

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE:

**SALAH UD DIN ... MEMBER (JUDICIAL)
FAREEHA PAUL ... MEMBER (EXECUTIVE)**

Service Appeal No. 535/2023

Misal Khan, Ex-Inspector, Police Lines Peshawar.

(Appellant)

Versus

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and 02
others. *(Respondents)*

Present:

Mr. Khalid Rahman, Advocate ... for the Appellant.
Mr. Asad Ali Khan, Assistant Advocate General
...For the Respondents.

Date of Institution.....10.03.2023
Date of Hearing.....11.10.2023
Date of Decision.....13.10.2023

Service Appeal No. 536/2023

Zarshad Khan, Ex-Sub-Inspector, Police Lines Peshawar.

(Appellant)

Versus

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and 02
others. *(Respondents)*

Present:

Mr. Khalid Rahman, Advocate ... for the Appellant.
Mr. Asad Ali Khan, Assistant Advocate General,
...For the Respondents.

Date of Institution.....10.03.2023
Date of Hearing.....11.10.2023
Date of Decision.....13.10.2023

Service Appeal No. 544/2023

Qazi Muhammad Hussain, Ex-ASI No. 1058 IO at PS Shahpur.

(Appellant)

Versus

The Capital City Police Officer, Khyber Pakhtunkhwa, Peshawar
and 01 other. *(Respondents)*

Present:

Syed Noman Ali Bukhari, Advocate ... for the Appellant.
Mr. Asad Ali Khan, Assistant Advocate General,
....For the Respondents.

Date of Institution.....13.03.2023
Date of Hearing.....11.10.2023

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Date of Decision.....13.10.2023

Service Appeal No. 545/2023

Mohsin Khan, Head Constable No. 2853 PS Shah Qabool
Peshawar. **(Appellant)**

Versus

The Capital City Police Officer, Khyber Pakhtunkhwa, Peshawar
and 01 other. **(Respondents)**

Present:

Syed Noman Ali Bukhari, Advocate ... for the Appellant.
Mr. Asad Ali Khan, Assistant Advocate General,
...For the Respondents.

Date of Institution.....13.03.2023

Date of Hearing.....11.10.2023

Date of Decision.....13.10.2023

Service Appeal No. 546/2023

Tahir Ali, Head Constable No. 911 ATS Squad CCP, Peshawar.
(Appellant)

Versus

The Capital City Police Officer, Khyber Pakhtunkhwa, Peshawar
and 01 other. **(Respondents)**

Present:

Syed Noman Ali Bukhari, Advocate ... for the Appellant.
Mr. Asad Ali Khan, Assistant Advocate General,
...For the Respondents.

Date of Institution.....13.03.2023

Date of Hearing.....11.10.2023

Date of Decision.....13.10.2023

CONSOLIDATED JUDGMENT

SALAH-UD-DIN, MEMBER:- Through this single judgment we
intend to dispose of the above titled service appeals as common
questions of law and facts are involved therein.

2. Precise facts forming the back ground of the appeals are that
the appellants were proceeded against departmentally on the
allegations reproduced as below:-

"i) It has allegedly been reported that you have been
indulged in illegal activities and misconduct as you have

maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur.

ii) It is further alleged that you have leaked secret information in arrest of P.Os in above mentioned FIR and allied with criminals.

iii) He has tarnished the image of police department in the eyes of general public.

iv) All this amounts to gross misconduct on your part and rendered you liable for punishment under Police (E&D) Rules, 1975."

3. On conclusion of the inquiries against them, the appellant namely Misal Khan was awarded penalty of removal from service, while rest of the appellants were awarded the penalties of dismissal from service vide separate impugned orders dated 16.11.2022. The penalties so awarded to the appellants were challenged by them through filing of separate departmental appeals, which were rejected vide separate orders dated 27.02.2023, hence the instant appeals.

4. On receipt of the appeals and their admission to regular hearing, respondents were summoned, who put appearance through their representative and contested appeals by way of filing written replies raising therein numerous legal as well as factual objections.

5. Mr. Khalid Rahman, Advocate representing the appellants in Service Appeals No. 535/2023 and 536/2023 has argued that no incriminating material was brought on the record in the inquiry proceedings, which could support the allegations against the appellants. He next contended that statement of even a single witness had not been recorded in the inquiry proceedings and the same were conducted by way of questionnaire, which procedure has

been deprecated time and again by the Supreme Court of Pakistan in its various judgments. He further argued that the appellants as well as accused and complainant party of case FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur are co-villagers, therefore, in case of any telephonic contacts between them, it cannot be presumed that the appellants were leaking any information to them. He also argued that 22 Police Officials were proceeded against on the same allegations but some of them were exonerated, while the appellants were awarded major penalties by treating them with discrimination. He next argued that the departmental appeals of the appellants were decided in a cursory manner through un-speaking orders, which are not in accordance with the provision of Section 24-A of the General Clauses Act, 1897 read with Rule-5 of the Khyber Pakhtunkhwa (Appeals) Rules, 1986. He further contended that the rights of the appellants as guaranteed as under Article 4 & 25 of the Constitution of Islamic Republic of Pakistan were badly violated. In the last he requested that the impugned orders may be set-aside and the appellants may be reinstated in service with all back benefits. Reliance was placed on 1980 SCMR 850, 1982 SCMR 321, 1993 SCMR 1440, 2001 YLR 834, 2006 PLC (C.S.) 604, 2010 PLC (C.S.) 1299, 2010 PLC (C.S.) 1299, 2013 SCMR 741, 2015 PLC (C.S.) 501, 2015 PLC (C.S.) 537, PLD 2017 Supreme Court 173, 2018 PLC (C.S.) 997 and 2019 SCMR 640.

6. Syed Noman Ali Bukhari, Advocate representing the appellants in Service Appeals No. 544/2023, 545/2023 & 546/2023 adopted the arguments advanced by Mr. Khalid Rahman, Advocate

representing the appellants in Service Appeals No. 535 and 536 of the year 2023.

7. On the other hand, learned Assistant Advocate General for the respondents has argued that the appellants were having links with the accused of case FIR No. 583 dated 03.06.2022 under sections 365/302/109 PPC read with 7-ATA Police Station Shahpur, which fact stood proved in regular and proper inquiries conducted against the appellants. He next contended that the CDR of cell phones of the appellants as well as accused of the concerned criminal case would show that they were having telephonic contacts. He further argued that the appellants were well aware of the fact that the accused of the concerned criminal case were hardened and desperate criminals but despite that, the appellants maintained links with them and thus brought bad name to the whole police department. He next argued that the appellants were provided opportunities of personal hearing as well as self defence, however they failed to put forward any plausible evidence in rebuttal of the allegations leveled against them. In the last he requested that the impugned orders may be kept intact and the appeals in hand may be dismissed with costs.

8. Arguments have already been heard and record perused.

9. A perusal of the record would show that not a single witness has been examined in the inquiry proceedings in support of the allegations leveled against the appellants. The copy of the inquiry report as available on the record would show that the inquiry proceedings were carried out in shape of questionnaire. It has been mentioned in the inquiry report that the statements of the appellants

were recorded, however on our query and even granting of time to the respondents, their representative categorically stated before the court that the statements of the appellants allegedly recorded during the inquiry were not available in their record. Even the questionnaire as reproduced in the inquiry report could not be produced by the respondents. No incriminating evidence in support of the allegations was recorded during the inquiry. Mere reliance on CDR and that too without confronting the appellants with the same has no legal worth. No doubt the allegations against the appellants are grave in nature but the inquiry proceedings were conducted in a whimsical manner and no evidence in support of the allegations was brought on the record. In such view of the matter, the impugned orders are not sustainable in the eye of law and are liable to be set-aside.

