Taj Muhammad Khan, DSP Tangi, with recommendation of minor punishment, later-on such enquiry was marked to the undersigned for re-inquiry and report.

2. It is submitted that as per kind directions re-inquiry was conducted into the matter, the following Police officers and other concerned persons were called to the office of undersigned. They were heard in person, their detailed previous statements were examined & they were also crossed questioned. They corroborated their previous statements, while one Shaukat who disowned his earlier statement, hence his fresh statement as well as statements of DSP Tangi and SHO Tangi were also recorded.

i. Mr. Taj Muhammad Khan DSP Tangi
ii. Inspector Faheem Bacha Police Lines Charsadda.
iii. SI Gul Shed Khan, SHO PS Tangi.
iv. HC Hamid Jan Moharrir PS Mandani.
v. Mushtaq s/o Sher Zarin r/o Harichand.
vi. Shaukat Ali s/o Ghulam Muhammad r/o Kody Mandani.

Statement of Mr. Taj Muhammad Khan, (the then DSP Tangi)

As per his statement that on 11.02.2019 he conducted a surprise visit to PS Mandani, during checking of record/index FIRs No. 16,17 & 18 u/s 15-AA PS Mandani were found in-complete. On the query MHC Hamid Jan stated that on 20.01.2019 during Search and Strike Operation Inspector Faheem Bacha (the then SHO) recovered two SMGs and 01-pistol 30-bore in the above cases, kept the same case property in his own custody, when he was requested to hand over the same for completion of record, he refused and replied that the case property are lying in his almirah of his residential quarter, he requested time and again for completion of PS record and obtaining the Armourer report but he did not hand over the said case property to him. In this regard a report vide D.D No. 23 dated 06.02.2019 was also lodged. During discussion MHC Hamid Jan further disclosed that the then SHO was also involved in corruption, receiving gifts and bribes from the public as he has taken bribe from one Shaukat involved in case FIR No. 11, dated 14.01.2019 u/s 324/429/148/149-PPC PS Mandani. Then the matter was discussed with Inspector Faheem Bacha at his office, who confessed regarding taking of illegal gratification in the above mentioned FIR in the presence of Moharrir Hamid Jan, (copy attached vide annexure-A).

Statement of Inspector Faheem Bach (the then SHO PS Mandani)

He stated that on 20.01.2019 during Search and strike operation, he arrested 03-accused and recovered 02-SMG and 01-pistol 30 bore from their possession. In this regard cases vide FIR No.s 16, 17 and 18 dated 20.01.2019 u/s 15-AA were registered at PS Mandani against the accused. Due to huge burden of official work he did not obtained Armourer report in time. He kept the case properties with himself in safe custody and there is no dishonesty or malafide intention of him. Further stated that during his period of posting, he recovered 02-NCP vehicles and taken necessary legal action. He denied the allegations of contacts with criminals. He also denied of taking any gifts, nor made demands, (copy of statement is attached vide annexure-B).

Statement of SI Gul Shed Khan, SHO PS Tangi:

As per his statement that on 11.02.2019 he went to PS Mandani with DSP Taj Muhammad Khan, SHO Faheem Bacha was on mobile patrolling. He was called by the DSP. On his arrival, the DSP asked SHO Faheem Bacha that it has alleged of taken bribes in case u/s 324/429-PPC PS Mandani, SHO replied that he never favour/support any party, however, his gunner give him Rs.60,000/-, further he is unaware, (copy of statement is attached vide annexure-C).

Statement of HC Hamid Jan Moharrir PS Mandani:

He stated that on 20.01.2019 while search & strike operation, Inspector Faheem Bacha, (the then SHO PS Mandani), arrested accused Muhammad Ibrahim, Bilal sons of Latif, Ayub s/o Muhammad Yousaf r/o Harichand and recovered 02-SMGs with 60-rounds & 01-pistol 30-bore from their possession, registered proper cases vide FIR Nos. 16, 17 and 18 dated 20.01.2019 u/s 15-AA PS Mandani, however kept the case properties with him. He was requested to deposit/hand over the case property for completion of record and obtaining Armourer's report. In reply the SHO told that the said case properties are lying in cupboard/almirah of his residential quarter. He requested the SHO time and again to hand over the said case properties but in-vain. In this regard a report was lodged in the Roznamcha vide DD No. 23, dated 06.02.2019. He further stated that Inspector Faheem Bacha (the then SHO PS Mandani) was also involved in corruption, i.e receiving gifts and taking bribes from public. Further disclosed that vide FIR No. 11, dated 14.01.2019 u/s 324/429/148/149-PPC PS Mandani, Inspector Faheem Bacha has taken Rs. 01-lac as bribe from one Shaukat. On 11.02.2019 Inspector Faheem Bacha admitted his guilt before Mr. Taj Muhammad Khan (the then DSP Tangi) in his presence. Similarly the alleged Inspector also takes gifts from the different peoples. While on the demands of SHO Faheem Bacha one Mushtaq Nazim brought Carpet, pillow, quilts etc, (copy of statement is attached vide annexure-D).

Statement of Mushtaq s/o Sher Zarin r/o Harichand:

He stated that he visited the Police Station to meet with the SHO Faheem Bacha, during meeting SHO desired to provide Carpet, pillow, quilts etc for his Quarter and some amounts for other expenses. Hence he brought the desired items and also paid cash amount Rs. 10,000/- to the SHO, (copy attached vide annexure-E).

Statement of Shaukat Ali s/o Ghulam Muhammad r/o Koday Mandani:

Although during enquiry conducted by DSP Tangi, whereas Shaukat Ali confessed that he has given Rs. 60,000/- to SHO Faheem Bacha through his friend Asfandyar, while during re-inquiry into the matter, the said Shaukat Ali rebelled from his earlier statement. His fresh statement was recorded. As per his statement that he told Asfandyar to bring sum of Rs. 60,000/- from their house, when he released from Jail, called Asfandyar and enquired about the said amount, He explained that some of the amounts paid to the Lawyers while rest of the amount was spent over the taxi's vehicles. He further enquired that how many amounts was given to SHO, it was replied that nothing was paid to the SHO, as the whole amounts were spent over the engagement of lawyers and taxi's vehicles, (copy attached vide annexure-F)

Facts/Findings:-

i. The alleged SHO Inspector Faheem Bacha badly failed to hand over the case properties i.e SMGs + pistol, recovered vide FIR No. 16, 17 and 18 dated 20.01.2019.

ii. Although he was bound to deposit the case property without any delay to Moharrir but he did not justify of keeping the case property in his personnel cupboard.

iii. Due to not handing over the said case properties to Moharrir, the record/index of FIR remained incomplete.

iv. That Moharrir Hamid Jan has lodged a report vide DD No. 23, dated 06.02.2019 for not handing over of the said case properties for completion of record/obtaining of Armourer opnion.

v. Also Challaned the case without obtaining Armourer report, which will badly effect the prosecution case.

vi. On 11.02.2019 both the SMGs and pistol were recovered from the personal Almirah of alleged Inspector by DSP Tangi and then handed over to Moharrir for completion of PS record and further proceedings.

vii. That he admitted of taking Rs. 60,000/- in front of Mr. Taj Muhammad Khan (the then DSP Tangi).

viii. SHO Tangi Gul Shed Khan, also confirmed that in his presence the alleged Inspector categorically admitted that amount of Rs. 60,000/- was given to him by his gunner.

ix. He also takes gifts from the public, especially from one Mushtaq and on his transfer he also took away the said articles i.e Carpet, pillow, quilts etc.

Recommendation:

Keeping in view the above facts, circumstance and re-enquiry conducted, the allegations against Inspector Faheem Bacha has been proved/established. Hence he is hereby recommended for major punishment under KPK Police Rules-1975.

Submitted, please.

R/Sir,
Submitted Pl.

Superintendent of Police,
Investigation, Charsadda.

13/3/19. SCR and issue CAll in OR.

19/3

ORDER

Annexure-E (12)

This Order will dispose off the departmental enquiry against **Inspector Faheem Bacha**, while posted as SHO PS Mandani,

1. As per information frequent complaints have been received against him regarding his involvement in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to him.
2. He was also involved in changing of genuine chars with local sub-standard Chars.
3. Reportedly he was also involved in NCP Smuggling by taking illegal gratification.
4. He was also involved in taking gifts from locals.

During preliminary enquiry DSP Tangi visited his quarter and asked him regarding case property i.e 02 Kalashnikov and 01 pistol both foreign made which were taken into possession during search and strike operation conducted within the territorial jurisdiction of Police Station Mandani. In response to the query he replied that the same are laying with you in his Almirah at quarter. He took out the same from the almirah and handed over to DSP Tangi. Being a member of disciplined force as Inspector SHO his acts are highly objectionable and also stigmatized the force.

In the above allegation he was issued Charge Sheet together with statement of allegation under Sub Section 3, Section 5 of Police Rules 1975. Enquiry Officer **Mr. Nazir Khan SP Investigation Charsadda** was nominated for conducting departmental enquiry against him and he after conducting proper departmental enquiry submitted findings.

Subsequently, Inspector Faheem Bacha, was issued Final Show Cause Notice U/S 5(3) Police Rules 1975 reply to which was received but found un-satisfactory.

After perusal of the enquiry papers and recommendation of the enquiry officer he is hereby awarded the **Major punishment of Removal from service** with immediate effect.

District Police Officer,
Charsadda

O.B No 340
Date 25/2/2019

No. 402-04 /HC, dated Charsadda the 26/02 /2019

Copy for information and necessary action to the:-

1. Pay Officer
2. EC/FMC Enclosed (34) Pages

(13)

Annexure-F

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Inspector Faheem Bacha of Charsadda District Police against the order of District Police Officer, Charsadda, wherein he was awarded Major Punishment of Removal from Service by the District Police Officer, Charsadda vide his office OB: No. 340 dated 25.03.2019.

Brief facts of the case are that the appellant while posted as SHO Police Station Mandani the following charges were leveled against him.

1. As per information frequent complaints have been received against him regarding his involvement in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to him.
2. He was also involved in changing of genuine chars with local sub-standard Chars.
3. Reportedly he was also involved in NCP Smuggling by taking illegal gratification.
4. He was also involved in taking gifts from locals.

During preliminary enquiry Deputy Superintendent of Police ,Tangi visited his quarter and asked him regarding case property i.e 02 kalashnikov and 01 Pistol both foreign made which were taken into possession during search and strike operation conducted within the territorial jurisdiction of Police Station Mandani. In response to the query he replied that the same are laying in his almirah at quarter. He took out the same from the almirah and handed over to Deputy Superintendent of Police ,Tangi. Being a member of disciplined force as Inspector SHO his this acts are high objectionable and also stigmatized the force.

In the above allegation he was issued Charge Sheet together with statement of allegation and Mr. Nazir Khan Superintendent of Police Investigation, Charsadda was nominated as Enquiry Officer for conducting departmental enquiry against him and he after conducting proper departmental enquiry submitted his findings. He was served with Final Show Cause Notice to which his reply was received and found unsatisfactory. After perusal of enquiry papers and recommendation of the enquiry Officer awarded him Major Punishment of Removal from Service.

He was called in orderly room held in this office on **18.04.2019** and heard him in person. Having serious allegations which were proved against him in departmental Inquiry. However, Keeping in view clean Service Record of Ex-Inspector Faheem Bacaha the punishment of Removal from Service awarded to him is converted into Major Punishment of Reduction in the rank of Sub Inspector, he is re-instated into service. The intervening period is treated as leave without pay. On reinstatement into service he is transferred/posted to Operation Wing, Swabi.

PO/EC

FOR N/ARTICLE

ORDER ANNOUNCED.

(MUHAMMAD ALI KHAN)PSP
Regional Police Officer,
Mardan.

No. 7480-82/ES, Dated Mardan the 24/04/2019.

Copy forwarded for information and necessary action to the:-

1. Deputy Inspector General of Police HQrs:, Khyber Pakhtunkhwa, Peshawar please.
2. The District Police Officer, Swabi.
3. District Police Officer, Charsadda w/r to his office Memo: No. 684/EC dated 08.04.2019. The Service Record is returned herewith.

(*****)

Copied
25.4.19

(14)

BEFORE THE HONOURABLE KPK SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1574/2019

Faheem Bacha, Ex-Inspector (Now Sub-Inspector) PS Kalu Khan Swabi
.....Appellant

V E R S U S

IGP/KPK etc: .....Respondents

AFFIDAVIT

I, Shah Jehan, ASI (representative of the department) do hereby solemnly affirm and declare on Oath that contents of the parawise comments are true and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT:

CNIC No.17101-9377155-1

Cell # 0310-9898096

Identified by

District Attorney
Khyber Pakhtunkhwa,
Services Tribunal

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1574/2019
Faheem Bacha
VS
Inspector General of Police, Khyber Pakhtunkhwa

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RESPONDENTS

Through

Shah Jehan, ASI Charsadda

BEFORE THE HONOURABLE KPK SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1574/2019

Faheem Bacha, Ex-Inspector (Now Sub-Inspector) PS Kalu Khan Swabi
.....Appellant

V E R S U S

IGP/KPK etc: .....Respondents

REPLY/PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 3.

Respectfully Sheweth:

Preliminary Objections:

1. That appellant has not approached this Hon'ble tribunal with clean hands.
2. That appellant has suppressed actual facts/factual position from this Hon'ble tribual.
3. That the appeal of appellant is not based on facts.
4. That the appeal of appellant is bad for non-joinder of necessary parties.
5. That the appellant is estoped by his own conduct to file the present appeal.

