BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.105/2024.

Ex-Constable safi ur Rehman No.2262 of CCP, Peshawar.....**Appellant.**

VERSUS.

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**p.

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DSP/Legal,
CCP, Peshawar.

11-03-2024
Peshawar
S.B

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Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

REPLY BY RESPONDENTS NO. 1, 2, &3.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS.

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to Hon'ble Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

1. Correct to the extent that appellant was appointed as constable in the year 2019 in the respondent department. It is worth to mention here that appellant is not an efficient Police Officer. He has not a clean service record and earned 02 bad entries during his short service. (Copy of list as annexure A)
2. Incorrect. The appellant along with other personnel were deputed for production of three under trial accused namely , Gulraiz in case FIR No. 122 dated 01.04.2022 u/s 302-PPC PS Misri Banda Nowshera , Yaseen in case FIR No.538 dated 11.07.2023 u/s 11–A CNSA, PS Sarband and Qamar Aziz in case FIR No.793 dated 06.09.2021 u/s 17(4) Haraba/412/414/404/419/420/15AA, PS Michanigate and case FIR No.410 dated 14.04.2021 u/s 302/319/200/201/202/243/365-PPC PS Khazana from Central Jail Peshawar for medical treatment to Police Services Hospital Peshawar.
3. Incorrect. The appellant was tasked with the responsibility of transporting the accused individuals to the hospital using a prison van. However, rather than adhering to the prescribed procedure, the appellant opted to remove the prisoners from the prison and transport them via a private rickshaw. This decision deviated from the expected procedure and raised questions about the appellant motives or actions. It suggests a potential breach of duty, depending on the specific rules and regulations governing the transportation of prisoners in that jurisdiction.
4. Incorrect. After completion of medical checkup of accused individual, the appellant with accused proceeded to relocate them on foot instead of arranging for a prison van. By not utilizing the appropriate means of transportation, such as a prison van, the appellant has neglected his duty to ensure the secure and proper handling of the accused individuals. This

behavior could potentially constitute a breach of protocol and may warrant further investigation or disciplinary action.

5. Incorrect. After admitting the first two accused individuals into the central jail, the appellant promptly arranged transportation for the third accused, Qamar Aziz, by hiring a taxi car instead of waiting for the jail van. Accompanied by the appellant, Qamar Aziz, and the other personnel, the taxi car proceeded on its route. However, rather than taking the nearest u-turn located under the first overhead bridge at Suri Pul, the appellant chose to continue driving ahead. This decision provided Qamar Aziz with an opportunity, which he availed without hesitation. At the subsequent u-turn situated in front of the Chamber of Commerce office, Qamar Aziz made a bold escape by jumping out of the moving car, escaping custody. Furthermore, such like employees of the Police Department could not be retained in Police service for the reason that they bring bad name to whole of the Police Department by extending unlawful cooperation to prisoners as well as other law violating people.
6. Incorrect, as explained in the preceding paras. Furthermore, the appellant neglected to inform Senior Officers regarding the necessity for an official Jail Van and instead chose to escort the accused using a private taxi, assuming full responsibility for this decision. Furthermore, despite the availability of a safer alternative he opted such a route that was insecure and risky. In addition to that, the appellant badly failed to provide adequate instructions and guidance to their subordinates, resultantly the accused had managed to escape while still in handcuffs. Moreover, the appellant could not furnish any concrete evidence regarding the location of the incident. Finally, he also displayed a delay of approximately six hours in notifying their superiors about the incident.
7. Incorrect as explained in detail in the above paras. The appellant's actions represent a grave misconduct, as they knowingly disregarded the proper procedure. Despite being fully aware of the requirement to request a Jail van for transportation, the appellant opted to arrange for a private taxi instead. The appellant decision not to turn the car towards the nearest u-turn and instead select another u-turn route is significant in this context. This action provided the accused with a favorable opportunity to potentially escape while still in custody and handcuffed. The appellant and another personnel's failure to fulfill their duties resulted in aiding the escape of a heinous criminal. Furthermore, the escaped accused was involved in heinous criminal cases and the appellant had fully facilitated him in making his escape good.
8. Incorrect. The appellant failure to inform their superior officers about the incident in a timely manner, waiting approximately six hours before doing so, is concerning. During the course of the inquiry, the enquiry officer examined the appellant Mobile CDR (Call Detail Records), revealing that his location at the time of the incident was in the Waddpaga area, which happens to be close to his place of residence. A case to this effect was registered vide FIR No.879 dated 02.08.2023 u/s 223/224 PPC/118 Police Act in PS SGH Peshawar.
9. Correct to the extent that appellant was issued charge sheet with statement of allegations vide No.162/E/PA dated 09.08.2023 to which he received and replied but his reply was found unsatisfactory. (Copy of charge sheet, statement of allegations are annexed as B,C)