10. Consequently, the appeals are allowed by setting-aside the impugned orders and all the appellants are reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
13.10.2023



(FAREEHA PAUL)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

Naeem Amin

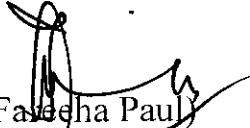
ORDER
13.10.2023


Appellant alongwith his counsel present. Mr. Zahoor Ahmed, Sub-Inspector (Legal) alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present. Arguments have already been heard and record perused.

Vide our detailed consolidated judgment of today, separately placed on file, the appeal in hand is allowed and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

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ANNOUNCED
13.10.2023


(Farzana Paul)
Member (Executive)


(Salah-Ud-Din)
Member (Judicial)

11.10.2023

Appellant alongwith his counsel present. Mr. Zahoor Khan, S.I (Legal) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Representative of the respondents stated that except record annexed with reply/comments of the respondents no other record is available in the office of the respondents.

Arguments heard. To come up for consideration and order on 13.10.2023 before the D.B. Parcha Peshi given to the parties.

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(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

Naeem Amin


20.09.2023


Learned counsel for the appellant present. Mr. Muhammad Raziq, Head Constable alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Arguments were heard at certain length, however complete inquiry record has neither been submitted by the appellant nor by the respondents. The availability of the complete inquiry record before the Tribunal is necessary for just and right decision of the appeal in hand, therefore, representative of the respondents shall positively produce the same and to come up for arguments on 11.10.2023 before the D.B. Parcha Peshi given to the parties.

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Nacem Amin


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (F)

25.07.2023

Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Mr. Tehseenullah, Reader for the respondents present and submitted reply/comments which are placed on file. Copy of the same handed over to learned counsel for the appellant. To come up for arguments on 05.09.2023 before D.B. P.P given to the parties.

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Peshawar

Kamranullah

(Muhammad Akbar Khan)
Member (E)

05.09.2023

Appellant alongwith his counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant submitted rejoinder and sought adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 16.11.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KFST
Peshawar

Naeem Amin

(Fareeha Paul)
Member (E)

(Salah-ud-Din)
Member (J)

08th June, 2023

01. Appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Ahmad Jan, S.I (Legal) for the respondents present.

02. Reply/comments on behalf of the respondents have not been submitted. Representative of the respondents requested for further time. Granted. To come up for reply/comments on 05.07.2023 before the S.B. Parcha Peshi given to the parties.

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(FAREEHA PAUL)
Member (E)


Fazle Subhan, P.S

5th July, 2023

1. Junior to counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Written reply not submitted. Learned Deputy District Attorney seeks further time for submission of written reply. Last chance is given. To come up for written reply/comments on 25.07.2023 before S.B. P.P given to the parties.

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(Rashida Bano)
Member(J)

**KaleemUllah*

4th March., 2023

Counsel for the appellant present. Preliminary arguments heard and record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security within 10 days. Thereafter, respondents be served through ordinary mode. To come up for written reply/comments on 05.05.2023 before the S.B. Parcha Peshi given to the parties.

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Rs-100/-
Appellant Deposited
Security & Process Fee

A. J. Paul
17/3/23

(Fareeha Paul)
Member(E)

05.05.2023

Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Ahmed Jan, S.I (Legal) for the respondents present.

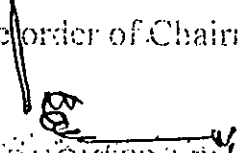
Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned. To come up for reply/comments on 08.06.2023 before S.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (E)

FORM OF ORDER SHEET

Court of _____

Case No.- 535/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	10/03/2023	<p>The appeal of Mr: Misal Khan presented today by Mr. Khaled Rehman Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>14-3-23</u>.</p>
<p>SCANNED KPST Peshawar</p>		<p>Parcha Peshi is given to appellant/counsel for the date fixed.</p>
		<p>By the order of Chairman</p> <p> REGISTRAR</p>
		<p>By the order of Chairman</p>
		<p>REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 535/2023

Misal Khan..... Appellant

Versus

The PPO and others..... Respondents

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Through

Appellant

Khaled Rahman
Advocate,
Supreme Court of Pakistan

&

Muhammad Amin Ayub
Advocate, High Court

&

Muhammad Ghazanfar Ali
Advocate, High Court

4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0345-9337312

Dated: 9/03/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 535 /2023Mr. Misal Khan

Ex-Inspector, Police Lines Peshawar.....

Appellant

VERSUS

1. The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
2. The Capital City Police Officer Peshawar. ✓
3. The Senior Superintendent of Police (Operations),
Peshawar,.....

Khyber Pakhtunkhwa
Service TribunalEntry No. 4216Dated 10/3/2023Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORIGINAL IMPUGNED ORDER DATED 16.11.2022 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AGAINST WHICH HE PREFERRED DEPARTMENTAL APPEAL TO RESPONDENT NO.2 ON 21.11.2022 BUT THE SAME WAS UNLAWFULLY REJECTED/FILED VIDE IMPUGNED APPELLATE ORDER DATED 27.02.2023.

PRAYER:

On acceptance of the instant appeal, the Original impugned order dated 16.11.2022 passed by Respondent No.3 and the Impugned Appellate Order dated 27.02.2023 passed by Respondent No.2 may graciously be brushed aside and appellant be re-instated into service with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. **That** appellant was a senior most officer of the Respondents Force and was performing his duties against the rank of Inspector. It is pertinent to aver here that the appellant has never been proceeded against departmentally and rendered more than 31 unblemished service.
2. **That** an F.I.R No.583 (Annex:-A) dated 26.06.2022 U/S 364/302/ & 7ATA, Police Station Shah Pur was chalked out by the Complainant namely Muhammad Tariq S/o Salamat against culprits namely Ramzan Ali, Jan Sher, Lal Sher Ss/o

Filed to-day

10/3/2023

Shamsher (brothers) and Abbas Alias Mohmanday, the motive was shown to be blood feud/enmity. Later on, the accused were arrested and behind the bars.

3. **That** appellant while performing his duties against the post of Inspector was subjected to office order dated 29.07.2022 (*Annex:-B*) whereby he alongwith 21 Police officials were suspended from service and closed to Police Lines Peshawar, on the basis of so called link with accused ibid. Later on, appellant was issued Charge Sheet and Statement of Allegations (*Annex:-C*) based on ill-founded allegations. Since the charges were baseless and ill-founded, appellant submitted a detailed Reply (*Annex:-D*) wherein he explained his position each and every aspect of the matter but the same was not taken into consideration.
4. **That** under the law, Authorities were supposed to comply with the requirements as embodied in Rule-6 of the Khyber Pakhtunkhwa Police Rules-1975 by conducting a regular inquiry but at the back of the appellant a Fact Finding Inquiry was conducted on 28.10.2022 (*Annex:-E*). The Committee jumped to the wrong conclusion and appellant was illegally found to be guilty. It is further elucidated that the Fact Finding Inquiry Report was not provided to appellant rather appellant moved an application but to no avail, however, the appellant obtained the report through his own efforts.
5. **That** Respondent Department without conducting a detail regular inquiry as envisaged in the Khyber Pakhtunkhwa Police Rules, 1975, issued a Final Show Cause Notice dated 02.11.2022 (*Annex:-F*) which too was instantly replied (*Annex:-G*) but the very averments as incorporated in the same were not taken into consideration and appellant was handed down the original impugned office order dated 16.11.2022 (*Annex:-H*) whereby he was inflicted upon the major penalty of removal from service without any meaningful opportunity of personal hearing.
6. **That** appellant being aggrieved of the impugned original order preferred Departmental Appeal under Rule-3 of the Khyber Pakhtunkhwa Appeal Rules, 1986 on 21.11.2022 (*Annex:-I*) but same was unlawfully rejected/filed vide impugned appellate order dated 27.02.2023 (*Annex:-J*).
7. **That** appellant, being aggrieved of the original impugned office order dated 16.11.2022 and impugned appellate order dated 27.02.2023, files this appeal, inter-alia, on the following grounds:-

Grounds:

- A. **That** Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 & 10A of the Constitution of Islamic Republic of Pakistan, 1973 and the Authorities unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.
- B. **That** as a matter of fact the son of the appellant namely Asim Iqbal before two years of the occurrence had purchased a Plot measuring 50 Marla from Ghani-ur-Rahman and Faheem vide Sale Deed (**Annex:-K**) which was situated opposite the house of appellant. Upon mutual consent of the parties Rs. 2000000/- were paid on 16.07.2021 and consequently the possession of the Plot was handed over to the son of the appellant. It was further decided that remaining payment i.e. Rs.1575000/- had to be paid on 18.10.2021. The son of the appellant after elapse of the period of one year contacted them for remaining payment of Rs.1575000/- as per agreement. It is averred that a problem arose between Ghani-ur-Rahman and Faheem due to which the property could not be transferred in favor of son of the appellant.
- C. **That** in this scenario, the appellant and his son told Ghani-ur-Rahman and Faheem etc. either to transfer the Plot in their favor or return already paid up amount. In absence of the appellant and his son the matter was brought by Ghani-ur-Rahman and Faheem for settlement to Ramzan Ali accused in his Hujra. Needless to mention that appellant, Ramzan Ali, Ghani-ur-Rahman and Faheem are co-villagers. The brother of the accused namely Lal Sher who is still the Chairman of Village Council Muhammadzai which falls within the precincts of Police Station Shah Pur, Peshawar. The matter was decided in a strange way that 10 Marla out of 50 Marlas would be given to accused Ramzan Ali vide Jirga Deed (**Annex:-L**). When appellant and his son came to know about the decision, they refused to accept it because they were not present in so called jirga. On the day of occurrence a Jirga was scheduled wherein the Jirga Members, witnesses and parties had to settle the issue. Thus appellant contacted Ramzan Ali accused that the Jirga Members witnesses and parties were coming to his Hujra but he replied that he was not free and that the Jirga should be postponed. The appellant swears in the name of Almighty Allah that he was not in the know of occurrence and that he contacted the accused in connection with the Jirga proceedings.
- D. **That** had the appellant any link or connivance with accused Ramzan Ali, then the complainant party must have made complaint against the appellant in the criminal proceedings but no such complaint has so far been made against the appellant by

the complainant party. Similarly, no such statement has been recorded or acquired from accused in connection with the involvement of the appellant in the criminal case. Appellant has been awarded major punishment on the basis of surmises and conjunctures. Reference is made to 2019 PLC (CS) 224 and 2022 PLC (CS) 474:-

2019 PLC (CS) 224

“Major penalty, imposition of--- Requirements---Any disciplinary proceedings relating to misconduct of an employee/officer of any department which entails major penalty of removal/dismissal from service must be inquired through regular inquiry which cannot be dispensed with in matter where controversial facts and ticklish questions are involved.”

2022 SCMR 745

“---Departmental inquiry---Purpose---Foremost aspiration of conducting departmental inquiry was to find out whether a prima facie case of misconduct was made out against the delinquent officer for proceeding further---Guilt or innocence could only be thrashed out from the outcome of inquiry and at the same time it was also required to be seen by the Service Tribunal as to whether due process of law or right to fair trial was followed or ignored which was a fundamental right.

---"Regular inquiry" and "preliminary/fact finding inquiry"--- Distinction---Regular inquiry was triggered after issuing show cause notice with statement of allegations and if the reply was not found suitable then inquiry officer was appointed and regular inquiry was commenced (unless dispensed with for some reasons in writing) in which it was obligatory for the inquiry officer to allow evenhanded and fair opportunity to the accused to place his defence and if any witness was examined against him then a fair opportunity should also be afforded to cross-examine the witnesses--- Whereas a discrete or fact finding inquiry was conducted at initial stage but internally to find out whether in the facts and circumstances reported, a proper case of misconduct was made out to initiate disciplinary proceedings.

Likewise, it has been held in series of verdicts that preliminary inquiry is conducted just to collect material against the delinquent civil servant and if the charges are found to be proved then only regular inquiry is conducted where ticklish and delicate facts and questions are involved. Reliance is placed on **2007 SCMR 1673, PLJ 2016 Trc Service 321, PLJ 2011 Trc Service 12 and PLJ 2016 Trc Service 1353.**

- E.** That the Inquiry Officer has conducted inquiry through Questionnaire which has been deprecated by the Hon'ble Supreme Court of Pakistan. The mode of Questionnaire is neither provided in the Rules nor a valid mode of conducting inquiry. Thus the impugned order based upon such defective inquiry is illegal, without lawful authority and thus not sustainable.
- F.** That Article-25 of the Constitution of Islamic Republic of Pakistan, 1973 envisages that every citizen of the country has to be treated equally. As has been alleged herein above that by means of office order dated 29.07.2022 as many as 22 officials were suspended and closed to Police Line Peshawar on the same set

of allegation. Later on, they were exonerated and appellant held to be committed misconduct. Therefore, the acts and omissions of the Respondents and impugned orders are not only against the principle of natural justice but also malafide. Wisdom can be drawn from 1984 PLC (CS) 560, 1991 SCMR 1040 and 2003 PLC Peshawar 27 wherein it was held that:-

"Disciplinary action---Action not bona fide in character cannot be said to be in public interest and would not qualify for being upheld-Allegation against accused precedented-No-action taken against others having committed same irregularities-Accused singled out-Action in circumstances, held, not bona fide."

1991 SCMR 1040

--Art. 25(1)---All citizens are equal before law and entitled to equal protection of law---State, however, is not prohibited to treat its citizens on the basis of a reasonable classification ---Reasonable classification---Basis or criterion for classification as to avert violation of Art. 25(1).

2003 PLD Peshawar 27

----"Discrimination"---Connotation---Discrimination occurs only when two or more persons, who are similarly placed, in similar situation and in similar ambient circumstances, are treated differently.

- G. **That** it is steadfast scheme of service law that whenever an accused is subjected to departmental proceedings, a charge is framed in the shape of Charge Sheet and Statement of Allegations. The basic aim of the same is to inform the delinquent civil servant of the charges without any ambiguity and he has to be informed that what kind of misconduct has been committed by him. The charges as inflicted upon the appellant are very serious in nature, therefore, the Authorities were supposed to clearly mention the charges without any doubt because mentioning mere *you have been indulged in illegal activities and misconduct as you have maintained links with notorious criminals* does not exempt the authority from his legal duties. Thus the charges are not covered under Rule-3 of the Khyber Pakhtunkhwa Police Rules-1975 and thereon the impugned orders are liable to be set aside.
- H. **That** neither regular inquiry was conducted into the case in hand nor any documentary or oral evidence was recorded in presence of the appellant nor was he provided opportunity of cross-examination. The entire action was taken at the back of the appellant and thus he was condemned unheard. It is a settled law that where a major penalty is to be imposed then regular inquiry is necessary which has not been done in the case in hand. Even the copy of the second Enquiry Report was not provided to appellant, which was mandatory in law.
- I. **That** Article-10A of the Constitution of the Islamic Republic of Pakistan, 1973 read with Section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973

provides for the right of fair trial as per prescribed law and Rules. Even the Enquiry Report was not provided to the appellant which was the mandatory requirement of law and also appellant was condemned unheard, thus the impugned orders are void, ab-initio as well as against the principle of natural justice.

J. **That** no opportunity of personal hearing was afforded to the appellant neither by the competent authority, nor by the Enquiry Officer nor even by the appellate authority which are the mandatory requirements of law. Reliance is placed on **2003 SCMR 1126** which states that:-

“where the civil servant was not afforded a chance of personal hearing before passing of termination order, such order would be void ab-initio.”

Further reliance is placed on **PLD 2008 SC 412** which states as under:-

“Natural Justice, principles of --- Opportunity of hearing --- Scope --- order adverse to interest of a person cannot be passed without providing him an opportunity of hearing --- Departure from such rule may render such order illegal.