REPLY ON FACTS:

1. First part of the para pertains to enlistment of the appellant in Police department, hence needs no comments while rest of the para is incorrect because the appellant was not promoted to the rank of Inspector due to his performance rather he got promoted on his own turn as per rules/policy. As far as performing his duty with devotion and honesty is concerned, in this regard it is stated that each and every Police officers/official is under obligation to perform his duty upto the entire satisfaction of high ups.
2. Correct to the extent that the appellant while posted as SHO PS Mandani, a person namely Gul Zada s/o Sher Malang filed complaint against the appellant that the appellant kept him in the lockup for 28 hours and after receiving Rs.22000/- released him. On the basis of said allegation, enquiry was conducted through DSP HQrs Charsadda who during the course of enquiry, recorded statements of all concerned. However, the complainant during enquiry stated that he had submitted complaint due to some misunderstanding and does not want proceed further on his complaint. Hence, the enquiry officer recommended that the enquiry may be filed. On the recommendation of enquiry officer, enquiry against the appellant was filed (enquiry report is annexed as A)
3. Incorrect, the appellant was posted as SHO PS Mandani, the then SDPO Tangi submitted a report against the appellant wherein he stated that

on 11.02.2019 he conducted a surprise visit of PS Mandani and checked Index FIR, during checking, record/Index of FIR Nos. 16,17 & 18 u/s 15-AA PS Mandani was found remained incomplete. On the query, MHC Hamid Jan stated that on 20.01.2019, during Search & Strike operation, appellant recovered two SMGs and one pistol (30-bore) vide the above mentioned FIRs and kept the same in his own custody and when he requested him to hand over the said case properties for completion of record, then he refused and replied that the case properties are lying in his almirah (cupboard) at his residential quarter, he requested time and again for the completion of PS record and obtaining of Armourer report but he didn't hand over the said case properties to him. Hence, in this regard, he entered a report vide DD No.23 dated 06.02.2019 **(copy of report of SDPO Tangi is annexed as B)**. Hence, on the charges contained in the report of the SDPO Tangi, appellant was issued Charge Sheet and Statement of Allegation.

4. Incorrect. On the allegations contained in the report of the then SDPO Tangi, a proper enquiry was conducted wherein the allegation against the appellant was proved/substantiated, however, the enquiry officer recommended that as the delinquent official belongs to a poor family and keeping in view of long service, his future, a lenient view may be taken and appellant be awarded minor punishment **(copy of enquiry report dated 11.03.2019 is annexed as C)**.

5. Incorrect. As in the above mentioned enquiry allegations against the appellant were proved therefore, before passing punishment order, the matter was re-enquired through the then SP Investigation Charsadda. In the second enquiry, too, the allegations were proved against the appellant however, in second enquiry, the enquiry officer recommended the appellant for major punishment. On the recommendation of enquiry officer, appellant was awarded major punishment of removal from service **(copy of 2nd enquiry and removal order is annexed as D & C)**

6. Correct to the extent that final show cause notice was issued to the appellant to which he submit his reply which was found unsatisfactory.

7. Incorrect, 02 enquiries were conducted to probe into the allegations leveled against appellant. In both the enquiries, allegations against the appellant were proved, hence, the appellant was awarded major punishment of removal from service.

Feeling aggrieved, the appellant moved departmental appeal before the appellate authority whereupon he was reinstated in service and punishment of removal from service was converted into major punishment of deduction in rank of Sub-Inspector **(copy of order is annexed as E)**.

8. Correct to the extent that appellant filed revision petition but the same was rejected vide order dated 24.10.2019.

9. That appeal of appellant is liable to be dismissed on the following grounds amongst the others.

GROUNDS:

A. Incorrect. Orders passed by the competent authority as well as by the appellate authority are in accordance with law and rules.

B. Incorrect. Enquiry was conducted in accordance with law and rules wherein after fulfillment of all legal and codal formalities, enquiry officer recommended appellant for punishment.

C. Para already explained.

D. Incorrect. On 20.01.2019 during Search & Strike operation appellant recovered 02 SMGs and one Pistol (30-bore) but rather to hand over the same recovered weapons to the Moharrar, he kept the said weapons in his personal almirah (cupboard) which were recovered from there by the then SDPO Tangi and then handed over to Moharrar for completion of Police Station record and further proceeding. Similarly, regarding other allegations, report of the then SDPO Tangi is worth perusal.

E. Para already explained.

F. Incorrect. In the second enquiry statements of those officials were recorded whose statement had been recorded in the first enquiry.

G. Para already explained.

H. That the respondent seeks permission of this Hon'ble Tribunal for further additional grounds at the time of arguments.

Keeping in view the facts above, it is therefore humbly prayed that the appeal of appellant being without merit and substance, may be dismissed with cost.

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

Deputy Inspector General of Police,
Mardan, Region-I Mardan
(Respondent No.2)

District Police Officer,
Charsadda
(Respondent No.1)

Annexure A (4)

GOVERNMENT OF KHYBER PAKHTUNKHWA
DEPUTY SUPERTENDANT OF POLICE HQRS,
CHARSADDA.

No. 467 /S, dated Charsadda the 14 /03/2019.

To: The District Police Officer
Charsadda

Subject: DEPARTMENTAL ENQUIRY AGAINST INSPECTOR FAHIM BACHA SHO PS MANDANI.

Memo: Kindly refer to your office Diary No.90/C.Cell, dated 18.01.2019.

It is submitted that matter was thoroughly enquired and during the course of enquiry Inspector Fahim Bacha SHO PS Mandani and complainant were summoned to the office of undersigned wherein, the complainant and the said officer were heard in detail. They were confronted to each other and heard them in person. Inspector Fahim Bacha produced a written statement stating therein that, the allegations leveled by the complainant are totally false/baseless.

However, during formal proceedings the applicant produced a written statement, in which he stated that he submitted the instant application against Inspector Fahim Bacha due to some misunderstanding and now does not want any further action on his application.

For the reason discussed above, enquiry may be filed, if agreed.

Submitted, please.

Deputy Superintendent of Police
HQrs Charsadda

Annexure B (5)

نقل مد 23 مدنامچہ 6/2/19

مد 23 پر درج حاضری ۔ وقت 7:40 بجے بروز 6/2/19 دو چار پیکٹ
ISAA/720 1/6 تمباکو دوران تلاشی برآمد ہونے پر مقدمہ نمبر 16 مورخہ 20/1/19
جس میں ملزم محمد ابراہیم ولد لطیف ساکن پرکھنڈ سے قبضہ شکوک غزی 9.4
گرام تمباکو چار حصہ بمعول 30 عدد کارتوس ۔ مقدمہ نمبر 12 مورخہ 20/1/19
ISAA جس میں ملزم بلال ولد لطیف ساکن پرکھنڈ قبضہ سے بمعول 30 عدد بلد غزی
گرام 9.2 عدد کارتوس جس مقدمہ نمبر 18 مورخہ 20/1/19 زیر ISAA جس ملزم
ابوسعد ولد محمد یوسف ساکن شگلی پرکھنڈ سے قبضہ قبلہ شکوک غزی 9.10 گرام
تمباکو چار حصہ بمعول 30 عدد کارتوس برآمد ہونے پر علم سابقہ مقدمات ہذا جملہ
ملزمان ہذا سے ساقط کرواکر بری کرنے کی درخواست ہے ۔ لہذا مقدمات مالہ ہذا کو
آپ کے رجسٹر میں درج کیا جائے ۔ جملہ 3 مقدمہ ہذا پر مقدمات مالہ ہذا
کو مقدمات مالہ قلمبند کیے جائے ۔ مزید تفاصیل ضمنی کورٹ میں پیش کی جائے گی ۔
اس سلسلے میں ہیڈ کانسٹیبل مدنامچہ پر نقل مد بغرض اطلاع ہذا
افسران بالا صاحبان کو حسب ضابطہ ارسال کی جائے ۔ جملہ مطلوبہ

نقل مطابق اصل

MHC. PS. MND
21-2-19

Addl. of Police
Tangi

Annexure-C (6)

NO. 228 /ST

Dated. 11/03 /2019

Subject: - **DEPARTMENTAL ENQUIRY REPORT AGAINST INSP. FAHEEM BACHA REFERENCE ATTACHED.**

ALLEGATIONS

The instant enquiry was entrusted to the undersigned by the W/DPO against Inspector Faheem Bacha, he while posted as SHO PS Mandani has committed the following misconduct;-

He was involved in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to him.

He was also involved in changing of genuine chars with local sub-standard chars.

Reportedly he was also involved in NCP Smuggling by taking illegal gratification besides it has also been alleged that he takes gifts from locals. Hence, the Worthy DPO Charsadda, as a competent authority, served him with charge sheet and summary of allegations and the enquiry was entrusted to the undersigned to scrutinize the conduct of the said delinquent official.

PROCEEDINGS:-

To unearth the real facts all concerned were called and their statements were recorded.

STATEMENT OF INSPECTOR FAHEEM BACHA (THE THEN SHO PS MANDANI)

The delinquent official was called, heard him in person and obtained his statement (attached), wherein he blatantly denied the allegations leveled against him. He was also cross questioned (attached)

STATEMENT OF HC HAMID JAN MHC PS MANDANI

He stated that on 20-01-2019 during search and strike operation, Inspector Faheem Bacha (the then SHO PS Mandni) recovered two SMGs and one pistol 30 Bore vide FIRs No 16,17 and 18 dated 20-01-2019 U/Ss 15-AA PS Mandani and kept

the same in his own custody. When he requested him to hand over the said case properties for completion of record, he refused and replied that the case properties are lying in his almirah at his residential quarter. He requested the SHO time and again for the completion of record and obtaining of Armourer report but he did not handover the said case properties to him. He stated that in this respect he also entered a report vide DD.No.23, dated 06-02-2019 PS Mandani (attached). He further disclosed that the then SHO was also involved in corruption, receiving gifts and bribes from the public as he has taken bribe from one Shaukat involved in case vide FIR No.11, dated 14-01-2019 U/S 324/429/148/149 PPC PS Mandani and he has also confessed his guilt before the under signed in his presence at SHO office PS Mandani. Similarly the then SHO was involved in receiving of gifts from public. On the demand of the then SHO Faheem Bacha a person namely Mushtaq had brought carpet, quilts and pillows for his residential quarter.

STATEMENT OF MUSHTAQ S/O SHERZA DIN R/O HARICHAND

He stated that on the day of arrival of Inspector Faheem Bacha as SHO he went to his residential quarter at PS Mandani to meet with him. During meeting the then SHO Faheem Bacha had demanded carpet, pillows, quilts, and some money for other expenditure of his residential quarter. Upon his demand he provided the said articles and cash amount of Rs.10000 to him.

STATEMENT OF SHOUKAT ALI R/O KODAI MANDANI

He disclosed in his statement that he has a land dispute with one Hussain Khan. On 14 .01.2019 they have fired upon each other and a case was registered against both the parties at PS. Mandani. On the day of occurrence at evening time I have paid Rs.60000/- to SHO Faheem Bacha at the hand of my friend namely Asfandiar. SHO Faheem Bacha assured him that he will favour him in his case. He further stated that Asfandiar had told him that he had spent some more dough and he will liquidate it later on.

FINDINGS

From the above statements it transpired that Inspector Faheem Bacha the then SHO Mandani had conducted raids on 20.01.2019 and recovered two kalashenkove and one pistol vide case FIR Nos,16, 18 and 17 u/s 15AA Ps. Mandani.

He did not send the same for Armourer report in time.

(8)

He did not hand over the above mentioned recoveries to the MHC for keeping it in PS kot due to which the record/index of FIR was also remained incomplete

He submitted challan without Armourer report which will result in the acquittal of the case.

The MHC requested him for completion of record and obtaining of Armourer report and for this reason he entered a report vide DD No, 23 dated 6-2-2019.

(7) The aforementioned SMGs and Pistol were recovered from the personal Almirah of accused official on 11.02.2019 and were handed over to MHC for completion of record and the same were sent for Armourar inspection on 12.02.2019.

He had taken bribe from one Shoukat, hence he registered a case vide FIR No.11 dated 14.01.2019 u/s 324/429/148/149PPC at PS Mandani in his favour.

He had demanded carpet, quilts, and some money for other expenditure of his residential quarter from one namely Mushtaq which is clear from his statement. It is worthwhile that a secret probe was also conducted which also supported the allegations leveled against the accused official.

Keeping in view the above facts, statements of concerned persons, the allegations leveled against Inspector Faheem Bacha (the then SHO PS Mandani) were proved. However, as the delinquent official hails from a poor family and keeping in view his service, his future, a lenient view may please be taken and he may be awarded a "MINOR PUNISHMENT" in order to mend his way.

Submitted please

Dy: Superintendent of Police
Tangi

Worthy DPO Charsadda R/Sir, Submitted for f/o perusal & further orders Please

SP/inv
Re-inquire and report within (7) days.

W/DPO/Chd

Head clerk
11-03-019

(9)
Annexure-D

GOVERNMENT OF KHYBER PAKHTUNKHWA
SUPERINTENDENT OF POLICE
INVESTIGATION CHARSADDA
PHONE NO. 091-9220402

To: - The District Police Officer,
Charsadda.

No. 654 /PA/Invest: dated Charsadda, the 12/03 /2019.

Subject: - **RE-INQUIRY REPORT AGAINST INSPECTOR FAHEEM BACHA (THE THEN SHO PS MANDANI) NOW POLICE LINES CHARSADDA.**

Memo:-

Kindly refer to your office Dairy No. 1571/GB, dated 11.03.2019, (return in original).