10. Incorrect as explained above. Furthermore, the appellant, being a member of a disciplined force, committed gross misconduct by allowing accused of heinous offence in custody to escape. This failure of reflecting on his duty not only represents a breach of trust but also undermines the integrity of the disciplined force, hence his act brought a bad name for the entire force.
11. Incorrect. . DSP Investigation Rural, Peshawar was appointed as Enquiry Officer to dig out the real facts. During the course of Enquiry, appellant was provided full opportunity of personal hearing and also recorded his statement by giving him proper opportunity, but the appellant badly failed to rebut the charges leveled against him. The Enquiry Officer after thorough probe into the matter, appellant was found guilty of the charges vide final inquiry findings report No.136/St dated 04.09.2023.(copy of enquiry report is annexed as D)
12. Incorrect. The Competent Authority after receipt of the findings report issued final show cause notice to appellant vide No.3102/PA dated 06.09.2023, but reply of appellant was found unsatisfactory hence he was awarded major punishment of dismissal from service under Police Rules 1975 amended 2014.(Copy of FSCN is annexed as E)
13. Incorrect. The appellant filed departmental appeal, which was thoroughly processed and an ample opportunity of hearing was provided to the appellant by appellate authority but the appellant failed to defend himself with plausible/justifiable grounds, hence his appeal was rejected/filed on facts vide No.4506-12/PA dated 06.12.2023.
14. That appeal of the appellant being devoid of merits and limitation may be dismissed on the following grounds.

REPLY ON GROUNDS:-

A. Incorrect. The appellant was treated as per law/rules. Furthermore, no violation of Article 04 of the Constitution of Pakistan 1973 has been committed by the respondents and the punishment was in consonance with the gravity of misconduct.
B. Incorrect. Detailed departmental enquiry was conducted against him in accordance with law/rules. Enquiry officer after detailed probe into the matter reported that the charges leveled against the appellant were proved. The appellant was provided full opportunity of defense to prove his innocence. Hence he was rightly awarded the major punishment under the ibid rules. No fundamental right of the appellant has been violated by the respondent.
C. Incorrect. Proper departmental enquiry was conducted and the enquiry officer reported that charges leveled against the appellant were proved beyond any shadow of doubt. The whole enquiry was conducted purely on merit and in accordance with law/rules. The appellant was provided full opportunity of defense, but he failed to defend himself. After fulfilling of all the codal formalities he was awarded the major punishment as per rules.
D. Incorrect. The appellant being a member of a disciplined force, committed gross misconduct and was proceeded under police disciplinary rules. After completion of codal formalities, the charges leveled against him got proved.
E. Incorrect. His departmental appeal was processed and heard him in person by the appellate authority however he badly failed to defend himself with plausible/justifiable grounds, hence rejected/ filed having no substance in it.

F. Incorrect. The appellant filed revision petition before the Appellate board, but the appellant without waiting to the outcome of his petition, he filed the instant Service Appeal.

G. Incorrect. Court proceedings and departmental proceedings are two different entities and can run side by side. Acquittal in a criminal case would not lead to exoneration of a civil servant in departmental proceedings. His act brought a bad name for the entire force.

H. Incorrect. The charges leveled against the appellant were proved, hence the punishment orders were passed in accordance with facts and rules. Acquittal in a criminal case would not ipso facto lead to exonerate Civil Servant in departmental proceedings.

I. Incorrect. The appellant only want to save his skin from misconduct/negligence explained in detail in the above paras. The appellant treated as per law/rules. Furthermore, this Hon'ble Service Tribunal already dismissed Service Appeal No. 456/2017 titled Javed vs Police Department vide judgment dated 16.06.2023.

