

844/2024

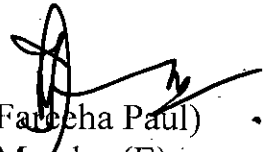
24.06.2024

02. Counsel for the appellant present and stated that the appellant was implicated in a criminal case vide FIR No. 341 dated 18.09.2023 Police Station Ghazni Khel, Lakki Marwat under section 324, 353, 427, 34 PPC and the criminal proceedings against him were in progress before the competent court of law. He requested that the instant appeal might be adjourned sine-die.

02. In view of the above, instant appeal is adjourned sine-die. The appellant is at liberty to apply for revival of the appeal, after final outcome of the criminal proceedings by the competent court of law. Consign.

SCANNED
KPST
Peshawar

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 24th day of June, 2024.*

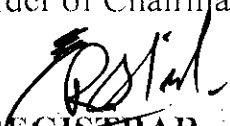

(Farzeha Paul)
Member(E)

Fazle subhan P.S

FORM OF ORDER SHEET

Court of _____

Appeal No. 844/2024

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 13/06/2024 | <p>The appeal of Mr. Muhammad Akbar resubmitted today by Mr. Saadullah Khan Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 24.06. 2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman.</p> <p> REGISTRAR</p> |

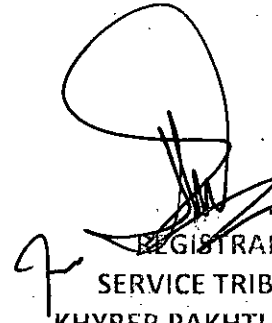
RECORDED
K. S. T.
Peshawar

The appeal of Mr. Javed Khan received today i.e on 30.05.2024 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

- 1- ✓ Check list is not attached with the appeal.
- 2- ✓ Appeal has not been flagged/marked with annexures marks.
- 3- ✓ Affidavit is not attested by the Oath Commissioner.
- 4- ✓ Annexures of the appeal are unattested.
- 5- ✓ Copy of departmental appeal is not attached with the appeal.
- 6- Page nos. 5, 7, 8, 10, 12 & 16 of the appeal are illegible which may be replaced by legible/better one.
- 7- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 107 /Inst;/2024/KPST,


Dt. 31/05 /2024.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.
31/5/24

Saadullah Khan Marwat Adv.
High Court Peshawar.

Sir,

Re-submitted after removing the objections.


13/6/24

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

C. M. No. _____ / 2024

IN

S.A. No. _____ /2024

Javed Khan

versus

DPO & Others

**APPLICATION FOR HEARING OF THE SUBJECT
APPEAL AT PRINCIPAL SEAT AT PESHAWAR:**

Respectfully Sheweth,

1. That applicant filed the subject appeal before this hon'ble Tribunal today.
2. That appellant is the resident of Lakki Marwat and temporarily residing at Peshawar, so it will be convenient for appellant to heard the subject case on the Principal seat at Peshawar.

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

Appellant

Through



Saadullah Khan Marwat

Advocate

Dated 30-05-2024

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Javed Khan

v/s

DPD & others

| S# | CONTENTS | YES | NO |
|----|---|-----|----|
| 1 | This Appeal has been presented by: <u>Saadullah Khan Marwat Adv.</u> ✓ | ✓ | |
| 2 | Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents? | ✓ | |
| 3 | Whether appeal is within time? | ✓ | |
| 4 | Whether the enactment under which the appeal is filed mentioned? | ✓ | |
| 5 | Whether the enactment under which the appeal is filed is correct? | ✓ | |
| 6 | Whether affidavit is appended? | ✓ | |
| 7 | Whether affidavit is duly attested by competent Oath Commissioner? | ✓ | |
| 8 | Whether appeal/annexures are properly paged? | ✓ | |
| 9 | Whether certificate regarding filing any earlier appeal on the subject, furnished? | x | ✓ |
| 10 | Whether annexures are legible? | ✓ | |
| 11 | Whether annexures are attested? | ✓ | |
| 12 | Whether copies of annexures are readable/clear? | ✓ | |
| 13 | Whether copy of appeal is delivered to AG/DAG? | ✓ | |
| 14 | Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents? | ✓ | |
| 15 | Whether numbers of referred cases given are correct? | ✓ | |
| 16 | Whether appeal contains cutting/overwriting? | x | ✓ |
| 17 | Whether list of books has been provided at the end of the appeal? | ✓ | |
| 18 | Whether case relate to this court? | ✓ | |
| 19 | Whether requisite number of spare copies attached? | ✓ | |
| 20 | Whether complete spare copy is filed in separate file cover? | ✓ | |
| 21 | Whether addresses of parties given are complete? | ✓ | |
| 22 | Whether index filed? | ✓ | |
| 23 | Whether index is correct? | ✓ | |
| 24 | Whether Security and Process Fee deposited? On _____ | ✓ | |
| 25 | Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974, Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____ | ✓ | |
| 26 | Whether copies of comments/reply/rejoinder submitted? On _____ | ✓ | |
| 27 | Whether copies of comments/reply/rejoinder provided to opposite party? On _____ | ✓ | |

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Saadullah Khan Marwat Adv.