1. Whereas departmental enquiry against Inspector Faheem Bacha (the then SHO PS Mandani) conducted by Mr. Taj Muhammad Khan, DSP Tangi, with the recommendation of minor punishment, later-on such enquiry was marked to the undersigned for re-inquiry and report.

2. It is submitted that as per kind directions re-inquiry was conducted into the matter, the following Police officers and other concerned persons were called to the office of undersigned. They were heard in person, their detailed previous statements were examined & they were also crossed questioned. They corroborated their previous statements, while one Shaukat who disowned his earlier statement, hence his fresh statement as well as statements of DSP Tangi and SHO Tangi were also recorded.

i. Mr. Taj Muhammad Khan DSP Tangi
ii. Inspector Faheem Bacha Police Lines Charsadda.
iii. SI Gul Shed Khan, SHO PS Tangi.
iv. HC Hamid Jan Moharrir PS Mandani.
v. Mushtaq s/o Sher Zarin r/o Harichand.
vi. Shaukat Ali s/o Ghulam Muhammad r/o Kody Mandani.

Statement of Mr. Taj Muhammad Khan, (the then DSP Tangi)

As per his statement that on 11.02.2019 he conducted a surprise visit to PS Mandani, during checking of record/index FIRs No. 16,17 & 18 u/s 15-AA PS Mandani were found in-complete. On the query MHC Hamid Jan stated that on 20.01.2019 during Search and Strike Operation Inspector Faheem Bacha (the then SHO) recovered two SMGs and 01-pistol 30-bore in the above cases, kept the same case property in his own custody, when he was requested to hand over the same for completion of record, he refused and replied that the case property are lying in his almirah of his residential quarter, he requested time and again for completion of PS record and obtaining the Armourer report but he did not hand over the said case property to him. In this regard a report vide D.D No. 23 dated 06.02.2019 was also lodged. During discussion MHC Hamid Jan further disclosed that the then SHO was also involved in corruption, receiving gifts and bribes from the public as he has taken bribe from one Shaukat involved in case FIR No. 11, dated 14.01.2019 u/s 324/429/148/149-PPC PS Mandani. Then the matter was discussed with Inspector Faheem Bacha at his office, who confessed regarding taking of illegal gratification in the above mentioned FIR in the presence of Moharrir Hamid Jan, (copy attached vide annexure-A).

Statement of Inspector Faheem Bach (the then SHO PS Mandani)

He stated that on 20.01.2019 during Search and strike operation, he arrested 03-accused and recovered 02-SMG and 01-pistol 30 bore from their possession. In this regard cases vide FIR No.s 16, 17 and 18 dated 20.01.2019 u/s 15-AA were registered at PS Mandani against the accused. Due to huge burden of official work he did not obtained Armourer report in time. He kept the case properties with himself in safe custody and there is no dishonesty or malafide intention of him. Further stated that during his period of posting, he recovered 02-NCP vehicles and taken necessary legal action. He denied the allegations of contacts with criminals. He also denied of taking any gifts, nor made demands, (copy of statement is attached vide annexure-B).

Statement of SI Gul Shed Khan, SHO PS Tangi:

As per his statement that on 11.02.2019 he went to PS Mandani with DSP Taj Muhammad Khan, SHO Faheem Bacha was on mobile patrolling. He was called by the DSP. On his arrival, the DSP asked SHO Faheem Bacha that it has alleged of taken bribes in case u/s 324/429-PPC PS Mandani, SHO replied that he never favour/support any party, however, his gunner give him Rs.60,000/-, further he is unaware, (copy of statement is attached vide annexure-C).

Statement of HC Hamid Jan Moharrir PS Mandani:

He stated that on 20.01.2019 while search & strike operation, Inspector Faheem Bacha, (the then SHO PS Mandani), arrested accused Muhammad Ibrahim, Bilal sons of Latif, Ayub s/o Muhammad Yousaf r/o Harichand and recovered 02-SMGs with 60-rounds & 01-pistol 30-bore from their possession, registered proper cases vide FIR Nos. 16, 17 and 18 dated 20.01.2019 u/s 15-AA PS Mandani, however kept the case properties with him. He was requested to deposit/hand over the case property for completion of record and obtaining Armourer's report. In reply the SHO told that the said case properties are lying in cupboard/almirah of his residential quarter. He requested the SHO time and again to hand over the said case properties but in-vain. In this regard a report was lodged in the Roznamcha vide DD No. 23, dated 06.02.2019. He further stated that Inspector Faheem Bacha (the then SHO PS Mandani) was also involved in corruption, i.e receiving gifts and taking bribes from public. Further disclosed that vide FIR No. 11, dated 14.01.2019 u/s 324/429/148/149-PPC PS Mandani, Inspector Faheem Bacha has taken Rs. 01-lac as bribe from one Shaukat. On 11.02.2019 Inspector Faheem Bacha admitted his guilt before Mr. Taj Muhammad Khan (the then DSP Tangi) in his presence. Similarly the alleged inspector also takes gifts from the different peoples. While on the demands of SHO Faheem Bacha one Mushtaq Nazim brought Carpet, pillow, quilts etc, (copy of statement is attached vide annexure-D).

Statement of Mushtaq s/o Sher Zarin r/o Harichand:

He stated that he visited the Police Station to meet with the SHO Faheem Bacha, during meeting SHO desired to provide Carpet, pillow, quilts etc for his Quarter and some amounts for other expenses. Hence he brought the desired items and also paid cash amount Rs. 10,000/- to the SHO, (copy attached vide annexure-E).

(11)

Statement of Shaukat Ali s/o Ghulam Muhammad r/o Koday Mandani:

Although during enquiry conducted by DSP Tangi, whereas Shaukat Ali confessed that he has given Rs. 60,000/- to SHO Faheem Bacha through his friend Asfandyar, while during re-inquiry into the matter, the said Shaukat Ali rebelled from his earlier statement. His fresh statement was recorded. As per his statement that he told Asfandyar to bring sum of Rs. 60,000/- from their house, when he released from Jail, called Asfandyar and enquired about the said amount, He explained that some of the amounts paid to the Lawyers while rest of the amount was spent over the taxi's vehicles. He further enquired that how many amounts was given to SHO, it was replied that nothing was paid to the SHO, as the whole amounts were spent over the engagement of lawyers and taxi's vehicles, (copy attached vide annexure-F)

Facts/Findings:-

i. The alleged SHO Inspector Faheem Bacha badly failed to hand over the case properties i.e SMGs + pistol, recovered vide FIR No. 16, 17 and 18 dated 20.01.2019.

ii. Although he was bound to deposit the case property without any delay to Moharrir but he did not justify of keeping the case property in his personnel cupboard.

iii. Due to not handing over the said case properties to Moharrir, the record/index of FIR remained incomplete.

iv. That Moharrir Hamid Jan has lodged a report vide DD No. 23, dated 06.02.2019 for not handing over of the said case properties for completion of record/obtaining of Armourer opnion.

v. Also Challaned the case without obtaining Armourer report, which will badly effect the prosecution case.

vi. On 11.02.2019 both the SMGs and pistol were recovered from the personal Almirah of alleged Inspector by DSP Tangi and then handed over to Moharrir for completion of PS record and further proceedings.

vii. That he admitted of taking Rs. 60,000/- in front of Mr. Taj Muhammad Khan (the then DSP Tangi).

viii. SHO Tangi Gul Shed Khan, also confirmed that in his presence the alleged Inspector categorically admitted that amount of Rs. 60,000/- was given to him by his gunner.

ix. He also takes gifts from the public, especially from one Mushtaq and on his transfer he also took away the said articles i.e Carpet, pillow, quilts etc.

Recommendation:

Keeping in view the above facts, circumstance and re-enquiry conducted, the allegations against Inspector Faheem Bacha has been proved/established. Hence he is hereby recommended for major punishment under KPK Police Rules-1975.

Submitted, please.

R/Sir)

Submitted PLI.

18/3/2019 SOR and Issue Call in OK. 19/3

Superintendent of Police,
Investigation, Charsadda.

ORDER

This Order will dispose off the departmental enquiry against Inspector Faheem Bacha, while posted as SHO PS Mandani.

1. As per information frequent complaints have been received against him regarding his involvement in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to him.
2. He was also involved in changing of genuine china with local sub-standard Chars.
3. Reportedly he was also involved in ICP Smuggling by taking illegal gratification.
4. He was also involved in taking girls from locals.

During preliminary enquiry DSP Tanqi visited his quarter and asked him regarding case property i.e 02 Kalashnikov and 01 pistol both foreign made which were taken into possession during search and strike operation conducted within the territorial jurisdiction of Police Station Mandani. In response to the query he replied that the same are laying with Tanqi Being a member of disciplined force as Inspector SHO his acts are highly objectionable and also stigmatized the force.

In the above allegation he was issued Charge Sheet-together with statement of allegation under Sub Section 3, Section 5 of Police Rules 1975 Enquiry Officer Mr. Nazir Khan SP Investigation Charsadda was nominated for conducting departmental enquiry against him and he after conducting proper departmental enquiry submitted findings.

Subsequently, Inspector Faheem Bacha was issued Final Show Cause Notice U/S 5(3) Police Rules 1975 reply to which was received but found un-satisfactory.

After perusal of the enquiry papers and recommendation of the enquiry officer he is hereby awarded the Major punishment of Removal from service with immediate effect.

District Police Officer,
Charsadda

O.B No 340
Date 25/2/2019

No. 1063 - 64 /HC, dated Charsadda the 26/2/2019

Copy for information and necessary action to the:-

1. Pay Officer
2. ECP/HC

(13)

Annexure-F

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Inspector Faheem Bacha** of Charsadda District Police against the order of District Police Officer, Charsadda, wherein he was awarded Major Punishment of Removal from Service by the District Police Officer, Charsadda vide his office OB: No. 340 dated 25.03.2019.

Brief facts of the case are that the appellant while posted as SHO Police Station Mandani the following charges were leveled against him.

1. As per information frequent complaints have been received against him regarding his involvement in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to him.
2. He was also involved in changing of genuine chars with local sub-standard Chars.
3. Reportedly he was also involved in NCP Smuggling by taking illegal gratification.
4. He was also involved in taking gifts from locals.

During preliminary enquiry Deputy Superintendent of Police ,Tangi visited his quarter and asked him regarding case property i.e 02 kalashnikov and 01 Pistol both foreign made which were taken into possession during search and strike operation conducted within the territorial jurisdiction of Police Station Mandani. In response to the query he replied that the same are laying in his almirah at quarter. He took out the same from the almirah and handed over to Deputy Superintendent of Police ,Tangi. Being a member of disciplined force as Inspector SHO his this acts are high objectionable and also stigmatized the force.

In the above allegation he was issued Charge Sheet together with statement of allegation and Mr. Nazir Khan Superintendent of Police Investigation, Charsadda was nominated as Enquiry Officer for conducting departmental enquiry against him and he after conducting proper departmental enquiry submitted his findings. He was served with Final Show Cause Notice to which his reply was received and found unsatisfactory. After perusal of enquiry papers and recommendation of the enquiry Officer awarded him Major Punishment of Removal from Service.

He was called in orderly room held in this office on **18.04.2019** and heard him in person. Having serious allegations which were proved against him in departmental Inquiry. However, Keeping in view clean Service Record of Ex-Inspector Faheem Bacaha the punishment of Removal from Service awarded to him is converted into Major Punishment of Reduction in the rank of Sub Inspector, he is re-instated into service. The intervening period is treated as leave without pay. On reinstatement into service he is transferred/posted to Operation Wing, Swabi.

PO/EC

FOR

ORDER ANNOUNCED.

(MUHAMMAD ALI KHAN)PSP
Regional Police Officer,
Mardan.

No. 7480-82/ES, Dated Mardan the 24/04/2019.

Copy forwarded for information and necessary action to the:-

1. Deputy Inspector General of Police HQrs:, Khyber Pakhtunkhwa, Peshawar please.
2. The District Police Officer, Swabi.
3. District Police Officer, Charsadda w/r to his office Memo: No. 684/EC dated 08.04.2019. The Service Record is returned herewith.

(*****)

Opd/cnd
25-4-19

SUPERINTENDENT OF POLICE
INVESTIGATION CHARSADDA
PHONE NO. 091-9220402

To: - **The District Police Officer,**
Charsadda.

No. 659 /PA/Invest: dated Charsadda, the 18/03/2019.

Subject: - **RE-INQUIRY REPORT AGAINST INSPECTOR FAHEEM BACHA (THE THEN SHO PS MANDANI) NOW POLICE LINES CHARSADDA.**

Memo:-

Kindly refer to your office Dairy No. 1571/GB, dated 11.03.2019, (return in original).

1. Whereas departmental enquiry against Inspector Faheem Bacha (the then SHO PS Mandani) conducted by Mr. Taj Muhammad Khan, DSP Tangi, with the recommendation of minor punishment, later-on such enquiry was marked to the undersigned for re-inquiry and report.

2. It is submitted that as per kind directions re-inquiry was conducted into the matter, the following Police officers and other concerned persons were called to the office of undersigned. They were heard in person, their detailed previous statements were examined & they were also crossed questioned. They corroborated their previous statements, while one Shaukat who disowned his earlier statement, hence his fresh statement as well as statements of DSP Tangi and SHO Tangi were also recorded.

i. Mr. Taj Muhammad Khan DSP Tangi
ii. Inspector Faheem Bacha Police Lines Charsadda.
iii. SI Gul Shed Khan, SHO PS Tangi.
iv. HC Hamid Jan Moharrir PS Mandani.
v. Mushtaq s/o Sher Zarin r/o Harichand.
vi. Shaukat Ali s/o Ghulam Muhammad r/o Kody Mandani.