2022 PLD SC 119

“---Fair hearing, right of---Essential constituents of a fair hearing---To ensure the principle of fairness embedded in the right of hearing, the person sought to be affected must at least be made aware of the allegations made against him, upon which basis the decision is to follow, (i.e., notice of the case to be met) and, second, be given a fair opportunity to make any relevant statement putting forward his own case, and to correct or controvert any relevant statement brought forward to his prejudice (i.e., opportunity to explain)---In order to act justly and to reach at just ends by just means, a deciding authority is to comply with and implement, in all circumstances, these elementary and essential requirements of principle of fairness and right of hearing.

2019 PLD SC 745

“---Art. 10 A---Fair trial and due process of law---Right of hearing---Scope---Right of hearing of a party to a lis is one of the fundamental principles of jurisprudence which is guaranteed by Art.10-A of the Constitution in its assurance of a "fair trial and due process of law" to a litigant.”

Thus appellant was condemned unheard as the action has been taken at the back of the appellant which is against the principle of natural justice.

K. **That** the impugned appellate order dated 27.02.2022 does not qualify the condition of Section-24A of the General Clauses Act, 1897 read with Rule-5 of the Khyber Pakhtunkhwa (Appeal) Rules, 1986 as the same has not been decided by the appellate authority by applying his judicial mind. Reliance is placed on **2010 SCMR 511, 2010 SCMR 1475, 2010 SCMR 1778, 2015 SCMR 630:-**

“---S. 24-A---Speaking order---Scope---Public functionaries are obliged to redress grievances of citizens/their subordinates with reasons.”

---S. 24-A---Speaking order---Scope---Under S.24-A, General Clauses Act, 1897, even public functionaries are duty bound to decide the case after application of mind.

“---S. 24A---Executive authority---Discretion, exercise of---Scope---When legislature conferred a wide ranging power, it must be deemed to have assumed that the power would be, firstly, exercised in good faith, secondly, for the advancement of the objects of the legislation, and, thirdly in a reasonable manner---Where the authorities failed to regulate their discretion by the framing of rules, or policy statements or precedents, it became mandatory for the courts to intervene in order to maintain the requisite balance for the exercise of statutory power.”

- L. **That** appellate authority was required to keep in consideration the reply of the appellant wherein he outright denied the charges as leveled but the competent authority completely failed to apply its judicial mind and relied upon the recommendation of the Inquiry Officer which is against the norms of justice. Reliance is placed on **2020 PLC CS 1291** (Supreme Court), the relevant citation is reproduced herein below for ease to reference:-

*“Reinstatement in service--- No specific allegation proved through evidence--
-Orders of the competent authority as well as departmental appeal were on the basis of that they agreed with the recommendation of the inquiry officer, they had not scrutinized the evidence available on the file themselves, but awarded major penalty of dismissal from service by relying upon the recommendation of the inquiry officer and ignored the fact that no specific allegation through evidence was proved against the respondent--civil servant--prosecution was duty bound to prove the allegation for which the respondent was charge sheeted--Service Tribunal and rightly reinstated the respondent in service--appeal was dismissed”.*

- M. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through

Appellant

Khaled Rahman,
Advocate,
Supreme Court of Pakistan

&

Muhammiad Amin Ayub
Advocate, High Court

&

Muhammad Chazanfar Ali
Advocate, High Court

Dated: 9/03/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2023

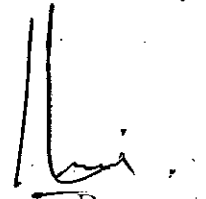
Misal Khan..... Appellant

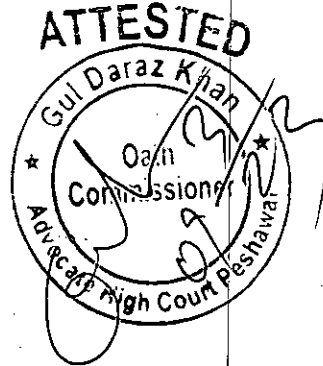
Versus

The PPO and others..... Respondents

AFFIDAVIT

I, Mr. Misal Khan, Ex-Inspector, Police Lines Peshawar, do hereby solemnly affirm and declare on oath that the contents of this writ petition are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Court.


Deponent



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20628-9980315 پر واپس بل نمبر 9077591-9319 سے رمضان علی نے کال کر کے
 ھٹے ماٹھ انعام اللہ ولد اقبال چچا دادا ام نے بات کر کے وہی لاڈ سپیکر والا اعلان
 دے دیا اور مزید کہا کہ جس سے کابھی استفادہ کروا سکتے بعد عشاء قبلہ میں اطلاع
 ملی کہ چچا ام کی فحش کو ہسپتال بجا دیا گیا ہے اطلاع پر ہسپتال پہنچا کر واپس چلا
 ام احسان اللہ کی قتل شدہ سہیلہ اور دعوتی کے کلائی سے کاٹے ہوئے شہادت
 کرتے رہے ہیں پوری لسانی دلیقین ہو گیا ہے کہ چچا ام احسان اللہ کو ملزمان رمضان
 علی، جان شہولہ ان مشیر، عباس عرف ہمنہ سے ولد جوہر نے بہ ایما دہلتم لعل
 شہر ولد مشیر سائمان محمد زئی نے بذریعہ تیز دار آلہ اور اسلحہ آتش قتل کیا
 ہے جو عناد ملزمان کے ساتھ سابقہ قتل صفائی کی دشمنی ہے۔ واقعہ خود اسٹاڈیو
 نے دیکھا ہے جو سندھ سے چچا ام کے قتل کا برخلاف یہ چار ملزمان تہذیبہ با 72 دعویہ آر بی
 لاہور ملزمان کی انعام اللہ ولد اقبال بھر 4 سال سکنہ حدرتی کے بعد نے پورٹ مالائی ٹائیڈ کی
 اور مزید بتلایا کہ ملزمان نے بعد اعلان سجد چچا ام کے قتل کی خوشی میں سوانی مار مار کر گئی کی
 ہے۔ ال انکم کی کارروائی پولیس سے گفتہ سائنس پورٹ پر 20 مہر سوکر پڑھ کر سنا کر پایا
 گیا درست ہے کہ زیر پورٹ وود درستگی کے دستخط کی ٹائیڈ کنڈہ نے ٹائیڈ دست
 شہت کی مقولہ احسان اللہ کے کامزات برگ تیار کرتے بغرض پوسٹ مارٹم زم رضامن
 کنیشنل عدیدہ 24 والہ اللہ صاحب سول بیان کردہ حالات طاعت سے صورت جسم ما
 کارائی جا کر مرانم بطور سیشنل پورٹ عدیت کنیشنل شاہ سن 1969 ارسال ہوا ہے
 مذکورہ جزا رجسٹر کر کے فیشن کی وٹے دستخط انگریزی میں آئندہ 5/11/69
 کاروائی خانہ امہ تحریر میرا ام عرب عرب درام ہدر سوکر پڑھ کر پڑھ کر پڑھ کر
 کرتے فول FIR حرابہ بغرض فیشن والہ میرخان کے ہاتھ ہے افغان
 مالہ صاحبان کو بطور سیشنل پورٹ اللہم سے جانی ہے پدم بطور سیشنل پورٹ
 سکر ایٹ ہے دستخط انگریزی و احید خان 5/11/69 P 26/22

کتاب عالی
 نقل مطابق اصل ہے
 si ps Shah Pur
 02-07-022

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہو گا یا اس کی سر نشان لگا یا جائے گا۔ اور اگر سرگزیر کنڈہ ابتدائی اطلاع کا دستخط بطور تصدیق ہو گا۔ حروف الف بیا سرخ و نشان
 ایک لازم اشتہار علی الترتیب واسطے باشندگان علاقہ غیر واسطہ ایشیا یا افغانستان جہاں موزوں ہوں لکھنا چاہئے۔

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Annex B

OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE
(OPERATIONS)
PESHAWAR

ORDER

It has allegedly been reported that the following police officials have been indulged in illegal activities and misconduct as they have linked with notorious criminals as well as Proclaimed Offender (PO) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur.