J. Incorrect. The punishment orders passed by the competent authority are just legal, lawful and in accordance with law/rules, liable to be upheld.

K. Incorrect. The Punishment order passed by the competent authority is based on justifiable and genuine grounds, without any malafide intension, hence liable to be upheld. The act of the appellant is a bad stigma on the face of Police force.

Prayers:-

Keeping in view the above stated facts & reasons it is, most humbly prayed that the appeal of the appellant being devoid of merits and limitation, may kindly be dismissed with costs please.

Superintendent of Police,
HQrs, Peshawar.
(Respondent No.1)
(Raham Hussain)
Incumbent

Capital City Police Officer,
Peshawar.
(Respondent No.2)
(Syed Ashfaq Anwar)PSP
Incumbent

DIG/Legal, CPO
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.3)
Dr. Muhammad Akhtar Abbas(PSP)
Incumbent

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VERSUS.

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

AUTHORITY.

We respondents are hereby authorize ***Mr.Inam Ullah*** DSP legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of respondent department.

Superintendent of Police,
HQrs, Peshawar.
(Respondent No.1)
(Raham Hussain)
Incumbent

Capital City Police Officer,
Peshawar.
(Respondent No.2)
(Syed Ashfaq Anwar)PSP
Incumbent

DIG/Legal, CPO
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.3)
Dr. Muhammad Akhtar Abbas(PSP)
Incumbent

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AFFIDAVIT.

We respondents are do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of my knowledge and belief and nothing has concealed/kept secret from this Hon'ble Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense have been struck off.

Superintendent of Police,
HQrs, Peshawar.
(Respondent No.1)
(Raham Hussain)
Incumbent

Capital City Police Officer,
Peshawar.
(Respondent No.2)
(Syed Ashfaq Anwar)PSP
Incumbent

ATTESTED
Oath Commissioner
High Court Peshawar
08 MAR 2024

1. Name of Official: Safi ur Rehman NO.2262 S/O Tariq Shah

R/O: Ghari Sherdad warsak road PS Mathra Distt; Peshawar

2. Date of Birth: 25.03.1999

3. Date of enlistment: 31.12.2018

4. Education: DAE

5. Courses Passed: Recruit

6. Total qualifying service: 04 years ,10 months & 16 days

7. Good Entries: NIL

Bad Entries (L.W.O Pay, E/Drill & Warning)

01. Warning and under watch on the grounds absent from duty vide OB No.329 dt:24.12.2019
02. 03 days leave without pay and observe 03 months grounds absent from duty vide OB No.59 dt:20.02.2020

08. Minor Punishment: NIL

09. Major Punishment: NIL

10. Punishment (Current)

Awarded major punishment dismissed from service vide OB No.2335 dated 21.09.2023 By SP/Hqrs. Peshawar.

Total leave at his credit	Availed leaves	Balance
232	Nil	232

24/11/2023

CRC

PA

W/CCPO

CHARGE SHEET

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, do hereby, charge you FC Saif Rehman No.2262 of Capital City Police Peshawar with the following allegation.

1. That you FC Saif Rehman Belt No. 2262 while posted in Police Lines were deputed alongwith IHC Imran No. 866, FC Ali Rehman No. 793 and FC Tahir No. 6631 for production of three under trial accused namely (1) Gulraiz s/o Zar Khan r/o Main Essa Nowshera in case FIR No. 122, dated 01.04.2022 u/s 302 PS Misri Banda Nowshera, (2) Yasin s/o Ali Akbar r/o Tehkal Payyan in case FIR No. 538, dated 11.07.2023 u/s 11ACNSA PS Sarband, (3) Qammar Aziz s/o Abdul Aziz r/o Ammar Colony Pakha Ghulam Peshawar in case FIR No. 793, dated 06.09.2021 u/s 17(4) Haraba/412/414/404/419/420/15AA PS Michni Gate and FIR No. 410, dated 14.04.2021 u/s 302/109/200/201/202/243/365 PS Khazana arrested and confined in Central Prison Peshawar for treatment in Police, and Services Hospital. You were required to take these accused in Prison Van but you get them from the Prison and transmitted in a private rickshaw.
2. You after treatment again shifted two accused by foot and did not bother to call for prison van.
3. That you again arrange for transportation of the third accused namely Qammar Aziz involved in case FIR No. 793, dated 06.09.2021 u/s 17(4) Haraba/412/414/404/419/420/15-AA of PS Michini Gate and FIR No. 410 dated 14.04.2021 u/s 302/109/200/201/202/243/365 PPC of PS Khazana, in a Taxi Car and did not bother to call for Prison Van.
4. That you, when sat in the taxi car alongwith above accused, did not turn the car in the nearest U-turn located under the first overhead bridge at Suri Pul opposite to Bala Hisar Fort rather you travelled advance and resultantly he jumped out of the car at next U-turn located in front of Chamber of Commerce office and escaped. How one accused escaped from you four officials.
5. That you did not inform any Senior Officer immediately after escape of the accused.
6. That proper criminal case vide FIR No. 879, dated 02.08.2023 u/s 223/224 PPC 118 Police Act has also been registered against you been involved in above omission and commission. PS SGH