Statement of Mr. Taj Muhammad Khan, (the then DSP Tangi)

As per his statement that on 11.02.2019 he conducted a surprise visit to PS Mandani, during checking of record/index FIRs No. 16,17 & 18 u/s 15-AA PS Mandani were found in-complete. On the query MHC Hamid Jan stated that on 20.01.2019 during Search and Strike Operation Inspector Faheem Bacha (the then SHO) recovered two SMGs and 01-pistol 30-bore in the above cases, kept the same case property in his own custody, when he was requested to hand over the same for completion of record, he refused and replied that the case property are lying in his almirah of his residential quarter, he requested time and again for completion of PS record and obtaining the Armourer report but he did not hand over the said case property to him. In this regard a report vide D.D No. 23 dated 06.02.2019 was also lodged. During discussion MHC Hamid Jan further disclosed that the then SHO was also involved in corruption, receiving gifts and bribes from the public as he has taken bribe from one Shaukat involved in case FIR No. 11, dated 14.01.2019 u/s 324/429/148/149-PPC PS Mandani. Then the matter was discussed with Inspector Faheem Bacha at his office, who confessed regarding taking of illegal gratification in the above mentioned FIR in the presence of Moharrir Hamid Jan, (copy attached vide annexure-A).

Statement of Inspector Faheem Bach (the then SHO PS Mandani)

He stated that on 20.01.2019 during Search and strike operation, he arrested 03-accused and recovered 02-SMG and 01-pistol 30 bore from their possession. In this regard cases vide FIR No.s 16, 17 and 18 dated 20.01.2019 u/s 15-AA were registered at PS Mandani against the accused. Due to huge burden of official work he did not obtained Armourer report in time. He kept the case properties with himself in safe custody and there is no dishonesty or malafide intention of him. Further stated that during his period of posting, he recovered 02-NCP vehicles and taken necessary legal action. He denied the allegations of contacts with criminals. He also denied of taking any gifts, nor made demands, (copy of statement is attached vide annexure-B).

Statement of SI Gul Shed Khan, SHO PS Tangi:

As per his statement that on 11.02.2019 he went to PS Mandani with DSP Taj Muhammad Khan, SHO Faheem Bacha was on mobile patrolling. He was called by the DSP. On his arrival, the DSP asked SHO Faheem Bacha that it has alleged of taken bribes in case u/s 324/429-PPC PS Mandani, SHO replied that he never favour/support any party, however, his gunner give him Rs.60,000/-, further he is unaware, (copy of statement is attached vide annexure-C).

Statement of HC Hamid Jan Moharrir PS Mandani:

He stated that on 20.01.2019 while search & strike operation, Inspector Faheem Bacha, (the then SHO PS Mandani), arrested accused Muhammad Ibrahim, Bilal sons of Latif, Ayub s/o Muhammad Yousaf r/o Harichand and recovered 02-SMGs with 60-rounds & 01-pistol 30-bore from their possession, registered proper cases vide FIR Nos. 16, 17 and 18 dated 20.01.2019 u/s 15-AA PS Mandani, however kept the case properties with him. He was requested to deposit/hand over the case property for completion of record and obtaining Armourer's report. In reply the SHO told that the said case properties are lying in cupboard/almirah of his residential quarter. He requested the SHO time and again to hand over the said case properties but in-vain. In this regard a report was lodged in the Roznamcha vide DD No. 23, dated 06.02.2019. He further stated that Inspector Faheem Bacha (the then SHO PS Mandani) was also involved in corruption, i.e receiving gifts and taking bribes from public. Further disclosed that vide FIR No. 11, dated 14.01.2019 u/s 324/429/148/149-PPC PS Mandani, Inspector Faheem Bacha has taken Rs. 01-lac as bribe from one Shaukat. On 11.02.2019 Inspector Faheem Bacha admitted his guilt before Mr. Taj Muhammad Khan (the then DSP Tangi) in his presence. Similarly the alleged Inspector also takes gifts from the different peoples. While on the demands of SHO Faheem Bacha one Mushtaq Nazim brought Carpet, pillow, quilts etc, (copy of statement is attached vide annexure-D).

Statement of Mushtaq s/o Sher Zarin r/o Harichand:

He stated that he visited the Police Station to meet with the SHO Faheem Bacha, during meeting SHO desired to provide Carpet, pillow, quilts etc for his Quarter and some amounts for other expenses. Hence he brought the desired items and also paid cash amount Rs. 10,000/- to the SHO, (copy attached vide annexure-E).

سائل

مورخہ 12/19 کو ناچیز محمد ظہیر ولد [illegible] نے ضلع [illegible]
کے تھانہ سٹی فیصل آباد جا کر تھانہ میں [illegible] کی رپورٹ درج کرائی
جو DSP صاحب تھانہ طلب کر کے دفتر میں DSP صاحب
نے تحریر کیا کہ مبلغ 324/429 کے
کے 2 تولہ سونا کی چوری کی ہے جس کی تفتیش کسی
سرکاری ملازم کی ہے البتہ 60000 روپے نقد ضبط کر کے
دفتر میں جمع کروا دیئے

Sd/- Tariq
1872
19

INVESTIGATION WING CHARSADDA.

k	me of Officer / Official	Place of Posting	Date of Posting	District of D
1.	SI	Abdur Rasheed	I/C Special Team + Supervisory Officer PS Khanmai		Charsadda
2.	ASI	Shakeel Khan	Reader / OASI	08.06.2015	Charsadda
3.	ASI	Nasrullah Khan	Scrutiny Branch	21.09.2017	Charsadda

PS CHARSADDA

S. No.	Rank	Name of Officer	Place of Posting	Date of Posting	District of Domicile
1.	Inspector	Mada Khan	CIO PS Charsadda	08.01.2019	
2.	IHC	Pir Yousaf Jan	IO PS Charsadda	26-12-2017	Charsadda
3.	IHC	Saleem Khan	IO PS Charsadda	15-09-2017	Charsadda

PS SARDHERI

S. No.	Rank	Name of Officer	Place of Posting	Date of Posting	District of Domicil
1.	SI	Sahib Dad Khan	CIO PS Sardheri	23.01.2019	
2.	IHC	Saleem Khan	IO PS Sardheri	15-09-2017	Charsadda

PS KHANMAI

S. No.	Rank	Name of Officer	Place of Posting	Date of Posting	District of Domicile
1	SI	Bakhtiar Khan	CIO PS Khanmai	08.01.2019	Mardan
2.	ASI	Amjid Ali	IO PS Khanmai		Charsadda.

PS Tarnab

S. No.	Rank	Name of Officer	Place of Posting	Date of Posting	District of Domicil
1.	SI	Nadir Khan	CIO PS Tarnab	13.04.2018	Mardan
2.	ASI	Mujeeb-ur-Rehman	IO PS Tarnab	17.09.2018	Charsadda

PS PRANG

S. No.	Rank	Name of Officer	Place of Posting	Date of Posting	District of Domicil
1.	SI	Amjid Khan	CIO PS Prang	04.12.2018	Swabi
2.	IHC	Madani Ullah	IO PS Prang	16.04.2018	Charsadda
3.	IHC	Sadiq Ali	IO PS Prang	30.08.2018	Charsadda

PS NISATTA

S. No.	Rank	Name of Officer	Place of Posting	Date of Posting	District of Domi
1.	Inspector	Bashir Gul Khan	Incharge Inv: PS Nisatta	08.01.2019	Charsadda
2.	SI	Manzoor Khan	C.I.O PS Nisatta	30.01.2019	Charsadda
3.	IHC	Samin Jan	I.O PS Nisatta	07.01.2018	Charsadda

PS TANGI

S. No.	Rank	Name of Officer	Place of Posting	Date of Posting	District of Domicile
1.	Inspector	Sardar Hussain	CIO PS Tangi	08.01.2019	Charsadda
2.	ASI	Siyam Khan	I.O PS Tangi	17.12.2018	Charsadda

Statement of Shaukat Ali s/o Ghulam Muhammad r/o Koday Mandani:

Although during enquiry conducted by DSP Tangi, whereas Shaukat Ali confessed that he has given Rs. 60,000/- to SHO Faheem Bacha through his friend Asfandyar, while during re-inquiry into the matter, the said Shaukat Ali rebelled from his earlier statement. His fresh statement was recorded. As per his statement that he told Asfandyar to bring sum of Rs. 60,000/- from their house, when he released from Jail, called Asfandyar and enquired about the said amount. He explained that some of the amounts paid to the Lawyers while rest of the amount was spent over the taxi's vehicles. He further enquired that how many amounts was given to SHO, it was replied that nothing was paid to the SHO, as the whole amounts were spent over the engagement of lawyers and taxi's vehicles, (copy attached vide annexure-F)

Facts/Findings:-

i. The alleged SHO Inspector Faheem Bacha badly failed to hand over the case properties i.e SMGs + pistol, recovered vide FIR No. 16, 17 and 18 dated 20.01.2019.

ii. Although he was bound to deposit the case property without any delay to Moharrir but he did not justify of keeping the case property in his personnel cupboard.

iii. Due to not handing over the said case properties to Moharrir, the record/index of FIR remained incomplete.

iv. That Moharrir Hamid Jan has lodged a report vide DD No. 23, dated 06.02.2019 for not handing over of the said case properties for completion of record/obtaining of Armourer opnion.

v. Also Challaned the case without obtaining Armourer report, which will badly effect the prosecution case.

vi. On 11.02.2019 both the SMGs and pistol were recovered from the personal Almirah of alleged Inspector by DSP Tangi and then handed over to Moharrir for completion of PS record and further proceedings.

vii. That he admitted of taking Rs. 60,000/- in front of Mr. Taj Muhammad Khan (the then DSP Tangi).

viii. SHO Tangi Gul Shed Khan, also confirmed that in his presence the alleged Inspector categorically admitted that amount of Rs. 60,000/- was given to him by his gunner.

ix. He also takes gifts from the public, especially from one Mushtaq and on his transfer he also took away the said articles i.e Carpet, pillow, quilts etc.

Recommendation:

Keeping in view the above facts, circumstance and re-enquiry conducted, the allegations against Inspector Faheem Bacha has been proved/established. Hence he is hereby recommended for major punishment under KPK Police Rules-1975.

Submitted, please.

R/Sir,
Submitted pl.

Superintendent of Police,
Investigation, Charsadda.

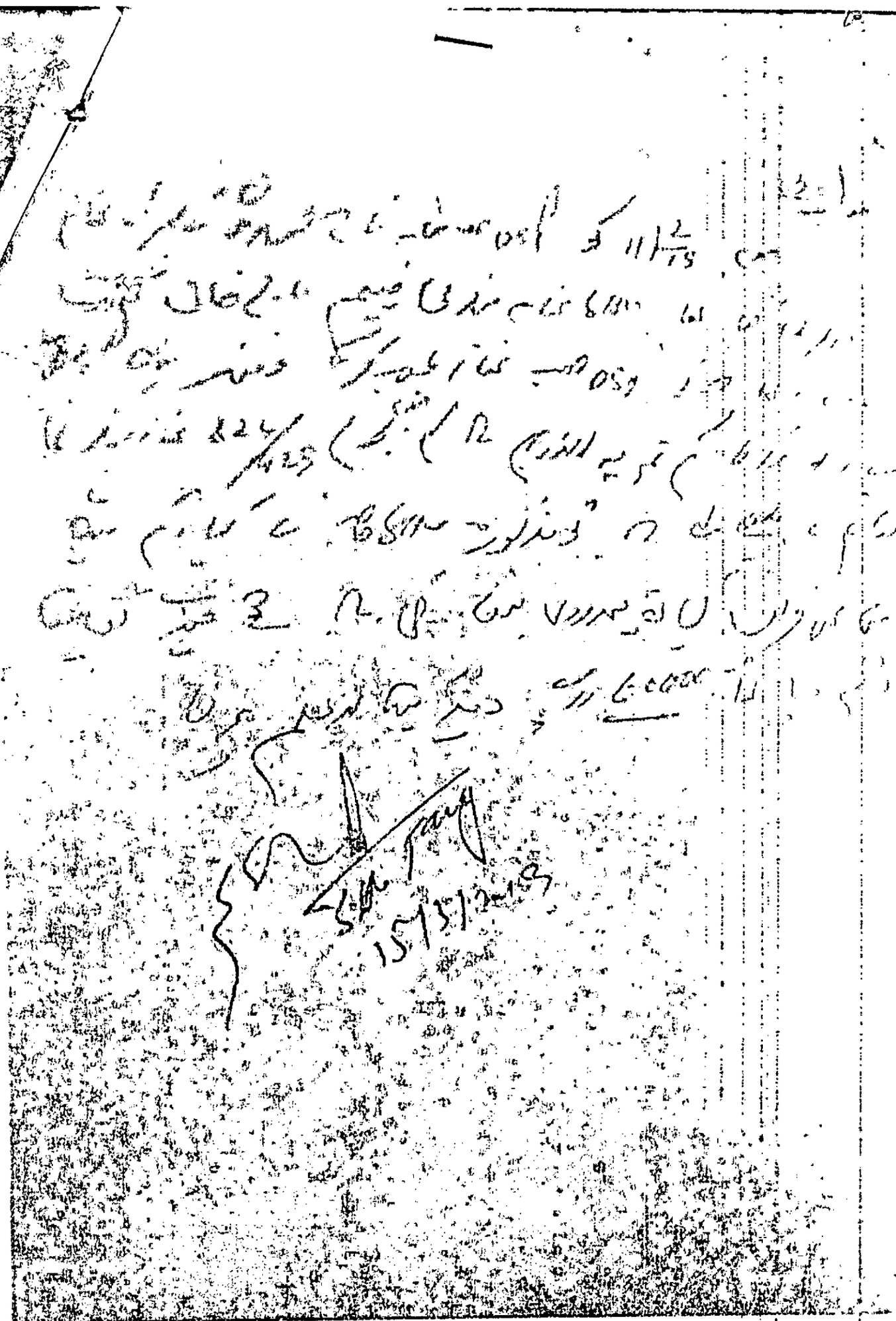
Respected/Sir,

On 11-02-2019, the undersigned conducted a surprise visit of PS Mandani and checked Index FIR, during checking, record/index of FIR NOs 16, 17 & 18 U/Ss 15 AA PS Mandani was found remained incomplete. On the query, MHC Hamid Jan stated that on 20-01-2019, during Search & Strike Operation, Inspector Faheem Bacha (the then SHO PS Mandani) recovered two SMGs and one pistol (30-bore) vide the above mentioned FIRs and kept the same in his own custody and when he requested him to hand over the said case properties for completion of record, then he refused and replied that the case properties are lying in his almirah at his residential quarter, he requested time and again for the completion of PS record and obtaining of Armourer report but he didn't hand over the said case properties to him. Hence, in this regard, he entered a report vide DD No.23 dated 06-02-2019.