Signature: [Signature]

Dated: 3/6/24

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 844 /2024

SCANNED
KPST
Peshawar


Javed Khan

versus

DPO & Others

INDEX

| S. No | Documents | Annex | P. No. |
|-------|---|-------|--------|
| 1. | Memo of Appeal | | 1-4 |
| 2. | FIR dated 18-09-2023 | "A" | 5 |
| 3. | Bail Application dated 19-09-2023 | "B" | 6 |
| 4. | Charge Sheet and Statement of Allegation dated 19-09-2023 | "C" | 7-8 |
| 5. | Reply to Charge Sheet | "D" | 9 |
| 6. | Bail granted dated 25-09-2023 | "E" | 10-11 |
| 7. | Dismissal order dated 22-12-2023 | "F" | 12 |
| 8. | Representation | "G" | 13 |
| 9. | Rejection order dated 27-02-2024 | "H" | 14 |
| 10. | Revision Petition | "I" | 15 |
| 11. | Rejection order dated 07-05-2024 | "J" | 16 |

Appellant
Through 
Saadullah Khan Marwat
Advocate.
21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 0300-5872676

Dated.30-05-2024

1

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 844 /2024

Javed Khan S/O Mutabar Khan,
R/O Tor Lawang Khel, Lakki Marwat.
Ex-Constable No. 870,
District Police, Lakki Marwat Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13078

Dated 30/5/24

Versus

1. District Police Officer,
Lakki Marwat.
2. Regional Police Officer,
Bannu Region Bannu.
3. Provincial Police Officer,
KP, Peshawar Respondents

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OB NO. 501 DATED 22-12-2023 OF R.
NO. 01 WHEREBY APPELLANT WAS DISMISSED
FROM SERVICE OR OFFICE ORDER NO. 945 / EC
DATED 27-02-2022 OF R. NO. 02 WHEREBY
REPRESENTATION OF APPELLANT WAS FILED
OR OFFICE ORDER NO. 961-66 / 24 DATED 07-
05-2024 OF R. NO. 03 WHEREBY REVISION
PETITION OF APPELLANT WAS REJECTED FOR
NO LEGAL REASON:

Filed to-day

Registrar
30/5/24

Received to-day

Registrar
30/5/24

Respectfully Sheweth;

1. That appellant was initially appointed as Constable on 31-12-2019 and was serving the department to the best of the ability and without any complaint.
2. That on 18-09-2023, SHO Police Station Ghazni Khel lodge FIR No. 341 dated 18-09-2023 in the Police Station for conducting raid over offenders but failed to arrest them. At the time appellant was

allotted Kalashnikov for Polio duty. The DSP asked him to hand over the said weapon but appellant after introduction was unable to hand over the said weapon. On this he and his brother namely Doulat Khan who was also police constable was arrested in the case for no legal reason. The contents as managed / narrated by the complainant in the FIR was totally false and absolutely incorrect and has no concern with the reality. (Copy as annex "A")

3. That after arrest, appellant submitted application on 19-09-2023 before the Learned Additional Session Judge Lakki Marwat for release on bail which was self-explanatory. (Copy as annex "B")
4. That on 19-09-2023, appellant was issued Charge Sheet which contains allegations that "You were charged in a criminal case vide FIR No. 341 dated 18-09-2023 u/s 324, 353, 427, 34 PPC r/w 15 AA" of Arms Act. (Copy as annex "C")
5. That on 22-09-2023, appellant submitted reply to the Charge Sheet and denied the allegations with cogent reason which requires worth perusal. (Copy as annex "D")
6. That on 25-09-2023, appellant was released from Jail on acceptance of Bail Petition. (Copy as annex "E")
7. That without conducting regular enquiry into the matter, appellant was dismissed from service by R. No. 01 on 22-12-2023. (Copy as annex "F")
8. That thereafter appellant filed departmental appeal before R. No. 02 for reinstatement in service which was rejected / filed on 27-02-2024. (Copies as annex "G" & "H")
9. That Revision Petition was filed before R. No. 03 for reinstatement in service which was rejected on 07-05-2024. (Copies as annex "I" & "J")

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

GROUND S:

- a. That at the time, appellant was performing his duties with Polio team and was on official duties.

- b. That the DSP and SHO of the circle after failing in their nefarious designs, and to show efficiency, appellant was involved in the case despite the fact that they were requested time and again that the weapon is for official duty and not a private weapon.
- c. That no enquiry, whatsoever, was conducted in the matter to prove guilt of the defaulters but with closed eyes the said FIR was registered and appellant was arrested in the same for no legal reason.
- d. That the impugned orders of the authorities are of no legal effect as the same are total in disregard with the law and rules. Regular enquiry was must but the same was not conducted and the respondents in slip should manner issued the impugned order in short span of time.
- e. That DSP and SHO of the circle are responsible for the misdeeds already made time and again in frivolous cases.
- f. That the impugned orders are based on malafide and not supported by any reason which is evident from the order of the ASJ Lakki Marwat by granting bail to the appellant.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 22-12-2023, 27-02-2024 and 07-05-2024 of the respondents be set aside and appellant be reinstated in service with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.