You are, therefore, required to submit to this office or the Enquiry Officer your written reply within 07-days of the receipt of this charge sheet.

Your written defence, if any, should reach this office or the Enquiry Officer within the specified period, failing which it shall be presumed that you have nothing to put in your defence and in that case an ex-parte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

PC 1028/M 15/8/23

DISCIPLINARY ACTION

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that FC Saif Rehman No. 2262 has rendered himself liable to be proceeded against under the provision of Police Disciplinary Rules-1975

STATEMENT OF ALLEGATION

1. That FC Saif Rehman Belt No. 2262 while posted in Police Lines was deputed alongwith IHC Imran No. 866, FC Ali Rehman No. 793 and FC Tahir No. 6631 for production of three under trial accused namely (1) Gulraiz s/o Zar Khan r/o Main Essa Nowshera in case FIR No. 122, dated 01.04.2022 u/s 302 PS.Misri Banda Nowshera, (2) Yasin s/o Ali Akbar r/o Tehkal Payyan in case FIR No. 538, dated 11.07.2023 u/s 11ACNSA PS Sarband, (3) Qammar Aziz s/o Abdul Aziz r/o Ammar Colony Pakha Ghulam Peshawar in case FIR No. 793, dated 06.09.2021 u/s 17(4) Haraba/412/414/404/419/420/15AA PS Michni Gate and FIR No. 410, dated 14.04.2021 u/s 302/109/200/201/202/243/365 PS Khazana arrested and confined in Central Prison Peshawar for treatment in Police, and Services Hospital. He was required to take these accused in Prison Van but he get them from the Prison and transmitted in a private rickshaw.
2. He after treatment again shifted two accused by foot and did not bother to call for prison van.
3. That he again arranged for transportation of the third accused namely Qammar Aziz involved in case FIR No. 793, dated 06.09.2021 u/s 17(4) Haraba/412/414/404/419/420/15-AA of PS Michini Gate and FIR No. 410 dated 14.04.2021 u/s 302/109/200/201/202/243/365 PPC of PS Khazana, in a Taxi Car and did not bother to call for Prison Van.
4. That he, when sat in the taxi car alongwith above accused, did not turn the car in the nearest U-turn located under the first overhead bridge at Suri Pul opposite to Bala Hisar Fort rather he travelled advance and resultantly he jumped out of the car at next U-turn located in front of Chamber of Commerce office and escaped. How one accused escaped from him alongwith other three officials.
5. That he did not inform any Senior Officer immediately after escape of the accused.

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and Tauheed Khan DSP hq: is appointed as Enquiry Officer.

6. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

7. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

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SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 162 /E/PA, dated Peshawar the 09/08 /2023

1 The SSsP Operations, Investigation and Coordination Peshawar for Information.

2 Tahseed Khan DSP hw: ccP is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

3 Accused Official Saif Rehman r/o Mohallah Saiddan Ghari Sherdad.

F/D

[redacted]

OFFICE OF THE
DEPUTY SUPERINTENDENT
INVESTIGATION, RURAL DIVISION, PESHAWAR.
Office Phone No. 091-9212824.

No. 136 /St: Dated Peshawar the 4/9 /2023

To: The Superintendent of Police,
HQrs, Peshawar.