During discussion, HC Hamid Jan (MHC PS Mandani) further disclosed that the then SHO was also involved in corruption, receiving gifts and bribes from the public as he has taken bribe from one Shaukat involved in case vide FIR No.11 dated 14-01-2019 U/S 324/429/148/149 PPC PS Mandani.

Hence, the above mentioned matter was discussed with Inspector Faheem Bacha (the then SHO PS Manani) at his office and he confessed regarding the taking of illegal gratification in the above mention FIR in the presence of MHC Hamid Jan.

(Taj Muhammad Khan)
The then SDPO Tangi



Prosecution Circle Tangi

S#	Rank	Name & No.	Name of Court	Home Station	Edu	Date of Birth	Enlistment	Posting History
	HC	Shahi Mulk No. 999/42	NC-ASJ-Tangi	Tangi	BA	03.04.1986	08.09.2010	From 16.02.2016 Investigation Wing From 26.02.2016 Reader APP Tangi From 01.07.2016 Reader APP Charsadda From 19.10.2016 Scrutiny Branch From 13.01.2017 Naib Court JMIC II Shabqdar From 08.03.2017 GD Operation PS Charsadda From 03.05.2017 Investigation wing From 26.05.2017 Naib Court JMIC II Shabqdar From 07.06.2017 Naib Court ASJ Tangi.
		Tahir Alam No.92	NC –JMIC-I Tangi	Umarzai	FA	10.04.1981	11.05.2007	From 22.05.2017 Investigation From 23.05.2017 MHC Inv: Charsadda From 02.11.2017 MHC PS Shabqdar From 28.12.2017 Naib Court JMIC I Tangi
		eem NO.1035	NC-JMIC-II	Tangi	FA	20.01.1974	26.03.2000	From 19.01.2017 Investigation Wing From 26.01.2017 Naib Court JMIC II Tangi From 25.04.2017 Transfer to Operation From 10.05.2017 Investigation Wing From 26.05.2017 Naib Court JMIC II Tangi
		amran No. 1114	NC AAC Tangi	Charsadda	BA	09.02.1977	25.01.2002	From 11.09.2014 Naib Court AC Tangi. From 15.09.2014 Transfer To Operation From 11.08.2015 Investigation Wing From 13.08.2015 Naib Court AC Tangi Form 15.04.2016 Transfer To Operation From 04.05.2016 Naib Court AC Tangi. From 01.07.2016 DFC PS Charsadda. From 26.08.2016 Naib Court EAC Tangi. From 14.12.2016 Transfer to operation From 09.03.2017 Investigation Wing From 13.03.2017 Naib Court AAC Tangi From 22.06.2018 transfer to operation From 04.07.2018 Investigation Wing Form 09.07.2018 Naib Court AAC Tangi.
5.	FC	Rahman No. 70	NC AC Tangi(Order DPO Saib OB 693 Date 11.09.2018)	Umarzai	10th	07.01.1976	23.09.1996	From 11.09.2018 Naib Court AC Tangi

NO. 228 /ST

Dated. 11/03 /2019

Subject: - **DEPARTMENTAL ENQUIRY REPORT AGAINST INSP. FAHEEM BACHA REFERENCE ATTACHED.**

ALLEGATIONS

The instant enquiry was entrusted to the undersigned by the W/DPO against Inspector Faheem Bacha, he while posted as SHO PS Mandani has committed the following misconduct;-

He was involved in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to him.

He was also involved in changing of genuine chars with local sub-standard chars.

Reportedly he was also involved in NCP Smuggling by taking illegal gratification besides it has also been alleged that he takes gifts from locals. Hence, the Worthy DPO Charsadda, as a competent authority, served him with charge sheet and summary of allegations and the enquiry was entrusted to the undersigned to scrutinize the conduct of the said delinquent official.

PROCEEDINGS:-

To unearth the real facts all concerned were called and their statements were recorded.

STATEMENT OF INSPECTOR FAHEEM BACHA (THE THEN SHO PS MANDANI)

The delinquent official was called, heard him in person and obtained his statement (attached), wherein he blatantly denied the allegations leveled against him. He was also cross questioned (attached)

STATEMENT OF HC HAMID JAN MHC PS MANDANI

He stated that on 20-01-2019 during search and strike operation, Inspector Faheem Bacha (the then SHO PS Mandni) recoyered two SMGs and one pistol 30 Bore vide FIRs No 16,17 and 18 dated 20-01-2019 U/Ss 15-AA PS Mandani and kept

the same in his own custody. When he requested him to hand over the said case properties for completion of record, he refused and replied that the case properties are lying in his almirah at his residential quarter. He requested the SHO time and again for the completion of record and obtaining of Armourer report but he did not handover the said case properties to him. He stated that in this respect he also entered a report vide DD.No.23, dated 06-02-2019 PS Mandani (attached). He further disclosed that the then SHO was also involved in corruption, receiving gifts and bribes from the public as he has taken bribe from one Shaukat involved in case vide FIR No.11, dated 14-01-2019 U/S 324/429/148/149 PPC PS Mandani and he has also confessed his guilt before the under signed in his presence at SHO office PS Mandani. Similarly the then SHO was involved in receiving of gifts from public. On the demand of the then SHO Faheem Bacha a person namely Mushtaq had brought carpet, quilts and pillows for his residential quarter.

STATEMENT OF MUSHTAQ S/O SHERZA DIN R/O HARICHAND

He stated that on the day of arrival of Inspector Faheem Bacha as SHO he went to his residential quarter at PS Mandani to meet with him. During meeting the then SHO Faheem Bacha had demanded carpet, pillows, quilts, and some money for other expenditure of his residential quarter. Upon his demand he provided the said articles and cash amount of Rs.10000 to him.

STATEMENT OF SHOUKAT ALI R/O KODAI MANDANI

He disclosed in his statement that he has a land dispute with one Hussain Khan. On 14 .01.2019 they have fired upon each other and a case was registered against both the parties at PS. Mandani. On the day of occurrence at evening time I have paid Rs.60000/- to SHO Faheem Bacha at the hand of my friend namely Asfandiar. SHO Faheem Bacha assured him that he will favour him in his case. He further stated that Asfandiar had told him that he had spent some more dough and he will liquidate it later on.

FINDINGS

From the above statements it transpired that Inspector Faheem Bacha the then SHO Mandani had conducted raids on 20.01.2019 and recovered two kalashenkove and one pistol vide case FIR Nos,16, 18 and 17 u/s 15AA Ps. Mandani.

He did not send the same for Armourer report in time.

He did not hand over the above mentioned recoveries to the MHC for keeping it in PS kot due to which the record/index of FIR was also remained incomplete

He submitted challan without Armourer report which will result in the acquittal of the case.

The MHC requested him for completion of record and obtaining of Armourer report and for this reason he entered a report vide DD No, 23 dated 6-2-2019.

The aforementioned SMGs and Pistol were recovered from the personal Almirah of accused official on 11.02.2019 and were handed over to MHC for completion of record and the same were sent for Armourar inspection on 12.02.2019.

He had taken bribe from one Shoukat, hence he registered a case vide FIR No.11 dated 14.01.2019 u/s 324/429/148/149PPC at PS Mandani in his favour.

He had demanded carpet, quilts, and some money for other expenditure of his residential quarter from one namely Mushtaq which is clear from his statement. It is worthwhile that a secret probe was also conducted which also supported the allegations leveled against the accused official.

Keeping in view the above facts, statements of concerned persons, the allegations leveled against Inspector Faheem Bacha (the then SHO PS Mandani) were proved. However, as the delinquent official hails from a poor family and keeping in view his service, his future, a lenient view may please be taken and he may be awarded a "MINOR PUNISHMENT" in order to mend his way.

Submitted please

Dy: Superintendent of Police
Tangi

Worthy DPO Charsadda R/Sir, Submitted for P/o Perusal & further orders Please

SP/Inv Re-inquire and report within (7) days.

Head clerk
11-03-2019

بیان از ان انسپکٹر فہیم باچہ سابقہ SHO صاحب تھانہ مندنی حال معطل پولیس لائن چارسدہ

جناب عالی

بحوالہ چارج شیٹ مشمولہ معروض خدمت ہوں۔ کہ من SHO نے بدوران تعیناتی جو اسلحہ ایمونیشن برآمدگی ہے بروقت داخل مال خانہ کر کے رجسٹرار متعلقہ میں تکمیل کی گئی ہے جہاں تک مورخہ 20/01/2019 کو دوران سرچ اینڈ سٹرئیک اپریشن دو ضرب کلاشنکوف، ایک عدد پستول کا تعلق ہے۔ تو اس سلسلہ میں مقدمات علت 16، علت 18 درج رجسٹر ہو کر مال مقدمات کے داخل مال خانہ میں تاخیر اس وجہ سے ہوئی کہ ملاحظہ آرمورر کیلئے درخواست ہائی تحریر کی گئی تھی لیکن بوجہ دیگر ضروری کارسرکار رائے حاصل نہیں کی گئی تھی۔ اور اسلحہ ھائے نیک نیتی سے اس عرض سے اپنے تحویل میں رکھا تھا تا کہ (SAFE) طور پر بغیر کسی چھیڑ چھاڑ کے داخل مال خانہ کئے جا سکے۔ اور اگر اسلحہ کو من SHO بدنیتی سے تبدیل کرنے کا ارادہ رکھتا تو بروقت متبادل دیسی ساخت کا اسلحہ داخل مال خانہ کر کے اصل اسلحہ کو کواٹر سے ہٹا دیتا لیکن میں نے اب اور پوری سروس میں بھی ایسا کرنے کا سوچا بھی نہیں ہے

۲۔ بدوران تعیناتی من SHO نے مقدمات علت 21 مورخہ 24/01/2019 جرم 9BCNSA میں 600 گرام علت 25 مورخہ 25/01/2019 جرم 9BCNSA میں 610 گرام اور علت 32 مورخہ 01/02/2019 جرم 9BCNSA میں 560 گرام چرس برآمد کر کے پارسل ھائے نمبرا۔ بغرض تجزیہ FSL بھجوا کر جو رائے FSL مثبت موصول ہوئے ہے۔ جبکہ پارسل ھائے نمبر ۲۔ سلسلہ نمبرات 21/19,22/19,26/19 پر بروقت داخل مال خانہ کئے گئے ہے۔ جو ریکارڈ پر موجود ہے۔

۳۔ جہاں تک NCP گاڑیوں کا تعلق ہے تو میں نے دوران تعیناتی بحیثیت SHO مندنی دو عدد NCP گاڑیاں برآمد کر کے باقاعدہ طور پر قانونی کاروائی عمل میں لائی ہے۔ میرا سروس ریکارڈ گواہ ہے۔ کہ میں نے کبھی بھی جرائم پیشہ افراد کے ساتھ کوئی رابطہ نہیں رکھا۔ اگر NCP گاڑیاں کے سمگلر سے کوئی رابطہ ہو تو میرے موبائل کے CDR سے بھی پتہ لگ سکتا ہے۔ اگر ان سے ساتھ رابطے ثابت ہو جائے تو میں ہر قسم کی سزا بھگتنے کیلئے تیار ہوں۔

۴۔ جہاں تک تحفے تحائف کا مقامی لوگوں سے لینے کا تعلق ہے۔ تو میں نے کبھی بھی تحفے تحائف مقامی لوگوں سے نہ تو مانگے ہے اور نہ ہی کسی نے دیئے ہیں۔ یہ الزام بھی سراسر جھوٹ پر مبنی ہے۔

علاوہ ازیں میں ایک معزز خاندان سے تعلق رکھتا ہے۔ سال 2006 میں محکمہ پولیس میں بحیثیت ASI بھرتی ہو کر مختلف تھانہ جات میں اپنی فرائض نہایت دیانداری سے سرانجام دیئے ہیں۔ کئی تھانہ جات میں انچارج انوسٹیگیشن اور SHO رہا ہوں۔ مختلف افسران نے وقتاً فوقتاً فرائض کی درست طور پر بجا آوری اور جانفشانی ایمانداری سے سرانجام دینے کے سلسلے میں انعامات اور سرٹیفکیٹ عطا کئے ہیں۔

دوران سروس میرے خلاف کسی نے بھی کوئی شکایت نہیں کی ہے۔ میرے خلاف لگائے گئے الزامات مفروضوں پر مبنی ہے۔ جسمیں ذرہ بھی صداقت نہیں ہے۔

نہایت آدب سے استدعا ہے۔ کہ میرے خلاف لگائے گئے الزامات سے مجھے بری الزمہ قرار دیکر باعزت بحال کرنے کا حکم صادر فرمایا جاوے۔

تا عمر دعا گو رہونگا۔

23/02/2019

فہیم باچہ سابقہ SHO تھانہ مندنی حال معطل پولیس لائن چارسدہ

جناب عالی!