Therefore, the following police officials are placed under suspension and closed to Police Lines Peshawar with immediate effect. Subsequently, proper charge sheet and summary of allegations being issued separately.

S.No	Name	Posting
1	Missal Khan P/54	Inspector/OII E.Cantt
2	Rashid Ali Belt No. 1070	GD PS Daud Zai
3	Wisal Khan Belt No.4655	PS Mathra
4	Muhammad Riaz No.22/P	Gulbahar
5	Shoukat Khan Belt No. 1190	Gunner MPA Arbab Jandad
6	Qazi Muhammad Hassan Belt No 1058	IO PS Shahpur
7	Mohsin Khan 2853	PS Shahqabool
8	Syed Sajawal Shah 4140	ASI PS Shahpur
9	Izhar Hussain Belt No.1959	Ordaly SP Tariq Habib
10	Muhammad Irshad No. 191	I/C PP Jala Bela
11	Syed Waqar Ali Shah Belt No. 1873	GD PS Hayat Abad
12	Irfan Khan Belt No. 2988	Muharrir Inv PS East Cantt
13	(Inspector) Yousaf Jan No: P/324	SHO PS Urmer
14	Asfandyar Belt No. 4607	Nakbandi Dalazak road Shahpur
15	Bashir Khan Belt No.5221	PS Shahpur
16	Amjad Khan Belt No.5564	PS Chamkani
17	HC Tahir Ali 911	ATS Sqard
18	HC Mohsin Khan , Belt No.2853	PS Shahqabool
19	FC Fakhre Alam 419	DFC PS Chamkani
20	Arif Ullah Belt No. 2864	DFC PS Phandu
21	Zarshad Khan Belt No. 362P	OII PS RMT
22	Mukhtiar Ullah Blet No 1201	Muharrir Inv PS Chamkani

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
Operations) Peshawar

No 2362-65/PA dated Peshawar the 29/07/2022

Copy for information and necessary action:-

1. The Capital City Police Officer, Peshawar.
2. SSP Investigation CCP Peshawar
3. OASI, EC-II, AS, CRC, FMC

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Hana C

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CHARGE SHEET

1. Whereas I, Lt Cdr @ Kashif Aftab Ahmad Abbasi, PSP, SSP/Operations Peshawar, am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against **Inspector Misal Khan No. P/54 of CCP Peshawar.**

2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, Lt Cdr @ Kashif Aftab Ahmad Abbasi, PSP, SSP Operations, Pesh awar hereby charge **Inspector Misal Khan No. P/54 of CCP Peshawar** under Rule 5 (4) of the Police Rules 1975.

- i) It has allegedly been reported that you have been indulged in illegal activities and misconduct as you have maintained links with notorious criminals as well as Proclaimed Offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur.
- ii) It is further alleged that you have leaked secret information in arrest of P.Os in above mentioned FIR and allied with criminals.
- iii) He has tarnished the image of police department in the eyes of general public.
- iv) All this amounts to gross misconduct on your part and rendered you liable for punishment under Police (E&D) Rules, 1975.

4. I hereby direct you further under Rule 6 (1) (b) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why action should not be taken against you and also stating at the same time whether you desire to be heard in person.

5. In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.

Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

ATTESTED

10/10/2022

STATEMENT OF ALLEGATIONS

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I, Lt Cdr @ Kashif Aftab Ahmad Abbasi, PSP, SSP/Operations Peshawar as competent authority, of the opinion that **Inspector Misal Khan No. P/54 of CCP Peshawar** has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omission within the meaning of section 03 of the Khyber Pakhtunkhwa Police Rules, 1975.

- i) It has allegedly been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as Proclaimed Offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur.
- ii) It is further alleged that he has leaked secret information in arrest of P.Os in above mentioned FIR and allied with criminals.
- iii) He has tarnished the image of police department in the eyes of general public.
- ii) All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

2. For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations **SP Rural** is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

3. The Enquiry Officer shall in accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.

Lt Cdr @ KASHIF AFTAB AHMAD ABBASI/PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 187 E/PA, dated Peshawar the

30/07/2022

Copy to:-

1. The Inquiry Officer.
2. The Delinquent official through PA to the EO officer.

Kashif
07/07/2022

ATTESTED

- 13 Annex D

Before the Hon'able Senior Superintendent of Police (Ops) Peshawar

Through: Proper Channel

Subject: Reply to Charge Sheet / Summary of Allegations vide Endst No.Nil dated 2.08.2022

Respected Sir,

Kindly refer to the subject Charge Sheet, at the very outset I respectfully submit that the alleged charges at serial no 3(i)(ii), vocalized in the charge sheet are false, fabricated and based on mala-fide. It may be added here that on the face of contents of charge sheet, both alleged charges are unsubstantiated/ non-incriminated, hence **I am ready to swear upon oath that the alleged charges bear no authenticity or veracity.**

PRELIMINARIES:

- a. The charges are hearsay, based on surmises and conjectures and no substantiating direct evidence is available to implicate the undersigned in the charges.
- b. No specific evidence connecting the undersigned with any crime could be produced to implicate him in the charge.
- c. The charges have been cooked up by ill-wishers of the undersigned to stain his spotless career in service.
- d. The undersigned has performed his duties and functions strictly in accordance with the provisions of CrPc PPC and the Police Rules and no deviation, whatsoever, has been made. Therefore, without confronting the undersigned with any such irregularity, no charge can be framed.

ON FACTS:

On the face of charge sheet, the alleged charges seem to be anonymous, therefore hit by the following 03 considerations, hence not entertainable.

(a) It has become very common that when some differences between locals and local police are stirred up or relations between incharge and the subordinates become strained, complaints emerged in the shape of anonymous status with serious allegations against the incharge/police officer without any solid materials.

(b) The act of corrupt practices like links with criminals needs to be legally adjudged in accordance with police rules and there should be sufficient incriminating materials to

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substantiate the charges. Needless to say that corruption charge requires solid materials but here on record, nothing in support is available. Rules regarding proceedings against Police Officers reported to be corrupt or involved in corrupt practices (links with criminals), attract rules 16.39 r/w 16.16 PR 1934 wherein corruption record is required to be maintained on personal file, character role or fauji missal and attested copy thereof shall be furnished to the police officer concerned, but such record is not available against me hence the charges do not carry legal footings.

(c) On the face of charge sheet or summary of allegation, there is no any complainant or report lodger or other substantiating materials/evidence, even aggrieved party of the case FIR 583 dated 02-07-2022 has not complained me for any favour or support to accused party, therefore the charges, leveled against the undersigned are anonymous, proceedings whereof are barred by the Provincial Govt, under the following notifications as well other law provisions.

- S & GAD letter No SORII (S&GAD) 5 (29)/ 97-II dated 20.07.1998
- S & GAD letter No SORII (S&GAD) 5 (29)/ 97-II dated 15.11.1999
- Section 4 Federal Investigation rule 2002
- Section 4(5) SRO (1)/2015 dated 06.11.2015(Human Right Commission)

2. Worth mentioning that CDRs of the cell no 0316-0242424 of the undersigned, no doubt shows calls with the cell no 0311-5454223 of accused Jansher in case FIR 583 dated 02-07-2022 (date written in the charge sheet as 03-06-2022, either recorded inadvertently or deliberately to rope the undersigned in a concocted charge, for reason best known to Almighty Allah) FIR copy attached annexure "A" as ready reference for date confirmation, therefore the conversations as per CDRs were made before the occurrence/FIR in reference, when accused was not charged in the case at the very time. May be added here that undersigned and accused party/complainant party belong to same locality and accused party are known elders of the area, one of them is also Nazim local govt. Infact accused Ramzan b/o accused Jansher, mediated our land dispute to Abdur Rehman etc. of the area with which I was not satisfied, repeatedly and telephonically I contacted accused Jansher (was not accused at that time) and nothing more else.(Photo copy of the mediation is enclosed as annexure "B").