Appellant

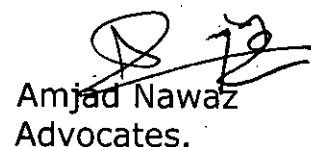
Through



Saadullah Khan Marwat



Arbab Saiful Kamal



Amjad Nawaz
Advocates.

Dated 30-05-2024

AFFIDAVIT

I, Javed Khan S/O Mutabar Khan, R/O Tor Lawang Khel, Lakki Marwat. Ex-Constable No.870, District Police Lakki Marwat (Appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief.

[Handwritten signature]
[Handwritten initials]
DEPONENT



CERTIFICATE:

As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.

[Handwritten signature]
ADVOCATE

CLEAR COPY

A

5

5

ابتدائی اطلاعی رپورٹ

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

ضلع گلگت مروت

غزنی خیل

تھانہ

تاریخ وقت وقوعہ - 18.09.23 وقت 12.00 بجے

341

مقدمہ علت

| | | |
|----|--|---|
| 1. | تاریخ و وقت رپورٹ 18.09.23 وقت 12.20 بجے | چاکیدگی مورخہ 18.09.23 وقت 13.30 بجے |
| 2. | نام و سکونت اطلاع دہندہ و مستفیض | عباد وزیر خان ISHO |
| 3. | مختصر کیفیت جرم (معدہ دفعہ) حال اگر کچھ لیا گیا ہوا | PPC 324-353/34-15AA |
| 4. | جائے وقوعہ فاصلہ تھانہ سے اور سمت | راستہ رونڈہ طور لوئنگ خیل نزد لوئنگ خیل جانب غرب شمال بفاصلہ قریب 10/11 کلومیٹر از تھانہ |
| 5. | نام و سکونت ملزم | 1- جاوید 2 دولت خان پسران معتبر خان سکناے طور لوئنگ خیل |
| 6. | کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو | برسیدگی مراسلہ پر چہ دیا گیا |
| 7. | تھانہ سے روانگی کی تاریخ و وقت | برسبیل ڈاک |

ابتدائی اطلاع نیچے درج کرو۔ اس وقت ایک تحریری مراسلہ منجانب عباد وزیر خان ISHO بغرض قاضی مقدمہ بدست کنسٹیبل امیر نواز 574 موصول ہو کر ذیل ہے۔ آفسر انچارج تھانہ غزنی خیل امر و ز میں معہ نفری تھانہ آمدہ نفری RRF پولیس لانسز کی مروت زیر قیادت جناب DSP صاحب سرکل غزنی خیل بحوالہ مقدمہ 253 مورخہ 17.09.23 جرم 34-437-353-324 تھانہ گلہیا میں نامزد ملزمان 1- عبدالحمید عرف ممبر ولد افضل خان 2 محمد میر عرف میرک ولد خان محمد عرف خانک سکناے طور لوئنگ خیل کے گرفتاری کی خاطر دیہہ طور لوئنگ جا رہے تھے تو جائے وقوعہ بالا پر 2/2 اشخاص جن میں سے ایک شخص مسلح یہ کلاشکوف تھا۔ جبکہ دوسرا شخص خالی ہاتھ تھا۔ خالی ہاتھ والے شخص نے پولیس پارٹی سے بذریعہ موبائل ویڈیو بنانے کی کوشش کر رہا تھا۔ اور مسلح شخص نے ہم پولیس پارٹی پر کلاشکوف ایم کر کے ہم پولیس پارٹی گاڑیاں سے نیچے اترتے ہی مسلح شخص نے پولیس پارٹی پر یہ نیت قتل فائرنگ شروع کیں جو خوش قسمتی سے ہم پولیس پارٹی بچ کر مسلح شخص اور ویڈیو بنانے والا شخص کو نہایت حکمت عملی سے قابو کر کے مسلح شخص نے بدریافت اپنا نام جاوید ولد معتبر خان جبکہ دوسرے شخص نے اپنا نام دولت خان ولد معتبر خان سکناے طور لوئنگ خیل بتلائے۔ مسلح شخص کے قبضہ سے ایک ضرب کلاشکوف فولڈنگ بٹ سنمبر H3900155 معہ 3 عدد پیٹر میگزین بنڈولیر کپڑا معمولہ 90 عدد کارٹوس پر 7.62 بورڈ دوسرے شخص دولت خان کے قبضہ سے ایک عدد موبائل ٹچ مارکہ Oppo برآمد کر کے فحویں خود میں لیکر دونوں ملزمان کو مرتکب بجرانم بالا کے پا کر حسب ضابطہ گرفتار کئے گئے اور مراسلہ واسطے قاضی مقدمہ تفتیش و بدست کنسٹیبل امیر نواز 374 ارسال تھانہ ہے۔ دستخط انگریزی عباد وزیر خان SHO مورخہ 18.09.23 کارروائی تھانہ پس برسیدگی مراسلہ پر چہ بجرانم بالا برخلاف ملزمان بالا کلاچاک ہو کر نقول FIR برآمد تفتیش حوالہ KBI سٹاف کئے جاتے ہیں۔ پرچہ گزارش ہے فاروق خان 18.09.2023