Subject: **DECIPLINARY ACTION AGAINST FC SAIF REHMAN No.2262 POLICE LINE PESHAWAR.**

Memo:

Please refer to your office memo: No.162/E-PA, dated 09/08/2023.

STATEMENT OF ALLEGATIONS.

Brief facts of the enquiry are that, FC Safi-ur Rehman N.2262 was charged sheeted with the allegations that he while posted at police line was deputed along with police official for production of 03 under trail accused namely 1.Gulraiz s/o Zar Khan r/o Main Essa Nowshera in case FIR No. 122 dated 01.04.2022 u/s 302 PS Misri Banda Nowshera. (2) Yasin s/o Ali Akbar r/o Tehkal Payyan in case FIR No. 538 dated 11.07.2023 u/s 11-ACNSA PS Sarband, (3) Qamar Aziz s/o Abdul Aziz r/o Amar colony Pakha Ghulam Peshawar in case FIR No.793 dated 06.09.2021 u/s 17 (4) Haraba /412/414/404/419/420/15AA PS Michni Gate and FIR No. 410 dated 14.04.2021 u/s 302/109/200/201/202/243/365 PS Khazana from central Prison Peshawar for treatment to Police, and services Hospital. He was required to take these accused in Prison Van but he get them from the Prison and transmitted in a private rickshaw.

He after treatment again shifted two accused by foot and did not bother to call for prison van and then again after treatment of accused Qamar Aziz involved in heinous cases he used Taxi Car for transportation from police hospital to central jail and did not bother to call for Prison Van. That he when set in the taxi car along with above accused, did not make U-turn on the nearest U-turn located under the first overhead bridge at Suri Pul opposite to Bala Hisar Fort, rather he travelled advance and used the 2nd U-turn located in front of Chamber of Commerce office from where the accused made his escape. It is strange that how an accused escaped from him along with other three officials and he did not inform any Senior Officer immediately after escape of the accused.

PROCEEDINGS

The undersigned was nominated as enquiry officer. During course of enquiry the alleged FC Safi-ur-Rehman was called who submitted his written reply where as he stated that he was deputed as escort with handcuffs for transportation of accused from central Jail to Police Hospital. They waited for police van in central Jail but the escort officer said that the vehicle is in Hayatabad Medical complex and not available at that time, therefore over the direction of in-charge they escort the accused through private rickshaw to police hospital where the on duty doctor after check-up discharged the two accused who were handed over to him along with constable Tahir for admitting in Judicial lock-up while the doctor started drip to accused Qamar Aziz. He along with constable Tahir took both the accused to central Jail and admit them, after admitting the accused he reached alone to police hospital while constable Tahir was permitted by the I/C having some emergency at his home and after treatment and discharged of accused Qamar Aziz we waited for official vehicle but according to in-charge due to un-availability of official vehicle he hired private taxi and starting moving to words central Jail on GT road.

The accused was sitting in the middle of rear seat, he was setting on rear seat along with handcuffs while FC Ali Rehman having SMG rifle, when they reached the first U-turn due to blockage of road they used the next U-turn near Sarhad Chamber of commerce and from that place accused Qamar Aziz along with handcuffs started vomiting on me and jumped from the running car and fled away. He along with police officials search the accused in the nearby area but the accused made good his escape and after failing the I/C inform the high-ups regarding the incident.

Statement of IHC Imran No.866 was also recorded who stated that he was deputed as escort officer for transportation of accused from central Jail to Police Hospital. He waited for police van in central Jail but the said vehicle was at Hayatabad Medical complex for transportation of accused at that time, therefore they escort the accused through private rickshaw to police hospital where the on duty doctor after check-up discharged two accused who were handed over to constable Tahir and constable Safi Rehman for admitting in Judicial lock-up while the doctor keep under treatment the accused Qamar Aziz. FC Tahir and FC Safi Rehman was handed over 02 accused for admitting in central Jail and he along with FC Ali Rehman remain with accused Qamar Aziz in police hospital, after admitting the accused FC Safi ur Rehman reached alone to police hospital while constable Tahir was permitted by him who having some emergency at his home and after treatment and discharged of accused Qamar Aziz he waited for official vehicle but due to un-availability of official vehicle he hired private taxi and starting moving to words central Jail on GT road. The accused was sitting in the middle of rear seat, constable Safi Rehman having handcuffs while FC Ali Rehman having SMG rifle while he was setting in front seat when they reached the first U-turn due to blockage of road they used the next U-turn near Sarhad Chamber of commerce and from that place accused Qamar Aziz along with handcuffs started vomiting and jumped from the running car and fled away. He along with police officials search the accused in the nearby area but the accused made good his escape and after failing he inform the high-ups regarding the incident.