ATTESTED

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3. There is no any incriminating material to substantiate the alleged acts, either having been committed by myself or may involve my connivance.

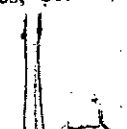
4. I have been placed under suspension vide order no 2362-65/PA dated 29-07-2022 without any justification and on no good ground, violating **Rule 16.18 Police Rules 1934 r/w 43 FR** which clearly speaks that un-necessary suspension should be avoided because it not only suffers the assigned work but also **amounts to additional penalty**, the circumstances, therefore warrant and justify my release from suspension, as per above stated provision.

5. Since, I have joined this August force; I always performed honestly, dedicatedly and to the entire satisfaction of my superiors. I always acted beyond the call of duty at the risk of my life and never hesitated to culminate the menace of crime from the area of my jurisdiction. My clean service carrier can be verified from my ACRs and from the officers under home subordination, I remain posted.

I always worked for Govt writ as well department and am considering the alleged charge of support/favour or leakage information as worst one, bringing bad name for committer servant and department, so how I can think and associate myself with such acts of defamation. . Being a responsible officer, with spotless previous record, how could I dare to stoop so low to leak information of arrest of a PO beforehand.

In circumstances, the alleged charges bear no authenticity, being without merit and substance, I request that the charge sheet may very kindly be filed without further proceedings.

Further requests for **personal hearing** to explain the circumstances, behind alleged charges.


Obediently Yours,

Inspector Misal Khan
P/54 Police Lines Peshawar


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Amir E

**OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.**

No. 4076/PA. dated Peshawar the 28/10/2022.

To

The Senior Superintendent of Police,
Operations, Peshawar.

Subject: **DEPARTMENTAL ENQUIRY**

Please refer to your office Endt: No. 189/E/PA, dated 30.07.2022; pertaining departmental-enquiry against Inspector Misal Khan.

STATEMENT OF ALLEGATION:

- Misal Khan*
- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365,302,109,7-ATA PS Shahpur.
 - ii. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
 - iii. He has tarnished the image of police department in the eyes of general public.
 - iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No. 2112/PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to Inspector Misal Khan. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/PA dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

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STATEMENT OF INSPECTOR MISAL KHAN:

Inspector Misal Khan was called to the office and his statement was recorded which is attached.

CROSS QUESTIONS:

Q: - Why were you dismissed from service in 2008?

Ans: - I was company hawaldar and collected mobiles etc from the recruits, but during the returning of said items, deficiencies were found. In which, departmental proceeding was initiated and I was dismissed from service.

Q: - Do you know Jan Sher, Ramzan and Lal Sher etc?

Ans: - Yes, since 20,25 years.

Q: - What are their activities and reputation in the area?

Ans: - Suspicious/ involved in illegal activities, killing of innocent people, land grabbing and extortion.

Q: - Do you have any relationship with Javed, Asfandyar group?

Ans: - Yes, I have relations with both the parties.

Q: - Why Muhammad Hussain SI (police official) was killed by Lal Sher group?

Ans: - He was killed by them without any good reason and he was killed innocently.

Q: - Did you know about the illegal activities of Jan Sher etc and have information regarding killing of innocent people?

Ans: - Yes.

Q: - Do you know about the killing of innocent women by Jan Sher etc?

Ans: - Yes.

Q: - Do you know the said group is land mafia?

Ans: - Yes.

Q: - Were you in contact with Jan Sher, Ramzan etc and since when?

Ans: - Yes, since long.

Q: - The above mentioned accused is your blood relatives?

Ans: - No

Q: - On the day of occurrence, why you contacted Jan Sher?

Ans: - My son purchased the land from him and I told Jan Sher to write the affidavit of the said land.

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- Q: - On the day of occurrence at 17:24, why you contacted accused Ramzan?
- Ans: - To asked about the Jirga of the land dispute.
- Q: - Did you know by that time that they have abducted and killed Haji Ihsan Ullah?
- Ans: - No.
- Q: - Did you know about the Whatsapp message and video regarding abduction and killing of Haji Ihsan Ullah?
- Ans: - No.
- Q: - Do you know that Jan Sher is PO and wanted to different PSs?
- Ans: - Yes
- Q: - When you know everything about Jan Sher, Lal Sher etc, why you are in contact with them?
- Ans: - Again replied because of land dispute.
- Q: - Your contacts with Jan Sher show very longer duration of calls, can you explain?
- Ans: - Yes, it was all about the land dispute.
- Q: - Number of cases in which you supported Jan Sher etc?
- Ans: - None.
- Q: - How many cases you investigated of Lal Sher group?
- Ans: - None except one of PS East Cantt against Lal Sher.
- Q: - Why didn't you lodge complaint against Jan Sher etc regarding illegal possession of your land?
- Ans: - Because a Jirga was busy to sort out the issue.
- Q: - It was a cognizable offence?
- Ans: - Yes.
- Q: - Now, if it is cognizable offence, why didn't you lodge a complaint against them?
- Ans: - Because a Jirga was busy to sort out.
- Q: - If you being a police officer and Inspector went to the hujra of Jan Sher, Lal Sher etc to sort out your land dispute, what will the poor and common men do?
- Ans: - No answer.
- Q: - If you know about their activities, they have remained POs at various times and have killed innocent people including police officers and are late

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grabbers/extortionists, than what was the reason of sitting and meeting with them?

Ans: - I went to their hujra once and school near to his hujra in connection of inspection of a school where the polling/ election was to be held. However, I have been going to their house for functions and on demise of close relatives for Fateha.

Q: - Again questioned that being a police officer why you helped them?

Ans: - They are my relatives.

Q: - Are they your blood relatives?

Ans: - No.

Q: - As a police officer, knowing fully well that they are known criminals of the area and you are not even their blood relatives, can you justify your relationship with them?

Ans: - Silence (No answer).

Q: - Do you know that number 03160242424, 03199077591 and 03160901144 are being used by whom?

Ans: - Yes, Jan Sher, Ramzan and Lal Sher respectively.

FINDINGS:

1. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
2. That they are also involved in the killing of police officers.
3. That they are involved in illegal activities since 20,25 years.
4. That entire family involved in criminal activities, (criminal record is attached).
5. That there are many police officers who are their friends and supporters.
6. That they also harass police officers by using many techniques i.e submitting false applications in courts and to superior officers just to stop them from performing the lawful duties.
7. That it is because of these police officers that they have been able to reach that much level of the criminality.
8. That the testimony to the fact above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
9. That there are contradictions in the statement of Inspector Missal Khan and cross questioning.
10. That his statement is reflective of the fact that instead of replying to the allegation alleged, he tried to challenge the lawful right of superior officers to show cause him.
11. That he knew that the above mentioned group is wanted and are POs and have been POs all along as he confessed this fact during the cross questioning but he mentioned