Attested to be True
Copy

ابتدائی اطلاعی رپورٹ

(تعمیراتی) ابتدائی اطلاع نسبت جرم قابل دست اندازی کی جس رپورٹ ملے اور پرنسپل 15/10/18ء کو درج ذیل اطلاع دی

رقم

311

محل وقوع

| | |
|---|-----------------|
| ابتداء وقت 18:30 | حالیہ وقت 18:50 |
| بت اطلاع اور ہنگامہ مستقیم | حالیہ وقت 18:50 |
| بت جرم (مذکورہ) خیال اگر کچھ لیا گیا اور | محل وقوع |
| رقم اسناد سے اور دست راستہ اور ذراے طرز کو نوٹ کیا | 353-354 |
| وقت (بوقت) سنا دید (2) دروازے خان | محل وقوع |
| چشم بین کے متعلق کسی اطلاع سے کہنے میں توقف اور توجہ بیان کرو | محل وقوع |
| عدالت کی تاریخ و وقت | محل وقوع |

ابتدائی اطلاع کے درج کردہ مقدمہ کی اطلاع کے مطابق...

محل وقوع کے متعلق کسی اطلاع سے کہنے میں توقف اور توجہ بیان کرو

عدالت کی تاریخ و وقت

353-354

11701-7539601-9

18/10/18

عدالت خوار شہنشاہی صاف علی گھوڑی

- 1- جاہد
 - 2- دولت خان
- لیٹرن مسٹر خان سیکرٹری طور لوٹ خلی علی گھوڑی (سائڈن اعلیٰ درجہ)

1. کار 2. عباد علی خان 95# (سائڈن)

جلت 341 جرم 18/9/23 جرم 324-353

327-34-15AA

دہلی حکومت کی منت تالیف حصہ

Superintendent, Courts, Lakki Marwat

جناب عالی اعلیٰ درجہ ہے

- 1- یہ کہ سائڈن اعلیٰ درجہ کے خلاف ایک عذر اور بے بنیاد دعوے جاری ہو گئے ہیں اور سائڈن کی جیل میں مابعد سلسل میں نقل FIR کی ہے
- 2- یہ کہ دعوے داروں کی پیشگی ہرج منہ سے روکا نہیں گیا ہے
- 3- یہ کہ جیل میں کسی بھی اہلکار کو کوئی سرکٹس بھی نہیں ملتی ہے
- 4- یہ کہ پولیس میں اور ڈیپارٹمنٹس میں بھی کوئی سرکٹس ملتا ہے
- 5- یہ کہ سائڈن پولیس ڈیپارٹمنٹ میں بطور کنسٹبل تعینات ہیں اور سائیں جاوید کے حوالہ سے جو کورٹنگ کی ریکورڈ ظاہر کی گئی ہے وہ سرکاری ہے جو کہ افسران مالہ کی بدانت لیر لوج ڈیپارٹمنٹ لیر اہلکار کے ساتھ لنگر گھومتا ہے۔ نقل سے سرکٹس کا ڈھل سے
- 6- یہ کہ دفعہ کار کوئی آزاد قسم دیکھو نہ ہے - 324 تہ کا اطلاق نہیں ہوا
- 7- یہ کہ سائڈن نے اپنے سرکاری اور بے کسی کے فراہم میں ملوث رہے ہیں
- 8- یہ کہ بوجہ سرکاری عدالت تعزیرات میں اپنے کے بار میں سوج بھی نہیں سکتے
- 9- یہ کہ ریویو کی کوئی اجازت نہ ہے
- 10- یہ کہ دیگر اہلکاروں کی جیل میں سائڈن کو آگے کی اجازت دی جائے

تالیف حصہ

تعلیم کوئی بھی

دائرہ میں ہے

دولت خان

TESTED

Handwritten signature

Notary Public for District Lakki Marwat

Attested to be True Copy

Handwritten signature

C 7
CLEAR COPY

7

Charge sheet under NWFP Police Rules 1975.