Statement of Constable Ali Rehman No. 793 was also recorded whereas who stated that he was deputed as escort with SMG rifle for transportation of accused from central Jail to Police Hospital. They waited for police van in central Jail but the escort officer said that the vehicle is in Hayatabad Medical complex and not available at that time, therefore over the direction of in-charge they escort the accused through private rickshaw to police hospital where the on duty doctor discharged the two accused who were handed over to Constable Safi Rehman and constable Tahir for admitting in Judicial lock-up while he was present with accused Qamar Aziz at police hospital along with I/C. After admitting the accused in central Jail Peshawar the Constable Safi ur Rehman reached police hospital while constable Tahir was permitted by the in-charge having some emergency at his home and after treatment and discharged of accused Qamar Aziz due to un-availability of official vehicle they hired private taxi and starting moving to words central Jail on GT road. The accused was sitting in the middle of rear seat, constable Safi Rehman having handcuffs while he having SMG rifle. When they reached the first U-turn due to blockage of road they used the next U-turn near Sarhad Chamber of commerce and from that place accused Qamar Aziz along with handcuffs started vomiting on me and Safi Rehman who give him a little space to vomit outside the car and the accused jumped from the running car and fled away.

They search the accused in the nearby area but the accused made good his escape and after failing they inform the high-ups regarding the incident.

Statement of FC Tahir No.6631 was also recorded whereas he stated that he was deputed as escort with SMG rifle for transportation of accused from central Jail to Police Hospital. They waited for police van in central Jail but the escort officer said that the vehicle is in Hayatabad Medical complex not available at that time, therefore over the direction of in-charge they escort the accused through private rickshaw to police hospital where the on duty doctor after check-up discharged the two accused who were handed over to me along with Constable Safi Rehman for admitting in Judicial lock-up while Constable Ali Rehman remain present with in-charge with accused Qamar Aziz at police hospital who were under treatment. After admitting the accused Constable Safi Rehman went back to police hospital while he grants permission from the in-charge having some emergency at my home and went to charsadda. Latter on he was informed by the officials that accused Qamar Aziz fled away from the escort officials.

Statements of Muhrarr line HC Gul Zab and Line office ASI Akber Husain was also recorded who stated that after receiving latter for escort from central Jail Peshawar they deputed IHC Imran along with constable Safi Rehman 2266 with handcuffs constable Ali Rehman with Tahir with SMGs for transportation of accused from central jail to police hospital Peshawar and made their departure report with DD No. 75 dated 02.08.2023.During cross question they replied that the escort Incharge did not made contact on police line official number or their cell numbers for providing of Jail van for transportation.

Statement of Javid Khan SI TO Traffic Peshawar was also recorded who stated that on 02.08.2023 he along with constable Zeshan No. 836 where deputed for traffic duty at chamber of commerce chock from 07:00 to 14:30 hors and during their duty time no such incident escaping of accused from police officials occurred and not been seen by him. The place is very busy and congested area and if such incident were happen he were diffidently knowledge of that.

Statement of Constable Zeshan No. 836 Traffic Peshawar was also recorded who stated that on 02.08.2023 he along with Javid Khan SI/TO were deputed for traffic duty at chamber of commerce chock from 07:00 to 14:30 hors and during their duty time no such incident escaping of accused from police officials occurred and not been seen by him. The place is very busy and congested area and if such incident were happen he were diffidently knowledge of that.

Case file of case FIR No. 819 dated 02.08.2023 u/s 223/224/118 police act 2017 PS SGH was also requisition and discussed with I.O of the case and it was found that I.O has checked all the CCTV cameras installed on police road and was taken on recovery memo and according to I.O Tariq Khan now such incident escaping of accused occurred at Sarhad Chamber of commerce U-turn.