ATTESTED

12. That Jan Sher, Lal Sher etc. helped him for possession of 10 marla land and carrying out Jirga for that.
13. That according to his statement, he has land dispute with Lal Sher and Jan Sher etc. however, as per evidence submitted by him (attached) accused Ramzan who is brother of Lal Sher and Jan Sher, acted as mediator in the said dispute. **This is reflective of the fact that he had been getting favors from this notorious group which can not be one sided.**
14. That he confessed that the above mentioned group is involved in land mafia, killing of innocent people as well as killing of police officials.
15. That he was in contact with the above mentioned group after the killing of Haji Ihsan Ullah who was killed by Jan Sher etc.
16. That he also confessed that he is in relationship with Javed, Asfandyar group, who is also involved in land mafia and killing of people.
17. That he had been in contact with them since 20/25 years without any justified reason.
18. That being a close friend and being in contact with them how it is possible that till 6:00 PM he was unaware regarding the incident? The news was also shared on the day of incident at 2:30 PM in different social media groups.
19. That he admitted that he has been coming to their family functions all along since 20-25 years without any blood relation.
20. That being a police officer it is necessary to avoid contacts with criminals and other people having illegal activities, but, Inspector Misal Khan failed to do this.
21. That he had been hands and gloves with Lal Sher group etc. throughout their criminal history.
22. That if Lal Sher group has gone very high up the ladder of criminality, police officers like Inspector Misal Khan have contributed to this. As, it is a universal and recognized fact that a criminal/ a criminal gang/ a mafia/ a cuts cannot move up the ladder of criminality without the assistance of police officer.
23. That in his reply submitted in response to SCN, instead of submitting or clearing around his allegation, he states that "accused family in known elders of the area", as per facts, they are criminals of the area.
24. That he admits criminals as elders of the area which shows his connivance with them and his tolerance towards criminals which is unacceptable and unjustifiable as police officer.
25. That as far as, being Nazim of area is concerned, that doesn't give any person a reason to justify crimes of a criminal or a criminal group.
26. That it is established that as and when he was contacting accused Jan Sher/ Lal Sher/ Ramzan, they were outlaws and wanted in different police stations as their criminal record shows which is attached.
27. That this officer has 32 contacts with the above mentioned group. Calls details are as under, which is tip of the iceberg as most of the people now contact on Whatsapp and different social media applications :-
- 32 calls in total before and after the incident.
28. That he was in contact with them till their number went switched off.

ATTESTED

- 21

CONCLUSION:

In view of above, analyzing of the statement of Inspector Misal Khan, cross questioning, intelligence sources and other available material the "***all allegations against him are proved.***"

Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural, Division,
Peshawar.

ATTESTED



OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE,
(OPERATIONS),
PESHAWAR
Phone. 091-9213054

22

No. 2891 /PA

Dated Peshawar the 02/11/2022

FINAL SHOW CAUSE NOTICE
(Under Police Disciplinary Rules, 1975)

Amir F

1. I, Senior Superintendent of Police, Operations, Peshawar as competent authority, under the Police disciplinary Rules 1975, do hereby serve you **Inspector Misal Khan No. P/54** as follows:-

2. (i) That consequent upon the completion of enquiry committee conducted against you by SP Rural Peshawar, who found you guilty of the charges for which you were given the opportunity of personal hearing.

(ii) Ongoing through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the said officers; I am satisfied that you have committed the follow misconducts:

You have been found guilty of the charges already communicated to you vide this office bearing No. 189/PA dated 30.07.2022.

3. As a result thereof I, as Competent Authority decided to impose upon you major/minor penalty including dismissal from service under the said Rules.

4. You are, therefore, require to Show Cause as to why the aforesaid penalty should not be imposed upon you.

5. If no reply to this notice is received within 7-days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

6. You are at liberty to be heard in person, if so wished.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

7/11/22

ATTESTED

23, Amna G ①

بحوالہ فائل شوکار نوٹس دفتر جناب ایس ایس پی آپریشنز صاحب نمبری PA/289 مورخہ 02.11.2022 معروض
خدمت ہوں۔ سائل محکمہ پولیس میں بطور کنسٹیبل سال 1989 میں بھرتی ہو کر اپنی ڈیوٹی نہایت ایمانداری سے سرانجام دے رہا
ہے سائل نے اپنی قابلیت سے لوئر کورس، انٹر میڈیٹ کورس اور پور کورس PTC منگوانے سے پاس کئے۔

جہاں تک مقدمہ 583 مورخہ 26.06.2022 جرم ATA-7/109/302/364 تھانہ شاہ پور میں نامزد ملزمان
رمضان وغیرہ سے رابطے کا تعلق ہے تو جناب تقریباً 2 سال پہلے میرے بیٹے عاصم اقبال نے فریقین غنی الرحمان اور فہیم وغیرہ سے
ایک عدد پلاٹ 50 مرلہ اپنے گھر کے سامنے خریدہ تھا جس کا انتقال اور کچھ پیسے بقایا تھے۔ ایک سال بعد فریقین کے مابین آپس میں
گھریلو ناچاقی کی وجہ سے جھگڑا ہو گیا اور پلاٹ کا انتقال ادھورہ رہ گیا۔

تو ہم لوگوں نے فریقین کو کہا یا تو ہمارے پیسے واپس کر دو یا انتقال کا مسئلہ حل کر دو۔ تو ان دونوں فریقین نے میرے عدم
موجودگی میں یہ مسئلہ رمضان علی کے حجرے میں اُن لوگوں کے پاس لے گیا۔ تو رمضان علی نے پلاٹ میں سے 10 مرلے اپنے لئے
نکال دیے کہ یہ میرے ہوئے۔ تو میں نے اُن لوگوں کا یہ فیصلہ نہیں مانا کہ یہ کونسا فیصلہ ہے کہ اس میں سے آپ نے اپنے لئے
10 مرلے کا فیصلہ کیا۔ جناب ابھی تک وہ فیصلہ بھی رہ چکا ہے۔

واقعہ کے روز اسی دن جرگہ مشران گواہان اور فریقین یہ فیصلہ کرنے والا تھا کہ میں نے رمضان علی کو موبائل پر کال کر
کے کہا کہ جرگہ مشران اور گواہان وغیرہ آپ کے حجرے میں آرہے ہیں تو رمضان علی نے بجواب کہا کہ میں ابھی فارغ نہیں ہوا اور
بعد میں جرگہ کریں گے۔

جناب میں اللہ کی قسم کھاتا ہوں کہ مجھے اور میرے فریقین میں کسی کو بھی وقوع کا علم نہیں تھا اور من سائل نے صرف اور
صرف اپنی پلاٹ زمین کی خاطر رابطہ کیا تھا۔

لہذا آپ صاحبان سے التجاء کی جاتی ہے کہ سائل کا فالنگ شوکار نوٹس بغیر کسی کارروائی داخل دفتر کرنے کا حکم صادر فرمائی
جاوے۔

نوٹ: (پلاٹ کا سٹاپ پیپر ز ہمراہ لف ہیں)

Removal
Service

اسپیکٹر مشل خان نمبر 34/P متعینہ PBI/HQrs پشاور

0311-5454223

ATTACHED



24
Ama "H"
OFFICE OF THE
SR: SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508

ORDER

This office order will dispose-off the departmental proceedings against Inspector Misal Khan No. P/34 while posted at CCP Peshawar was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders.(POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegations was issued against him and SP Rural was appointed as Enquiry Officer who submitted his findings wherein he concluded that statement of Inspector Misal Khan No. P/34, cross questioning, intelligence sources and other available materials the **"all allegations against him are proved.**

3. On receipt of the findings, Final Show Cause Notice was issued to him vide No. 2891/PA dated 02.11.2022 to which he replied while providing him ample opportunity of self-defence in orderly room on 15.11.2022. He however, failed to advance any plausible explanation in rebuttal of the charges. Thus, the allegations against him stand proved. The undersigned being competent under (Efficiency & Disciplinary) Rules, 1975, have decided to impose **major penalty** of removal from service on the accused official. He is, therefore, **removed from service with immediate effect.**

Order announced.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
(Operations)Peshawar

No. 300-13 PA dated Peshawar, the 16/11 2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. EC-I, EC-II, AS PO.
3. FMC along with complete enquiry file for record (24).

ATTESTED

Amra I - 25

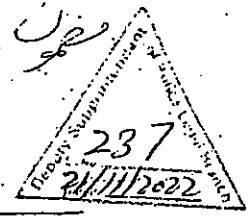
18/11/2022
1008
سید

حضور جناب کونسل سٹی پولیس افسر صاحب

موضوع: حکیمانہ اسپل برفلڈ اور ڈرینیج 30/10-13/PA.