I, Tariq Habib PSP District Police Officer, Lakki Marwat as competent authority hereby charge you Constable Javed Khan No.870 while undergoing Traffic Course at PTS Kohat as follow:-

1. That you were charged in a criminal case vide FIR No.341 dated 18.09.2023 U/S 324/353/427/34 15AA PS Ghazni Khel.
2. This speaks gross misconduct on your part and liable to be punished under KP Police Rule 1975 (amended in 2014).
3. By reason of the above, you appear to be guilty or misconduct under section -2 (iii) of the KP Police Rules.
4. You are therefore directed to submit your written defence within seven days (7) of the receipt of this charge sheet to the Enquiry Officer.
5. Your written defence if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case, an ex parte action shall follow against you.
6. Intimate whether you desired to be heard in persons.

No. 5682 dated Lakki Marwat the 19.09.2023

District Police Officer
Lakki Marwat

Attested to be True
Copy




CLEAR COPY

8

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT

No. 5682/

Dated 19.09.2023.

Disciplinary Action under KPK Police Rules 1975.

I, Tariq Habib PSP, District Police Officer, Lakki Marwat as competent authority, is of the opinion that Constable Javed Khan No.870 while undergoing Traffic Course at PTS Kohat has rendered himself liable to be proceeded against as he committed the following misconducted which fall within the meaning of section -02 (iii) of KP Police Rules 1975 (amended in 2014).

Statement of allegations

1. That he was charged in a criminal case vide FIR no. 341 dated 18.09.2023 U/S 324/353/427/34/15AA PS Ghazni Khel.
2. This speaks gross misconduct on his part and liable to be punished under KP police Rule 1975 (amended in 2014).

For the purpose of scrutinizing the conduct of the said official with reference to the above allegations DSP HQ is appointed as Enquiry Officer for further thorough probe into the matter.

The enquiry Officer shall conduct proceedings in accordance with provision of KP Police rules 1975 (amended in 2014) and shall provide reasonable opportunity of defense and hearing to the accused official, record its finding and make within twenty five (25) days of the receipts of this order, recommendation as top punishment or other appropriate action against the accused officer.

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

District Police Officer
Lakki Marwat

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT

No.568384 / SRC dated Lakki Marwat the 19:09.2023

Copy of above is submitted to the:

1. _____ for initiating proceedings against the accused officer under KP Police rules 1975 (Amended in 2014).
2. Constable Javed Khan No.870 with the directions to appear before the Enquiry Officer on the date time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

**Attested to be True
Copy**



جناب عالی!

بحوالہ مشمولہ چارج شیٹ نمبری SRC/84-5683 بجاریہ جناب DPC صاحب شائع کئی مردت بابت الزام بحوالہ مقدمہ عدلت نمبر 341 مورخہ 18.09.2023 جرم 324/353/427/34 تھا نہ غزنی خیل معروض ہوں کہ من سائل مورخہ 16.09.2023 کو تلخ کئی مردت سے ٹرینگ کورس کیلئے سٹیکٹ ہو کر زیر تربیت تھا کہ بروز وقوعہ جئے وقوعہ پر پولیس موبائیل سے سامنا ہو۔ سائل کو معلوم ہوا تھا کہ SHO صاحب نے میرے بھائی مشرف جو کہ FC میں ملازم ہے اپنا ذاتی موبائیل پولیس چھاپہ زنی کی ویڈیو بنانے کی شک میں قبضہ پولیس کیا ہے۔ من سائل نے جناب DSP صاحب سے اپنا اور اپنے بھائی کا تعارف کر کے بعد از اپنا شک دور کرنے بھائی کو موبائیل واپس کرنے کا مطالبہ کیا۔ جس پر DSP صاحب غصہ ہو کر مجھے ماں بہن کی گالیاں دینا شروع کی لیکن من سائل پھر بھی اپنا سینٹر پولیس آفسر کے سامنے خاموش رہا اور سائل جو اپنا سرکاری رائلٹل نمبر _____ جو پولیو کوٹ سے ایٹو ہوا تھا جس کے بابت کوٹ انچارج کوٹ میں واپس جمع کرنے کیلئے سائل کو فون کر رہا تھا کوٹ میں جمع کرنے کی غرض سے پولیس لائن لیٹر آ رہا تھا تو اتفاقاً راستے میں وقوعہ سرزد ہوا جسکی وجہ سے میں نے سرکاری رائلٹل CDI کے مطالبہ پر متذکرہ بالا رائلٹل موقع پر بعد اپنا ذاتی موبائیل جس میں سیم نمبری موجود تھا کو CDI صاحب خان کو حوالہ کیا جس نے میرا ذاتی موبائیل بعد میں میرے والد محترم کو جبکہ رائلٹل متذکرہ جناب SHO کو حوالہ کیا۔ جس پر میرے خلاف بحوالہ مقدمہ بالا میں مقدمہ درج رجسٹر کیا ہے۔ نہ میں نے اور نہ ہی میرے بھائی کنسٹیبل دولت خان نے پولیس پارٹی پر نر کیا ہے اور نہ کسی چیز کو نقصان پہنچایا ہے اور نہ ہی میرے بھائی مشرف نے پولیس کی کوئی ویڈیو بنائی ہے اگر کوئی ویڈیو ہے تو بلور شیٹ پیش کی جائے ہم دونوں بھائی محکمہ پولیس سے واسطہ ہے ہم محکمہ پولیس کو اپنے جان سے عزیز رکھتے ہیں اور پھر ایسے نامبر SHO کے خلاف فائرنگ کرنا اپنی موت کو دعوت دینا ہے۔ پھر ہم دو بھائیوں نے کیسے ایک سرکاری رائلٹل پر پولیس پارٹی پر فائرنگ کی نہ تو ہم نے کوئی غیر قانونی، غیر اخلاقی قدم اٹھایا ہے۔ جو کہ متذکرہ بالا جرائم میں آتا ہو۔ تاہم پھر بھی ہمارے کسی حرکت پر اگر پولیس فورس یا موقع پر موجود پولیس آفسران کی دل آزاری ہوئی، ہو تو ہم ہر فورم پر معذرت کے طلب کار ہو گئے۔ استدعا ہے کہ ہمارے والدین پر رحم فرما کر چارج شیٹ بغیر کسی کارروائی کے داخل دفتر کی جاوے۔