CROSS QUESTIONS FC SAFI-UR-REHMAN

- سوال۔ آپ کس ٹائم پولیس لائن سے نکلے تھے اور کس گاڑی میں گئے تھے؟
- جواب۔ تقریباً 08.30 بجہ اور پیدل گئے تھے۔
- سوال۔ آپ کتنے ٹائم سے چالان کرتے ہیں؟
- جواب۔ تقریباً 5/4 مہینے سے۔
- سوال۔ آپ روٹین میں ملزمان سرکاری پک اپ میں لے جاتے ہیں یا پرائیویٹ؟

- جواب۔ سرکاری گاڑی میں چونکہ اس دن جیل وین نہیں تھی اسی وجہ سے اپنی گاڑی کا بندوبست کر کے لے گئے تھے۔
- سوال۔ آپ نے پولیس لائن کو کال کیا تھا؟
- جواب۔ مجھے پتہ نہیں انچارج کا کام ہے۔
- سوال۔ کتنی نوکری ہے؟
- جواب۔ پانچ سال۔
- سوال۔ اس ملزم کو پہلے سے جانتے ہو کبھی پیش کیا ہے۔
- جواب۔ نہیں
- سوال۔ کہاں کے رہائشی ہو؟
- جواب۔ گڑھی شہزاد علاقہ متھرا
- سوال۔ ٹیکسی والا کون تھا؟
- جواب۔ میں دوسرے ملزمان لے گیا تھا جیل سول سیکریٹ لے ساتھ ٹیکسی میں بیٹھ گیا۔
- سوال۔ آپ نے ہتھکڑی بلٹ میں کیوں نہیں ڈالی؟
- جواب۔ چونکہ میں راستے میں تھا گاڑی میں بیٹھ گیا موقع ہی نہیں ملا۔
- سوال۔ کس طرح ہتھکڑی کے ساتھ ملزم بھاگ گیا اور آپ نے کیا کوشش کی؟
- جواب۔ ملزم الٹیاں کر رہا تھا میں نے الٹیاں گاڑی سے باہر شیشہ ملی کرنے کا موقع دیا اور ملزم نے اس کا فائدہ اٹھایا۔
- سوال۔ آپ کا موبائل نمبر کیا ہے؟
- جواب۔ 0313-9799593
- سوال۔ وقوعہ کس ٹائم ہوا ہے؟
- جواب۔ تقریباً 10:30 بجے۔
- سوال۔ ملزم کس طرف بھاگ گیا؟
- جواب۔ بطرف تھانہ ہشتنگری بھاگ گیا۔
- سوال۔ گاڑی کا کیا نمبر تھا اور ٹیکسی والا کون تھا؟
- جواب۔ نہیں پتہ۔

CONCLUSION.

After gone through the available record, statement of all concerned and previous record of the official under enquiry, the undersigned reached to the conclusion that there is clear difference in the stance of under enquiry officer, he did not inform any one for provision of official Jail van, escort the accused by private taxi on his own will and responsibility, adopt un secure and risky way despite of availability of a safe route, fail to follow the SOPs and instruction issued for safe transportation of accused by high-ups. He did not tight handcuffs of accused in his belt and thus provide opportunity to the accused to made his escape, did not provide any solid evidence regarding the place of incident, did not inform his high-ups/Moharrar staff of police line regarding the incident . His mobile CDR was also checked and after incident his location is Waddpaga area. His service record was also checked and two bed entries are on his record.

RECOMMENDATION.

Keeping in view it is therefore suggested that allegations against Safi-ur-Rehman No. 2262 have been proved and he was found guilty and suggested for appropriate punishment if agreed please.

PA
Issue FSCN 6/9/23

DSP/Investigation
Rural Division Peshawar

FINAL SHOW CAUSE NOTICE

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Safi ur Rehman No.2262 the final show cause notice.

The Enquiry Officer, DSP/HQrs after completion of departmental proceedings, has recommended you for appropriate punishment as you found guilty of the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you Constable Safi ur Rehman No.2262 deserve the punishment in the light of the above said enquiry report.

And as competent authority, has decided to impose upon you the penalty of punishment under Police Disciplinary Rules 1975.

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 3102 /PA, SP/HQrs: dated Peshawar the 6-9 /2023.