Attested
Supdt: of Police
Tangi.

یہی بیان حقیقت پر مبنی ہے اس میں کوئی
ردوبدل نہیں کیا گیا ہے

Insp. PZ. CHD 16.3.19

س: آپ نے مورخہ 20/1/2019 کو بحوالہ جنرل ڈائری نمبر 16، 18/2019 تھانہ مندنی جو کہ مقدمہ نمبر 17/2019 جو پشتو کے 30 اور 34 بنتا تھا وہ آپ نے اسی وقت کیوں درج نہیں کیا تھا؟

ج: اسلئے مالخانہ میں جمع نہیں کیا اس وقت تاکہ اس پر رائے آرمورر رکھا رہے اور اپنے ساتھ لیجانا safe میں رکھا۔

س: آپ نے مقدمہ بالا مقدمات میں چالان عدالت کب بھجوایا تھا اور رائے آرمورر کب لی تھی۔

ج: چالان 21/1/19 کو چالان بھجوایا تھا اور رائے آرمورر 12/2/19 کو لی تھی۔

س: آپ نے رائے آرمورر لینے میں اتنی دیر کیوں کی؟

ج: کیونکہ کام سرکاری کام زیادہ تھا جسکی وجہ سے دیر ہوئی۔

س: کیا محرر تھانہ نے آپ کو اسلحہ برآمد ہونے کا بتایا تھا؟

ج: جی نہیں۔

س: آپ نے دوران تفتیش ملزمان کے پاس سے برآمد شدہ پستول کے بارے میں کیا کارروائی کی؟

ج: مجھے پتہ بھی نہیں ہے۔ مگر محرر تھانہ نے بتایا تھا کہ SI نے کیا ہے۔

س: آپ نے بحیثیت SHO مندنی مقدمہ علت 11 مورخہ 14/1/2019 جرم 324-427/148-149 تھانہ مندنی میں کتنی رقم بطور دستوت لی ہے؟

ج: مجھ سے کسی نے بھی رقم وغیرہ نہیں لی ہے۔

س: آپ نے اپنی تفتیش کے دوران کتنے NCP گاڑیاں پکڑی ہیں؟

ج: جی ہاں دو گاڑیاں پکڑی تھی

سرکار کی premenle (2) سوزوکی

Attested
Dy. Supdt. of Police
Tangi.

INSP. P.L. CPD
6-3-19

بیان ازاں حاضر جان 1257/HC محرر تھانہ منڈانی

حاضر جان 1257/HC محرر تھانہ منڈانی نے بیان کیا کہ مورخہ 20/5/19 کو جناب خیم باچہ خان SHO تھانہ منڈانی نے بمعہ آپریشن کرکے جناب خیم باچہ خان SHO سابقہ نے مقدمہ نمبر 16 مورخہ 20/1/19 جرم 9 ISAA علاقہ ملزم محمد ابراہیم ولد لطیف ساکن پری خیل کے قبضہ سے کلاشنکوف نما بندوق بمعہ 30 عدد کارتوس 20726 بور فکسیل چار جد مجموعی 30 عدد کارتوس مقدمہ نمبر 17 مورخہ 20/1/19 جرم 9 ISAA علاقہ ملزم بلال ولد لطیف ساکنہ پری خیل کے قبضہ سے لکڑی کا بٹ بمعہ 12 عدد کارتوس جبکہ مقدمہ نمبر 18 مورخہ 20/1/19 جرم 9 ISAA علاقہ ملزم ایوب ولد محمد یوسف ساکن جنگلی پری خیل کے قبضہ سے کلاشنکوف نما بندوق بور 30 بمعہ 30 عدد کارتوس 8410 بور فکسیل چار جد برآمد کرکے مقدمات درج رجسٹر کرکے مال محرر نے جناب خیم باچہ خان SHO سابقہ سے مقدمات طلب کیے تو مذکورہ SHO صاحب نے مجھے بتلایا کہ مقدمات نمبرہ بالا میرے ساتھ کوارٹر کے الماری میں پڑے ہوئے ہیں۔ اور اگر افسران بالا نے مقدمات بالا کی بازپرس کی تو پیش کرنا۔ مقدمات بالا جناب SHO صاحب کیا تو پڑے ہوئے تھے۔ میں محرر نے بار بار جناب SHO صاحب سے مقدمات بالا بغرض تکمیل رپورٹ حصول رائے آفسر طلب کیے مگر جناب SHO صاحب نے مجھے مقدمات حوالہ نہیں کیے۔ اور اس سلسلے میں میں محرر نے بذریعہ روزنامچہ 6/2/19 کو رپورٹ بھی درج روزنامچہ کیا جو حسب کا تصدیقہ ہمراہ لف ہے۔ اسی طرح جناب خیم باچہ خان SHO نے مقدمہ نمبر 14/1/19 جرم 324/429 تھانہ منڈانی میں شہادت فریق سے مسلح ایک لڑکو دے بھی لیے تھے۔ جس کا اعتراف 148-147 مذکورہ SHO صاحب نے میرے موجودگی میں جناب DSP صاحب شکل و دختر SHO تھانہ منڈانی سنا تھا۔ اسی طرح جناب خیم باچہ خان SHO نے مختلف لوگوں سے مختلف حالات لیے تھے۔ مشتاق ناظم نے جناب SHO صاحب کی فرمائش پر کاروائی رپورٹ وغیرہ بھی لکھ رہے تھے۔ یہی میرا بیان ہے جو حقیقت پر مبنی ہے

MHC-PS-MND
22-2-19

یہی میرا بیان ہے جو درست ہے

MHC-PS-MND
14-3-2019

Supdt: of Police
Tangi.

Cross by Faheem Bacha

① سوال: کیا مشتاق ناظم جو کاروائی وغیرہ لکھ رہے تھے۔ میں SHO کے کہنے پر لکھ رہے تھے۔ جواب: مشتاق ناظم نے مجھے کہا کہ SHO صاحب نے کاروائی رپورٹ کے لیے پیروی کی جائے۔

② سوال: کیا مشتاق ناظم نے مجھے کہا کہ SHO صاحب نے کاروائی رپورٹ کے لیے پیروی کی جائے۔ جواب: مشتاق ناظم نے مجھے کہا کہ SHO صاحب نے کاروائی رپورٹ کے لیے پیروی کی جائے۔

ضلع تانگی

تھانہ بھدن

نقل مد 23 روزنامچہ 6 2/19

مد 23 رپورٹ حامد جان ذریعہ وقت 07:40 بجے بروز 6 2/19 درج رجسٹر روزنامچہ
کہ دوران سرچ اینڈ سٹرائیک آپریشن شدہ مد 16 بروز 20 1/19 ISAA
میں ملزم احمد ابراہیم ولد لطیف ساکن پرچند سے قبضہ شکوفہ بزن 9mm 24
بور پستول چار جبر معمول 30 عدد کارتوس، شدہ مد 17 بروز 20 1/19
ISAA میں ملزم بلال ولد لطیف سکنہ پرچند تا قبضہ سے پستول 30 بور ملزم
بمعہ 12 عدد کارتوس جبکہ شدہ مد 18 بروز 20 1/19 ISAA میں ملزم
ابو ولد محمد یوسف ساکن شگلم پرچند تا قبضہ سے قبضہ شکوفہ بزن 9mm 410 بور
پستول چار جبر معمول 30 عدد کارتوس برآمد ہوکر جملہ مالمقدمات ہذا بضمیمہ
جات مدعی ہاتھ ساتھ گواہ کر کے واپس تھانہ آمد ہوکر جملہ مقدمات مالہ بمعہ ملزمان
آخری رپورٹ بھیجا جاتا ہے۔ ضبط SHO سے ہمارے پاس مقدمات مالہ میں
مالمقدمات مالہ حاصل کیے گئے۔ مگر تفاصیل ضابطہ کی کروائی نہیں کی گئی ہے۔
اس سلسلے میں رپورٹ درج روزنامچہ پیش کر کے نقل مد ہذا من الخلاصیاں
افسران بالا خاصیاں تعمیل ضابطہ کاروائی کی جائے۔

نقل مطابق اصل

Asstt. Supdt. of Police
Tangi

MHR. KS. MND
21-2-19

بیان از ان مشتاق

مشتاق ولد شیر زدین نمبر $\frac{36}{35}$ سال ساکن ہیری خیل یاؤنہ کلے نے بذریعہ بیان کیا۔ کہ جب انکوئری فہیم باچہ نے بحیثیت SHO تھانہ صدر تعینات ہوئے تو میں ان سے ملنے ان کے کوارٹر آیا۔ دوران ملاقات SHO صاحب نے مجھے مکمرے کرایے کا رپٹ رزائیاں، تکیہ اور کوارٹر کے دیگر کاموں کیلئے خرچہ دینے کیلئے میرا مطالبہ کی لہذا میں نے اس کیلئے مندرجہ بالا جملہ اشیاء بازار سے اپنے پیسوں سے خرید کر سابقہ SHO کو مبلغ 10 ہزار روپے نقد سابقہ SHO فہیم باچہ کے حوالے کیئے۔ یہی میرا بیان ہے حلفاً دیتا ہوں جو کہ حقیقت پر مبنی ہے۔

مشتاق ولد شیر زدین ساکنہ ہیری خیل یاؤنہ کلے
17102-8237115-3
0345-8004215

Attested.
By: Supdt: of Police
Tangi.

یہی میرا بیان ہے اس پر
کوئی اور بیان کرنا نہیں چاہتا

14-3-019

CROSS by Faheem Bacha

سوال:۔ کیا آپ حلفاً کہہ سکتے ہیں۔ کہ میں نے آپ سے کوارٹر کیلئے رکاربیٹ، (مہنگا)، تکیہ وغیرہ demand کئے تھے۔

جواب:۔ جی ہاں میں حلفاً جو کہتا ہوں کہ آپ SHO نے مجھ سے جملہ اشیاء مانگے تھے اور میں نے کاربیٹ، میٹریس، تکیہ وغیرہ آپ SHO کو دیئے تھے

سوال:۔ کیا آپ نے مجھے یہ نہیں بتایا تھا۔ کہ اس سے پہلے SHO کو دو ہزار روپے میٹریس دی تھیں،

جواب:۔ جی نہیں۔

سوال:۔ یہ کاربیٹ وغیرہ جو آپ نے لئے کس کو حوالہ کئے تھے۔

جواب:۔ آپ نے کہنے کے مطابق کوارٹر میں چھوڑ تھے۔ جو کہ آپ آئے سابقہ لے گئے تھے۔

14-3-019

بیان از ان شوکت علی

شوکت علی ولد غلام محمد قوم مھمند عمر 38/35 سال ساکن کوڈے بالا ان
سے بذریعہ بیان لیا کہ میرا اور حسین خان ولد عشر ساکن حراء آم کے
درمیان اراضی پر تنازعہ تھا اور اسی بناء پر مورخہ 19/1/19 کو ہم نے ایک
دوسرے پر فائرنگ کی تھی جس کی بناء پر ہم دونوں فریقین کے خلاف دفعہ 324
وزیم درج رجسٹر ہوا دوران قوم شام کے وقت میانہ SHO مع قافلہ ہمارے
گھر پہنچے اور مجھ سے بذریعہ 60 ہزار روپے رشوت لئے اور
اسی بناء پر SHO مجھے چھوڑ کر گئے اور میرے خلاف کیس نمبر 43 دفعہ 324
کا درج کیا نیز انسپکٹر نے جو مذکورہ بالا رقم لی تھی اس کا حساب
دیگا اور میرا حساب کتاب کہ کیا گیا کچھ میرا بقایا ہے اور خلاف بیان کہ ہاں
کہ میانہ جو بات بتلائی ہے اور حقیقت پر مبنی ہے

الف

شوکت علی ولد غلام محمد ساکن کوڈے مندن 17102-6193926-5
0301-8920309

Abdesh
By: Supdt: of Police
Tangi.

تھانہ ٹبہ ٹوانہ

ضلع خوشاب

روانگی آمد و رفت

مقدمہ نمبر 17 مورخہ 20/1/19 جرم ISAA تھانہ ٹبہ ٹوانہ

نمبر ۱:- محمد بلال ولد لطیف خان ساکن ٹبہ ٹوانہ

درخواست ہمراہ حصول روانگی آمد و رفت

جناب عالی!