25-9-23
E 10
Or.....05
25-09-2023

Present: Sr. PP for the State and learned counsel for accused / petitioners. Record available on file.

The accused / petitioners Javed and Daulat Khan who are charged in case FIR No. 341 dated 18-09-2023 u/s 324/353/427/34 PPC r/w 15-AA of PS Ghazni Khel District Larkki Mairwat, now seeks for post arrest bail from this court, wherein they are charged for making ineffective firing upon the police party to discharge them from their lawful duties. After seize fire accused /petitioners were apprehended on the spot besides recovery of arms and ammunitions from possession of accused /petitioner Javed, hence the FIR.

Arguments heard and record perused.

Perusal of the record shows that although the accused / petitioners are directly named in the FIR for the offence stated above besides recovery of arms and ammunitions from possession of accused /petitioner Javed, however except mere allegations in the FIR there is nothing solid on record to prima-facie connect them with the alleged offence. Accused / petitioners claimed themselves to be police contingents while the Kalashnikov recovered from possession of accused Javed is official one which he uses for his safeguard. The local police just to show their efficiency involved them in the case with mala fide intention on account of some ulterior motive. Record is silent regarding their previous involvement in such like offences. Moreover no injury or damage has been caused to the complainant party or even their official pick up and the firing proved ineffective hence the applicability of section 324 PPC along with the question of awarding maximum sentences for the alleged offences would be determined at trial after recording evidence. Section 15-AA is bailable while punishment provided for the offence u/s 353 PPC do not fall within the prohibitory clause of section 497 Cr.P.C. and in such like cases grant of bail is a rule and its refusal is an exception. Investigation in the case has almost been completed and no purpose would be served by keeping accused behind bars for indefinite period, hence in view of above, the case of the accused / petitioners needs further probe, consequently, the petition is allowed and the accused / petitioners named above be released on bail on

TESTED

Examiner to
Mag. & Session Judge
Larkki Mairwat

25/09/2023

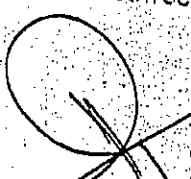
Attested to be True
Copy

[Signature]

furnishing bail bonds. If he submit surety bonds in the sum of Rs.100,000/- (One lac only) with two sureties each in the like amount to the satisfaction of this court / JOD. The sureties must be local, reliable and men of means. Copy of the order be placed on connected bail petitions.


File be consigned to record room after its necessary completion and compilation while requisitioned record be returned to its quarter concerned.

Announced:
25-09-2023


(Azam Khan, Saleman Khel)
Addl. Sessions Judge-II,
Lakki Marwat.

Q No 7339
Application received on: 27-10-23
Copying Fee deposited on: 27-10-23
Judgment entered for copying: 27-10-23
No. of copies: 01
Copying Fee:
Search Fee:
Urgent Fee:
Name of Copyist: QADIR
Copy Completed on: 27-10-23
Copy Delivered on: 27-10-23
Name of Examiner:

ATTESTED


Examiner
Lakki Marwat

Attested to be True
Copy



12
CLEAR COPY

12

**OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT**

ORDER

My this order will dispose off the departmental enquiry proceedings constable Javed Khan No.870 while undergoing Traffic course at PTS Kohat was found to indulge in the following misconduct as detail below.

1. That he was charged in a criminal case vide FIR No.341 dated 18.09.2023 U/s 324/353/427/34/15AA PS Ghazni Khel.
2. This speaks gross misconduct on his part and liable to be punished under KP police Rule 1975.

In this regard, he was charge sheeted and DSP/ HQr: Lakki Marwat was appointed as enquiry officer. The Enquiry Officer after conducting proper departmental enquiry submitted finding report vide No.961 dated 30.11.2023, wherein the allegations levelled against him were provided and recommended the delinquent official for major punishment.