Copy to official concerned

7-9-2023

Annex-A Annex-C

سیریل نمبر: 002991 پولیس فارم نمبر 24-5(1)

ابتدائی اطلاعی رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ فوجداری

نمبر: 879/23 تھانہ: PS. HASHTNAGRI ضلع: Peshawar ای ٹیگ نمبر: SOH-S/3/2023-880

تاریخ و وقت وقوعہ: 02-08-2023 10:45 AM

1 تاریخ و وقت رپورٹ	روزنامچہ نمبر (20) 02-08-2023 06:20PM	6 تھانہ سے روانگی کی تاریخ و وقت: ۔۔۔
2 نام و سکونت اطلاع دہندہ مستغیث		نام: AKBAR HUSSAIN ASI / I.O. پیشہ: پولیس افسر
3 مختصر کیفیت جرم (معہ دفعہ) و مال اگر کچھ لیا گیا ہے		جرم: 223 ت پ، 224 ت پ، KP POLICE ACT 2017 - 118-
4 جائے وقوعہ و فاصلہ تھانہ سے اور سمت		جی ٹی روڈ یو ٹرن بالمقابل سکول نمبر 1
5 کاروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہوا ہو تو اس کی وجہ بیان کی جائے		آمدہ تحریری مراسلہ پر مقدمہ درج رجسٹر کیا جاتا ہے۔

دستخط: Saeed ur rehman بیلٹ نمبر: 02 عہدہ: ASI موبائل فون نمبر: 0333-91-49689

(ابتدائی اطلاع نیچے درج کریں)

ایک تحریری مراسلہ منجانب مستغیث مندرجہ خانہ نمبر 2 بدست کنسٹیبل بشیاس LHC/5443 موصول ہو کر ذیل ہے۔ بخدمت جناب افسر انچارج تھانہ شہید گشت حسین اطلاع دی کہ عمران خان HC سے ملزم قمر عزیز ولد عبدالعزیز سکنہ دلہ زاک روڈ پخہ غلام بہ مقدمات علت 793 مورخہ 6/9/021 جرم 17(3) حرابہ تھانہ گلبرگ (2) علت 410 مورخہ 13.5/021 جرم 302 تھانہ خزانہ حراست پولیس سے بھاگ چکا ہے۔ جسب اطلاع موقع آ کر معلوم ہوا عمران HC/666 معہ کنسٹیبلان مفتی الرحمن H/2266، علی الرحمن R/793، طاہر R/663 نے ملزم قمر عزیز ولد عبدالعزیز جوڈیشل لاکپ سنٹرل جیل سے بغرض علاج معالجہ پولیس سروس ہسپتال لایا تھا۔ جو بعد علاج معالجہ سروس ہسپتال سے سنٹرل جیل بذریعہ پرائیویٹ گاڑی لے جا رہے تھے۔ جو کہ بمقام جائے وقوعہ بالا پر ملزم قمر عزیز ولد عبدالعزیز بمعہ ہتھکڑی گاڑی سے بھاگ گیا ہے۔ جو کہ عمران HIC مفتی الرحمن H/2266، علی الرحمن R/793 و طاہر R/6631 کی غفلت و بے احتیاطی کا نتیجہ ہے۔ مضمون رپورٹ سے صورت جرم بالا کا پائی جا کر ملزمان عمران HIC، مفتی الرحمن 2266، علی رحمن 793، طاہر 6631 کو حسب ضابطہ گرفتار کر کے جبکہ ملزم قمر عزیز ولد عبدالعزیز کی گرفتاری در پیش رکھ کر گرفتار شدہ ملزمان بند حوالات تھانہ زیر حراست انچارج مستمی ان طارق خان SI جبکہ مراسلہ بغرض قائمی مقدمہ بدست بشیاس LHC/5443 تھانہ روانہ ہے۔ پرچہ دیا جا کر کسی تفتیشی افسر کو مامور تفتیش کیا جائے۔ دستخط انگریزی اکبر حسین ASI LO2 مورخہ 2/8/2023 کارروائی تھانہ آمدہ تحریری مراسلہ حرف بحرف درج بالا ہو کر پرچہ جرم بالا چاک کیا جا کر نقول پرچہ جات بغرض تفتیش حوالہ طارق خان SI/OII کیے جاتے ہیں۔ پرچہ گزارش ہے۔

ASI Saeed ur rehman

02-08-2023