مقدمہ عنوانی بالا میں ملزم جس کے قبضہ سے 30 بور پستول و 30 بور بلا نمبر 12 عدد کارتوس برآمد کرکے بروئے چالان حوالات میں بند کیا گیا ہے۔

لہٰذا درخواست استدعا ہے کہ پستول مذکورہ بالا ملزم ہٰذا سے برآمدگی مقدمہ ہٰذا کے دوران عدالت شکونہ زیر کیا جائے۔

Khan Bilal
ASI. PS. ALIND
12-2-19

معروضات

① مقدمہ عدالت ہے؟

② ملزم حوالات ہے؟

جناب عالی! پیش کردہ پستول 30 بور ملزم ہٰذا سے 12 عدد 30 بور صرف مکمل ساخت برآمد قابل استعمال ہے

Police Armourer
Distt. Chiniot
12-2-19

ڈپٹی سپرنٹنڈنٹ

رپورٹ آرڈر

مقدمہ علت 18 مورخہ 1-4-20 جرم 15AA تھانہ تنگی

ملزم ابوسعید ولد محمد یوسف سکنہ تنگی زیر دفعہ

درخواست برائے منسوخ رپورٹ آرڈر

جناب عالی!

مقدمہ عنوانی بالا میں مدعی بالا ملزم مذکور سے ایک عدد کلاشنکوف نمبر 84/0 سیریل نمبر 30 عدد کارتوس 7.62 بور برآمد کرنے کے بعد تھانہ پولیس میں پیش کیا ہے

مستدعی ہے کہ کلاشنکوف مذکور واپس کرنے کا حکم صادر فرمایا جائے

نامہ خود سے شکریہ واپس

SMOMS MIND
12-4-19

Sd/- Supdt: of Police
Tangi.

سوالات

1. کلاشنکوف ہے؟
2. شکریہ واپس؟

جناب عالی!

پیش کردہ کلاشنکوف نمبر 84/0

قابل سپرد ہے

Sd/- Illegible
Illegible
12-4-19

فارم

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

تھانہ INPUT	ضلع چارسدہ
نمبر 8	تاریخ 20/1/19 وقت 08:15

وقت رپورٹ	20/1/19 وقت 08:20
نام و سکونت اطلاع دہندہ مستغیث	جسپر ہاجا SHO
مختصر کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو۔	15AA - ہیروئن 7.62 کلو
جائے وقوعہ فاصلہ تھانہ سے اور سمت	شکور روڈ لہڑی شاہ جانب جنوب تقاطع 3/4 کلومیٹر از IB
نام و سکونت ملزم	محمد ابراہیم ولد لطیف ساکن لہڑی ضلع
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	مراسلہ تحریری ہمراہ مقدمہ علیحدہ کیا جاتا ہے۔
تھانہ سے روانگی کی تاریخ و وقت	بذریعہ ڈاک

ابتدائی اطلاع نیچے درج کرو۔

بوقت صدر بجا ایک تحریری مراسلہ ہمراہ
ہاجا SHO بدست کنسٹیبل عباس 476 موصول ہو کر بمضمون ذیل ہے فدرا HC ضلع خان دوران
سپیشل ناکہ بندی سٹرائیک ایڈیشن میں معہ اہلکاران ASI حیات اللہ کنسٹیبلان صبر اللہ 765
عباس 476 حارث 276 لیڈر کنسٹیبل نصری 763 ہمراہ پاک گردی نقدی علاقہ میں موجود
کہ بمقام جانے والے موٹر سائیکل نمبری ۔ شناختی نمبر ۔ محمد ابراہیم ولد لطیف ساکن
لہڑی ضلع مہمند سلم بر کلاشنکوف خانہ بری 05924 معہ میگزین چار عدد 30 عدد راؤنڈ ۔ موبائل نمبر
ہنڈل دستی جسکے زیبائش سے برآمدگی متعلقہ پولیس ہوئے تشخیص مذکورہ بالا کو حوالہ تھانہ
حرم بالا کیا جاکر مصبہ ہذا روانہ کرتا کہ مراسلہ بغرض تامیل حقدفہ بدست کنسٹیبل عباس 476
ارسال خانہ ہے میں مدعی خاص تعینش ہوں۔ بوسط ایں تحریری SHO ہمراہ مورخہ 20/1/19 حاضر تھانہ
آمدہ تحریری مراسلہ ہذا درج بالا ہو کر بذریعہ تحریری بالا جاتا کیا جاکر بقول
FIR و مراسلہ بغرض تعینش SHO ہمراہ بھیجا جاتا ہے پرچہ کیا جاوے

MHC
20-1-19

Supdt. of Police
Tangi.

انڈکس ضمنیات

ضمنیات کے پہنچنے پر فوراً خانہ پُری کی جائے گی۔

رپورٹ ضمنی	نام آفیسر تفتیش کنندہ	نمبر شمار	تاریخ رپورٹ ضمنی	نام آفیسر تفتیش کنندہ
20/19	[illegible]	۸		
21/19	[illegible]	۹		
		۱۰		
		۱۱		
		۱۲		
		۱۳		
		۱۴		

اطلاع جو چالان یا رپورٹ اختتامی کے بھیجنے پر درج کی جائیگی۔

وقت روانگی چالان اختتامی اور دفعہ جس میں چالان کیا گیا ہو۔	نام گواہان	نام وسکونت ملزمان (الف) برائے تجویز حراست میں بھیجا گیا۔ (ب) ضمانت یا مچلکہ پر (ج) جو برائے تجویز بھیجا گیا ہو۔	مال بتمویلت اسلحہ جو دستیاب ہوں
		محمد ابراہیم ولد [illegible] ساکن [illegible]	

Supdt. of Police
Tangi.

ورائٹ پریس پشاور۔ پنجاب نمبر 22286/13 فارم نمبر۔ تعداد ایک ہزار جنرز مورخہ 20.06.2011 پی فورم (فارم نمبر)

سرحد فارم نمبر ۷۳

فارم

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

ضلع	چارسدہ	تھانہ	صدر
تاریخ	20/1/19 وقت 09:00		17 9
وقت رپورٹ	20/1/19 وقت 09:05	چاکیدگی پرچہ	20/1/19 09:30
نام و سکونت اطلاع دہندہ مستغیث	حاکم اللہ ASI		
کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو۔	15AA	برآمدگی پستول 30 بور معہ 12 عدد کارتوس	
فاصلہ تھانہ سے اور سمت	قدیمار روڈ بری چند جانب شمال تقریباً 4 کلومیٹر از تھانہ		
نام و سکونت ملزم	محمد بلال ولد لطیف خان ساکن بری چند		
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو۔	بدرسدگی تحریری مراسلہ مقدمہ قائم کیا جائے		
تاریخ روانگی کی تاریخ و وقت	بذریعہ ڈاک۔		

ابتدائی اطلاع نیچے درج کرو۔

بوقت مذکورہ بالا اپنا تحریری مراسلہ بنام

حاکم اللہ ASI بدست کنسٹیبل 345 موصول ہو کر بمعمول ذیل درج رجسٹر ہوا کہ دوران گشت بمقام سٹرائیک امپریشن میں معہ دیگر ملازمان زیر حاجر ASI افتخار 98 دستیاب سید زادہ ہیڈ کانسٹیبل بصدری دیگر نفری پولیس زید تعینات تھا۔ SHO صاحب تھانہ پاکی کو روانہ کیا کہ مخبر خاص نے اطلاع دی تھا کہ ہمارے علاقہ میں موجود تھا کہ ہمارے علاقہ میں موجود ملزم محمد بلال خان ولد لطیف خان ساکن بری چند کے قبضہ میں پستول 30 بور بلا لائسنس ہے جو کہ ملزم نے غیر قانونی طور پر اپنے قبضہ میں رکھا ہوا ہے فوری طور پر مخبر کی اطلاع پر روانہ ہو کر قریبی پولیس کی گواہ شخص حاضرہ کو بلایا جاکر ملزم مذکورہ کو بلا لائسنس پستول برآمدگی کی صورت میں گرفتار کر کے مراسلہ بغرض قانونی مقدمہ بدست کنسٹیبل افتخار 98 روانہ تھانہ ہے میں موجود تھا تفتیش ہوں دستخط انگریزی حاکم اللہ ASI مورخہ 20/1/19 بوقت 09:30 بجا از مذکورہ صدر جا تفتیش ہوں دستخط انگریزی حاکم اللہ ASI مورخہ 20/1/19 بوقت 09:30 بجا از مذکورہ صدر جا تفتیش ہوں دستخط انگریزی حاکم اللہ ASI مورخہ 20/1/19 بوقت 09:30 بجا از مذکورہ صدر جا تفتیش ہوں دستخط انگریزی حاکم اللہ ASI مورخہ 20/1/19 بوقت 09:30 بجا از مذکورہ صدر

صدر جا تحریر درج بالا ہو کر پرچہ مجاز بالا جاکر کیا جاکر بقول FIR و مراسلہ حاصل تفتیش ASI صاحب بھجوایا جاتا ہے پرچہ گزارش ہے۔

MHC PS MMD
20-1-19

Supdt. Tangi.

انڈکس ضمنیات

ضمنیات کے پہنچنے پر فوراً خانہ پُری کی جائے گی۔

نمبر شمار	نام آفیسر تفتیش کنندہ	تاریخ رپورٹ ضمنی	نام آفیسر تفتیش کنندہ
۸			
۹			
۱۰			
۱۱			
۱۲			
۱۳			
۱۴			

اطلاع جو چالان یا رپورٹ اختتامی کے بھیجنے پر درج کی جائیگی۔

نام گواہان	نام وسکونت ملزمان (الف) برائے تجویز حراست میں بھیجا گیا (ب) ضمانت یا مچلکہ پر (ج) جو برائے تجویز بھیجا گیا ہو۔	ت روانگی چالان ی اور دفعہ جس میں الان کیا گیا ہو۔

فارم نمبر ۲۵

ابتدائی اطلاعی رپورٹ

input

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

ضلع جھنڈی تھانہ وارسک

تاریخ 18 / 10 وقت 20 1/19 1:30

وقت رپورٹ	20 1/19 وقت 1:35 بجے
نام اطلاع دہندہ مستغیث	SHO نعیم باچہ خان
مختصر کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو۔	ISAA برآمدگی کا استلوف فیلس چار چرس 30 عدد بنام ملزم
جائے وقوعہ فاصلہ تھانہ سے اور سمت	گودر کنے پر مرچند جانب شمال مشرق دو فاصلہ 4 کلومیٹر از حدود
نام و سکونت ملزم	ایوب ولد محمد یوسف ساکن منگلہ پری خیل
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	مراسلگی تحریری مراسلہ معروض خانہ ہذا ہے
تاریخ و وقت روانگی سے	بہ موبائل ڈیوٹی

ابتدائی اطلاع نیچے درج کرو۔ بوقت صدر گھر ایک تحریری مراسلہ مع

نعیم باچہ خان SHO بدست نائیک نسیل عباس 474 موصول ہو کر بہ مضمون ذیل ہے کہ 4

فقاتر مندرجہ روان سرچ اینڈ سٹرائیک ایریشن میں مع اہلکار ہائے SHO حاضر تھانہ

ہمراہ نسیل 315 عباس 474 اللہ نسیل نصیر 683 گھر پاس آرہی تھا کہ

موجود تھا کہ بذریعہ مخبر اطلاع ملی کہ ایوب ولد یوسف

ساکن منگلہ پری خیل مسلح بہ کلاشنکوف نمبری 8410 مع میگزین 30 راؤنڈ ایوب

بوری برآمد کرکے موجودہ ناکہ پر گرفتار کرے مراسلہ کی فرد قائم مقدمہ بدست نائیک عباس 474 از سال

خانہ ہے میں مصروف تفتیش ہوں دفعہ اگر تحریری نعیم باچہ SHO حاضر

آمد بخیر تحریری مراسلہ مرتب ہوا ہو کر بہ ہمراہ ہائے بالا واپس کیا کہ بغرض تفتیش SHO صاحب مجبوا بادا ہے بہ ہمراہ گزارش ہے

MHC-1/S, MND
20-1-19

Dy. Supdt: of Police
Tangi.

انڈکس ضمنیات

ضمنیات کے پہنچنے پر فوراً خانہ پُری کی جائے گی۔

رپورٹ ضمنی	نام آفیسر تفتیش کنندہ	نمبر شمار	تاریخ رپورٹ ضمنی	نام آفیسر تفتیش کنندہ
20-1-4	SHO تھانہ رائے	۸		
21-1-4	SHO تھانہ رائے	۹		
		۱۰		
		۱۱		
		۱۲		
		۱۳		
		۱۴		

اطلاع جو چالان یا رپورٹ اختتامی کے بھیجنے پر درج کی جائیگی۔

وقت روانگی چالان اختتامی اور دفعہ جس میں کا چالان کیا گیا ہو۔	نام گواہان	نام و سکونت ملزمان (الف) برائے تجویز حراست میں بھیجا گیا (ب) ضمانت یا مچلکہ پر (ج) جو برائے تجویز بھیجا گیا ہو۔	حوالہ نمبر ۱۴ مورخہ ۱۴ حوالہ نمبر مال بشمولیت اسلحہ جو دستیاب ہوں
2-1-14	1- کنسٹیبل عباس 474 2- کنسٹیبل محمد ارشد 3- ہیڈ محرر SHO تھانہ رائے	محمد الوقت ولد محمد یوسف سکنہ بیری ضلع	43/19

Supdt. of Police
Tandl.