Therefore, I Tariq Habib PSP, District Police Officer, Lakki Marwat, impose upon him major punishment of "Dismissal from service" with immediate effect. He is directed to deposit all the Govt articles allotted to him to the concerned branches.

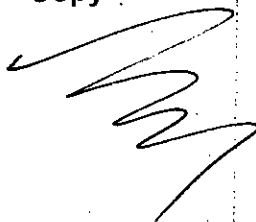
OB No. 501
Dated 22.12.2023.

District Police Officer
Lakki Marwat

No.8848-50/Dated Lakki Marwat the 22.12.2023.

Copies of EC , PO & OHC for information and necessary action

**Attested to be True
Copy**



F 12

22-12-23

(4)



OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT

PH: 0960-518240

Fax: 0960-518240

E-mail: dpolakki@punjab.gov.pk

ORDER

My this order will dispose off the departmental enquiry proceeding Constable Javed Khan No.870 while undergoing Traffic Course at PTS Kohat was found to indulge in the following misconduct as detail below:-

1. That he was charged in a criminal case vide FIR No.341 dated 18.09.2023 u/s 324/353/427/34/15AA PS, Ghazni, Khel.
2. This speaks gross misconduct on his part and liable to be punished under Police Rule-1975.

In this regard, he was charge sheeted and DSP/ Hqr. Lakki Marwat was appointed as enquiry officer. The Enquiry officer after conducting proper departmental enquiry submitted finding report vide No.961 dated 30.11.2023, wherein the allegations leveled against him were proved and recommended the delinquent official for major punishment.

Therefore, I Tariq Habib PSP, District Police Officer, Lakki Marwat, impose upon him major punishment of "Dismissal from service" with immediate effect. He is directed to deposit all the Govt. articles allotted to him to the concerned branches.

OB No. S.O/

Dated: 22-12-2023

District Police Officer
Lakki Marwat

No. 870/5-Sc/ Dated Lakki Marwat the

22-12-2023

Copies to EC, PO & OHC for information and necessary action.

جناب عالی

بجوالہ مشمولہ آرڈر نمبر 501 مورخہ 23-12-22 ہجریہ جناب DPO صاحب ضلع الکی مروت ذیل

اگر ارشادات عرض کرنا چاہتا ہوں۔

1- یہ کہ سن سائل مورخہ 19-12-31 کا بھرتی شدہ ہے۔ اور اپنی ذیولنی انتہائی ایمانداری اور فرض شناسی سے سرانجام دے رہا تھا۔ اور مستقبل قریب میں بھی اپنی ذیولنی ایمانداری سے سرانجام دے گا۔

2- یہ کہ سن سائل نے دوران ذیولنی کبھی بھی افسران بالا کو شکایت کا موقع نہیں دیا ہے۔ بلکہ افسران بالائی عزت و وقار کو ہمیشہ بلند رکھا ہے۔

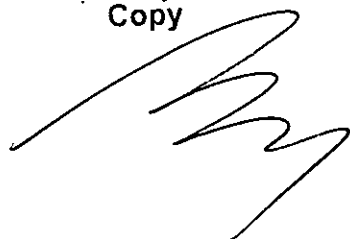
3- یہ کہ اس بابت عدالت میں مقدمہ بھی زیر سماعت ہے اور انشاء اللہ بہت جلد فیصلہ بھی آجائے گا۔

لہذا اندر لیتے درخواست معروض ہوں کہ سن سائل کو نوکری پر بحال کرنے اور میری انکواری کو عدالت کے فیصلہ تک پینڈنگ رکھنے کے احکامات صادر فرما کر منکور فرمادیں۔ تاکہ سائل اپنی ذیولنی سرانجام دے سکے۔ سائل تازیت دعا گو رہتا۔

سائل سابقہ کانسٹیبل جاوید خان بلیٹ نمبر 870

بجوالہ نمبر 0314-9K93215

Attested to be True
Copy



16
CLEAR COPY

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR

16

ORDER

This order is hereby passed to dispose of revision petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule 1975 (amended 2014) submitted by Ex FC Javed Khan No.870. The petitioner was dismissed from service by DPO Lakki Marwat vide OB No.501, dated 22.12.2023, on the allegation that he was charged in criminal case vide FIR No.341 dated 18.09.2023 U/S 324/353/427/15AA PS Ghazni Khel which speaks gross misconduct on his part.

The appellate Authority i.e. RPO Bannu, rejected his appeal vide Order Endst; No.945/EC, dated 27.02.2024.

The petitioner is on Post arrest bail in the said FIR. His case is currently under trial.

Meeting of Appellate Board was held on 02.05.2024 wherein petitioner was heard in person. The applicant contended that I am innocent.

The petitioner was heard in person. He was given reasonable opportunity to defend himself against the charges; however he failed to advance any justification. The Board sees no ground and reasons for acceptance of his petition, therefore, his petition is hereby rejected.