2286/13 ... 20.06.2011

03455068802

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

ضلع [illegible]	[illegible]
تاریخ 10/2/19 وقت 1930 بجے	40 32
رپورٹ 10/2/19 وقت 1940 بجے	[illegible] 10/2/19 وقت 2020
اطلاع دہندہ مستغیث	ASI [illegible]
جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہے۔	9C [illegible] 4000 گرام چرس
فاصلہ تھانہ سے اور سمت	[illegible]
ملزم	[illegible]
تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	[illegible]
روانگی کی تاریخ و وقت	[illegible]

ابتدائی اطلاع نیچے درج کرو۔ [illegible]

[illegible] 846 [illegible] 560 [illegible] 70 [illegible] 5 [illegible] 1000/1000 [illegible] 3960 گرام چرس [illegible] 5 [illegible] 3 [illegible] RV [illegible] SR 7057 01628 [illegible] Rmi 236023 [illegible] 846 [illegible] ASI [illegible] 10/2/19 [illegible]

Wahid
ASI PS-MMD 10/2/19

Dy: Supdt: o[illegible]
Tangi.

انڈکس ضمنیات

ضمنیات کے پہنچنے پر فوراً خانہ پُری کی جائے گی۔

رٹ ضمنی	نام آفیسر تفتیش کنندہ	نمبر شمار	تاریخ رپورٹ ضمنی	نام آفیسر تفتیش کنندہ
ر-10	منظور خان صاحب	۸		
ر-11	" " "	۹		
ر-12	" " "	۱۰		
ر-13	" " "	۱۱		
ر-15	" " "	۱۲		
ر-18	" " "	۱۳		
ر-19	صدیق شاہ صاحب SHO	۱۴		

Supdt: of Police
Tangi.

اطلاع جو چالان یا رپورٹ اختتامی کے بھیجنے پر درج کی جائیگی۔

انگی چالان ر دفعہ جس میں کیا گیا ہو۔	نام گواہان	نام وسکونت ملزمان (الف) برائے تجویز حراست میں بھیجا گیا (ب) ضمانت یا مچلکہ پر (ج) جو برائے تجویز بھیجا گیا ہو۔	مال بشمولیت اسلحہ جو دستیاب ہوں
	نمبر 1 صدیق شاہ صاحب SHO نمبر 2 محمد اعظم 876 نمبر 3 سید 520 نمبر 4 عبدالرشید ASI نمبر 5 ظاہر جان ؟ نمبر 6 صدیق شاہ ASI نمبر 7 گل بادل 563 نمبر 8 منظور خان PA نمبر 9 جلال الدین وغیرہ سرغلم لڈ کنڈکٹر ؟ نمبر 10 منظور خان PA نمبر 11 صدیق شاہ صاحب SHO	منظور محمد صاحب ولد محمد سلیم لنڈی سنہ 0347-8667873 لائسنس وغیرہ صاحب ولد محمد 17102-7892181-3 0348-9567732 بشار محمد نور محمد ساکن لنڈی اصل اصغر خان	پارسل نمبر 1 سال مقدمہ 2960 گرام پارسل نمبر 2 15 گرام چرس پارسل نمبر 3 15 گرام چرس پارسل نمبر 4 15 گرام چرس پارسل نمبر 5 15 گرام چرس پارسل نمبر 6 (پارسل نمبر 1 تا 5 بحوالہ مراسلہ نمبر 19/2 مورخہ 12 PM شاہ الال)

32

Government of Khyber Pakhtunkhwa
Office of the District Police Officer 0302 - 81 82405
Charsadda

DISCIPLINARY ACTION UNDER KPK POLICE RULES -1975

I, **Irfan Ullah Khan**, District Police Officer Charsadda, as competent authority am of the opinion that Inspector Faheem Bacha, has rendered himself liable to be proceeded against as he has comitted the following acts/omissions within the meaning of section -02 (iii) of KPK Police Rules-1975.

STATEMENT OF ALLEGATIONS

That he **Inspector Faheem Bacha,** while posted as SHO PS Mandani,

1. As per information frequent complaints have been received against him regarding his involvement in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to him.
2. He was also involved in changing of genuine chars with local sub-standard Chars.
3. Reportedly he was also involved in NCP Smuggling by taking illegal gratification.
4. He was also involved in taking gifts from locals.

During preliminary enquiry DSP Tangi visited his quarter and asked him regarding case property i.e 02 Kalashnikov and 01 pistol both foreign made which were taken into possession during search and strike operation conducted within the territorial jurisdiction of Police Station Mandani. In response to the query he replied that the same are laying with you in his Almirah at quarter. He took out the same from the almirah and handed over to DSP Tangi. Being a member of disciplined force as Inspector SHO his acts are highly objectionable and also stigmatized the force. This amounts to grave misconduct on his part, warranting Departmental action against him.

For the purpose scrutinizing the conduct of the said official **Mr. Taj Muhammad Khan DSP Tangi** is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section -6 (I) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within stipulated period of (10) days. Inspector Faheem Bacha, is directed to appear before the enquiry officer on the date, time and placed fixed by the later (enquiry officer) a statement of charge sheet is attached herewith.

District Police Officer,
Charsadda

No. 226-27 /HC, dated Charsadda the 18/02/2019

Copies for Information to the:

1. Mr. Taj Muhammad Khan DSP Tangi
2. Inspector Faheem Bacha (Police lines)

CHARGE SHEET UNDER KPK POLICE RULES 1975

I, **Irfan Ullah Khan**, District Police Officer Charsadda, as competent authority hereby charge you **Inspector Faheem Bacha** as follows.

That you **Inspector Faheem Bacha**, while posted as SHO PS Mandani,

1. As per information frequent complaints have been received against you regarding your involvement in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to you.
2. You were also involved in changing of genuine chars with local sub-standard Chars.
3. Reportedly you were also involved in NCP Smuggling by taking illegal gratification.
4. You are also involved in taking gifts from locals.

During preliminary enquiry DSP Tangi visited your quarter and asked you regarding case property i.e 02 Kalashnikov and 01 pistol both foreign made which were taken into possession during search and strike operation conducted within the territorial jurisdiction of Police Station Mandani. In response to the query you replied that the same are laying with you in your Almirah at quarter. You took out the same from the almirah and handed over to DSP Tangi. Being a member of disciplined force as Inspector SHO your acts are highly objectionable and also stigmatized the force.

This amounts to grave misconduct on your part, warranting Departmental action against you as defined in section-6(I) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section 02(III) of the KPK Police Rules 1975 and has render your self liable to all or any of the penalties as specified in section 04 (I) a & b of the said rules.
2. You are therefore, directed to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.
3. Your written defense, if any should reach to the enquiry officer within the specified period, in case of failure, it shall be presumed that you have no defense to put-in and in that case an ex-parte action shall follow against you.
4. Intimate, whether you desired to be heard in person.

District Police Officer,
Charsadda

(3)

ORDER.

Police Officer, No..... Date..... Charsadda

This order will dispose-off the departmental appeal preferred by Ex-Inspector **Faheem Bacha** of Charsadda District Police against the order of District Police Officer, Charsadda, wherein he was awarded Major Punishment of Removal from Service by the District Police Officer, Charsadda vide his office OB: No. 340 dated 25.03.2019.

Brief facts of the case are that the appellant while posted as SHO Police Station Mandani the following charges were leveled against him.

1. As per information frequent complaints have been received against him regarding his involvement in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to him.
2. He was also involved in changing of genuine chars with local sub-standard Chars.
3. Reportedly he was also involved in NCP Smuggling by taking illegal gratification.
4. He was also involved in taking gifts from locals.

During preliminary enquiry Deputy Superintendent of Police ,Tangi visited his quarter and asked him regarding case property i.e 02 kalashnikov and 01 Pistol both foreign made which were taken into possession during search and strike operation conducted within the territorial jurisdiction of Police Station Mandani. In response to the query he replied that the same are laying in his almirah at quarter. He took out the same from the almirah and handed over to Deputy Superintendent of Police ,Tangi. Being a member of disciplined force as Inspector SHO his this acts are high objectionable and also stigmatized the force.

In the above allegation he was issued Charge Sheet together with statement of allegation and Mr. Nazir Khan Superintendent of Police Investigation, Charsadda was nominated as Enquiry Officer for conducting departmental enquiry against him and he after conducting proper departmental enquiry submitted his findings. He was served with Final Show Cause Notice to which his reply was received and found unsatisfactory. After perusal of enquiry papers and recommendation of the enquiry Officer awarded him Major Punishment of Removal from Service.

He was called in orderly room held in this office on **18.04.2019** and heard him in person. Having serious allegations which were proved against him in departmental Inquiry. However, Keeping in view clean Service Record of Ex-Inspector Faheem Bacaha the punishment of Removal from Service awarded to him is converted into Major Punishment of Reduction in the rank of Sub Inspector, he is re-instated into service. The intervening period is treated as leave without pay. On reinstatement into service he is transferred/posted to Operation Wing, Swabi.

ORDER ANNOUNCED.

(MUHAMMAD ALI KHAN)PSP
Regional Police Officer,
Mardan.

No. 7480-82/ES, Dated Mardan the 24/04/2019.

Copy forwarded for information and necessary action to the:-

1. Deputy Inspector General of Police HQrs:, Khyber Pakhtunkhwa, Peshawar please.
2. The District Police Officer, Swabi.
3. District Police Officer, Charsadda w/r to his office Memo: No. 684/EC dated 08.04.2019. The Service Record is returned herewith.

(*****)

ORDER

This Order will dispose off the departmental enquiry against **Inspector Faheem Bacha,** while posted as SHO PS Mandani,

1. As per information frequent complaints have been received against him regarding his involvement in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to him.
2. He was also involved in changing of genuine chars with local sub-standard Chars.
3. Reportedly he was also involved in NCP Smuggling by taking illegal gratification.
4. He was also involved in taking gifts from locals.

During preliminary enquiry DSP Tangi visited his quarter and asked him regarding case property i.e 02 Kalashnikov and 01 pistol both foreign made which were taken into possession during search and strike operation conducted within the territorial jurisdiction of Police Station Mandani. In response to the query he replied that the same are laying with you in his Almirah at quarter. He took out the same from the almirah and handed over to DSP Tangi. Being a member of disciplined force as Inspector SHO his acts are highly objectionable and also stigmatized the force.

In the above allegation he was issued Charge Sheet together with statement of allegation under Sub Section 3, Section 5 of Police Rules 1975. Enquiry Officer **Mr. Nazir Khan SP Investigation Charsadda** was nominated for conducting departmental enquiry against him and he after conducting proper departmental enquiry submitted findings.

Subsequently, Inspector Faheem Bacha, was issued Final Show Cause Notice U/S 5(3) Police Rules 1975 reply to which was received but found un-satisfactory.

After perusal of the enquiry papers and recommendation of the enquiry officer he is hereby awarded the **Major punishment of Removal from service** with immediate effect.

District Police Officer,
Charsadda

O.B No 340
Date 25/3/2019

No. 402-04 /HC, dated Charsadda the 28/03 /2019

Copy for information and necessary action to the:-

1. Pay Officer
2. EC/FMC Enclosed (34) Pages

جناب عالی!

بحوالہ فائنل شوکاز نوٹس معروض خدمت ہوں کہ اس سے قبل انکوائری میں افسران بالا کو جو بیان دے چکا ہوں اس میں کسی قسم کی ردوبدل نہیں کرنا چاہتا ہوں

معافی کا خواہاں ہوں معافی دی جائے۔ اور فائنل شوکاز نوٹس فائیل کرنے کا حکم صادر فرمائیں۔

المرقوم

انسپکٹر نعیم ناصر محفل پولیس لائن چارسدہ

FINAL SHOW CAUSE NOTICE

Whereas, the charge of negligence was referred to enquiry officer for General Police Proceedings, contained u/s 5(3) Police Rules 1975.

AND

Whereas, the enquiry officer has submitted his findings, recommending you for Major Penalty.

AND

Whereas, I am satisfied with the recommendation of the enquiry officer that you **Inspector Faheem Bacha,** while posted as SHO PS Mandani,

1. As per information frequent complaints have been received against you regarding your involvement in usurping case properties in the shape either changing of original/foreign made arms/weapons with local made or delays its deposition for the reasons best known to you.
2. You were also involved in changing of genuine chars with local sub-standard Chars.
3. Reportedly you were also involved in NCP Smuggling by taking illegal gratification.
4. You are also involved in taking gifts from locals.

During preliminary enquiry DSP Tangi visited your quarter and asked you regarding case property i.e 02 Kalashnikov and 01 pistol both foreign made which were taken into possession during search and strike operation conducted within the territorial jurisdiction of Police Station Mandani. In response to the query you replied that the same are laying with you in your Almirah at quarter. You took out the same from the almirah and handed over to DSP Tangi.. This shows your inefficiency and lack of interest n the performance of your official duties.

Thus the act amounts to gross misconduct and renders you liable for punishment under Police Rules 1975.

Therefore, I, Irfan Ullah Khan, District Police Officer, Charsadda in exercise of the powers vested in me under rules 5(3) (a) (b) of Police Rules 1975, call upon you to explain as to why the proposed punishment may not be awarded to you.

Your reply should reach the undersigned within 07-days of receipt of this notice, failing which disciplinary action pertaining to your dismissal from service will be taken ex-parte.

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

Removed from Service

Dated 19/03/2019

District Police Officer,
Charsadda

ضلع خانپور

بخدمت جناب RPO صاحب پولیس لائن خانپور

ڈیل پولیس افسران ہم اپنا اپنا ضلع فائنل شو کاز نوٹس تقسیم کرنے کے بعد واپسی پر دستخط و وصولی ثبت کرکے دفتر ھذا کو واپس ارسال کریں۔

① انسپکٹر جمیل باجوہ

② ASI حماد اللہ

Nadeem Abbas
20-03-09

0314-9059204 خان جمال

الفرقان

21-03-17