Sd/-
Awal Khan, PSP
Additional Inspector general of Police,
HQrs Khyber Pakhtunkhwa, Peshawar.

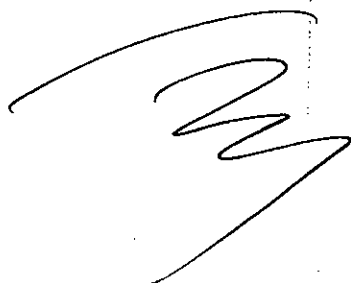
No. S/961-966/24 dated Peshawar the 07.05.2024.

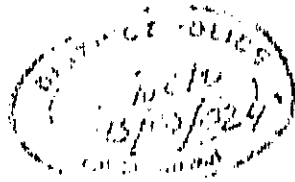
Copy of the above is forwarded to the:-

1. Regional Police Officer Bannu Service Record alongwith Departmental Enquiry file containing 29 pages of the above named Ex FC received vide your office Memo No.1596/EC dated 16.04.2024 is returned herewith for your office record.
2. District Police Officers, Lakki Marwat.
3. AIG/ Legal Khyber Pakhtunkhwa Peshawar.
4. PA to Addl: IGP/ HQrs Khyber Pakhtunkhwa Peshawar.
5. PA to DIG/ HQrs Khyber Pakhtunkhwa Peshawar.
6. Office supdt F IV GPO Peshawar.

Sonia Shamroze Khan)PSP
AIG/ Establishment
For Inspector General of Police
Khyber Pakhtunkhwa Peshawar.

Attested to be True
Copy





J 16

2-5-2
9/54
13/5/24

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

The order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-PC Javed Khan No. 870. The petitioner was dismissed from service by DPO Lakki Murwat vide O/B No. 501, dated 22.12.2023, on the allegation that he was charged in criminal case vide FIR No. 341 dated 18.09.2023 u/s 324/353/427/15AA PS Chazai Khel which speaks gross misconduct on his part.

The Appellate Authority i.e. RPO Bannu, rejected his appeal vide Order Endst: No. 945/EC, dated 27.02.2024.

The petitioner is on Post-arrest-bail in the said FIR. His case is currently under-trial.

Meeting of Appellate Board was held on 02.05.2024 wherein petitioner was heard in person. The applicant contended that I am innocent.

The petitioner was heard in person. He was given reasonable opportunity to defend himself against the charges; however he failed to advance any justification. The Board sees no ground and reasons for acceptance of his petition, therefore, his petition is hereby rejected.

Sd/-
AWAJ KHAN, PSP
Additional Inspector General of Police,
HQs Khyber Pakhtunkhwa, Peshawar.

No. S/ 961-966 /24, dated Peshawar, the 07-05-2024.

Copy of the above is forwarded to the:

1. Regional Police Officer Bannu. Service Record alongwith Departmental Enquiry file containing 29 pages of the above named Ex-PC received vide your office Memo: No. 1596/EC, dated 16.04.2024 is returned herewith for your office record.
2. District Police Officers, Lakki Murwat.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Adtl: IGP/HQs: Khyber Pakhtunkhwa, Peshawar
5. PA to DICI/HQs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV CPO Peshawar.

2112
13/5/24
DPO - Lakki Murwat

Sonia Shamroze Khan
(SONIA SHAMROZE KHAN) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Attested to be True
Copy

بعد الت جہاب سرس ڈیوٹی پورٹل صوبہ سندھ ایسٹ اور

مستجاب اسلام آباد

جاوید خاں بنام محمد چوکی

دعوی اپیل

باعضت شکر ایسٹ

مقررہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکیل کاروائی متعلقہ آن مقام اپنا اور
 کیلئے استعانت اڈا سٹاٹس خان سرور سے ایڈووکیٹ، ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب
 موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے والی نامہ و آفیشز ثالث و فیصلہ برتلاف
 میں جواب دہی اور قابل دعویٰ اور لٹریچر ڈگری کرنے اور وصولی چیک و روپیہ اور مرضی دعویٰ اور درخواست
 ہر قسم کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
 اور کسی بھی چیز وار کرنے اپیل ٹرانزیشن و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ بنا کر
 کے کل یا بڑی کاروائی کے واسطے اور وکیل یا نثار قانونی کو اپنے ہمراہ یا اپنی بجائے تفریق کا اختیار ہوگا
 اور وہ اپنے مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر واضح منظور
 قبول ہوگا و دوران مقدمہ میں جو خرچہ و تر جانہ التوا مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب
 موصوف ہوں گے نیز بقایا و فریبہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مستقیم روزہ
 پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔
 لہذا وکالت نامہ دیکھ دیا کہ سند ہے۔

آل رقم 29/05/24

القید القید القید

11
آریا بیگ اکمال
ایڈووکیٹ

سیدہ الشہدات ہر وقت
ایڈووکیٹ

محمد نواز
ایڈووکیٹ

جاوید خاں