تاریخ: 16/11/2022 جسکی بنا پر جناب SSP صاحب افسر

سائل کو ملذرت سے برخواست کیا گیا ہے۔
FMC
Fm request
(S) Huda



جناب عالی، سائل صاحب غرائض یہاں ہے:-

(1) یہ کہ سائل نے محلہ پولیس میں تقریباً 30 سال ملذرت انجام دیکر اچھی کارکردگی اور نئی نئی لی سہا پر بطورہ اسکی تقریباً ہوا ہے۔

(2) سائل دوران سروس نہایت اہم خدمات کو پیشگی لگی حساب میں تمام حالت میں بطور SHO اور زراہ تقیبات پورے مصیبتی کارکردگی انجام دیکر افسران مالہ کے اعتماد کو برقرار رکھا ہے۔

(3) دوران سروس ہر قسم کے شہر سہا اور ہونے کے خلاف سخت قانونی کارروائی کرنے کے خلاف گھبراہٹ نہ ہو کر ڈارٹنگ پہنچایا ہے۔

(4) یہ کہ سائل نے خلاف بنیاد الزامات پر بھی انکوائری شروع کرنے کے جس میں سائل نے خلاف الزام لگایا ہے۔

365-302 / 109-7-ATA / 03/06/2022 / 583
جہاں شاہ پور کے نامزد ملزمان سے روابط کو نوکر سرکار کے ہاتھ تو مٹا ہے۔

(5) یہ کہ میں سائل نے قبل ازیں دوران انکوائری مفصل بیانات دیکر الزامات کو نوکر کو ملذرت ثابت کر دیا ہے۔ مگر کوئی شہدائی نہ ہو کر سائل کو بحوالہ آرڈر عنوان ملذرت سے برخواست کیا ہے۔

(6) یہ کہ دوران انکوائری سائل کو جرح کرنے یا کراس سوالات کرنے کا موقع نہیں دیا گیا ہے۔

DSP/L
for comments pl.

JPA
COP

Cont: Next Page ATTESTED

7۔ یہ کہ سائل نے عدتِ حلائل دیکر بیان کیا۔ کہ سائل دیکر خود میں ملکہ کا تنازعہ نہ ہوا ہو کہ جو کہ ملکہ کے فریو و مقدم کے جرم میں لگے ہو کہ جو کہ بطور خاص قصہ اول طوالت بکڑ کر جس کے سلسلے میں مسلسل ان افراد کے ساتھ "Contact" ہوتا رہا ہے۔

8۔ یہ کہ سائل کا ریکارڈ جو "Voice Recording" نکال کر سیم حل ہائیکورٹ میں لے کر آئے ہیں اور یہاں تک ہے۔

9۔ یہ کہ سائل کے خاندان کے افراد کا پولیس میں قریبی اور شہداء کا انتقال عام ہے۔ جن میں میرا چھوٹا خالی لڑکی پولیس مقام میں شہداء ہو چکے ہیں۔ جبکہ سائل نے بھی کسی قسم کی قریبی سے درپیش نہیں کیا ہے۔ جو کہ ریکارڈ پر موجود ہے جس کا تفصیل درج ذیل لکھی بیان کر دینا۔

10۔ یہ کہ میرا پرخواستگی سے سائل کی نیک نامی اور اچھی شہرت کی طرف متاثر ہوئی ہے۔ جس کے وجوہ سے میرا نیک نامی کے دور میں متاثر ہوئی اور میرا شہرت بڑھ گئی۔ جو کہ میرا بڑی بڑی کامیابیوں کے سبب سے متاثر ہوئی ہے۔ ملکہ کے ساتھ میں لگا کر علیحدگی میں داخل ہوا ہے۔

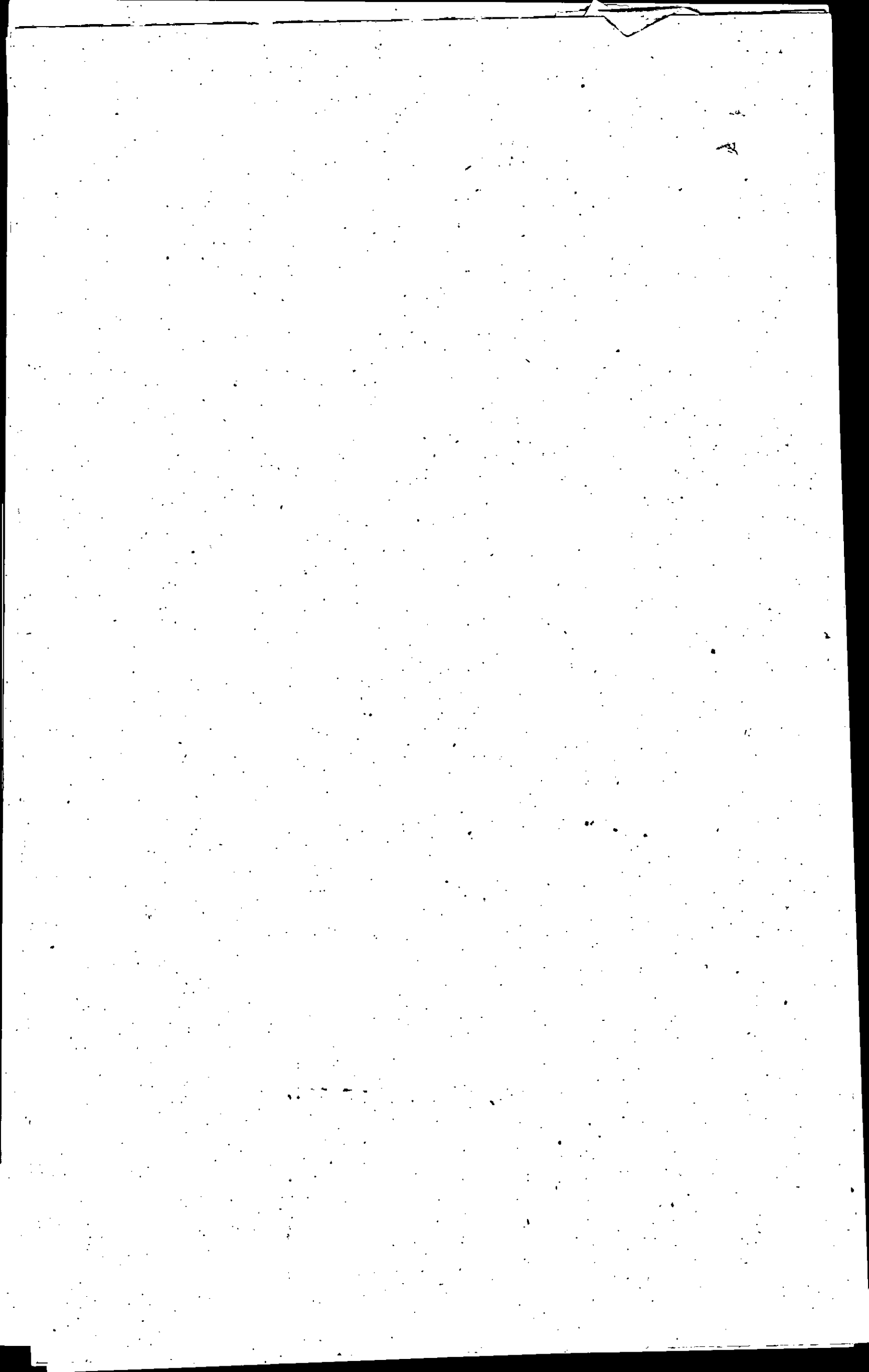
اس لئے درخواست ہے کہ درج بالا حقیقت کو پیش نظر رکھ کر سائل کو "Back benefit" کے ساتھ ملکہ کے ساتھ میرا دوبارہ بحال فرما کر مشکورہ فرمائش۔ لہذا میرا گورنر سے لگا۔

دفعہ
دعا گواہی مثل خان

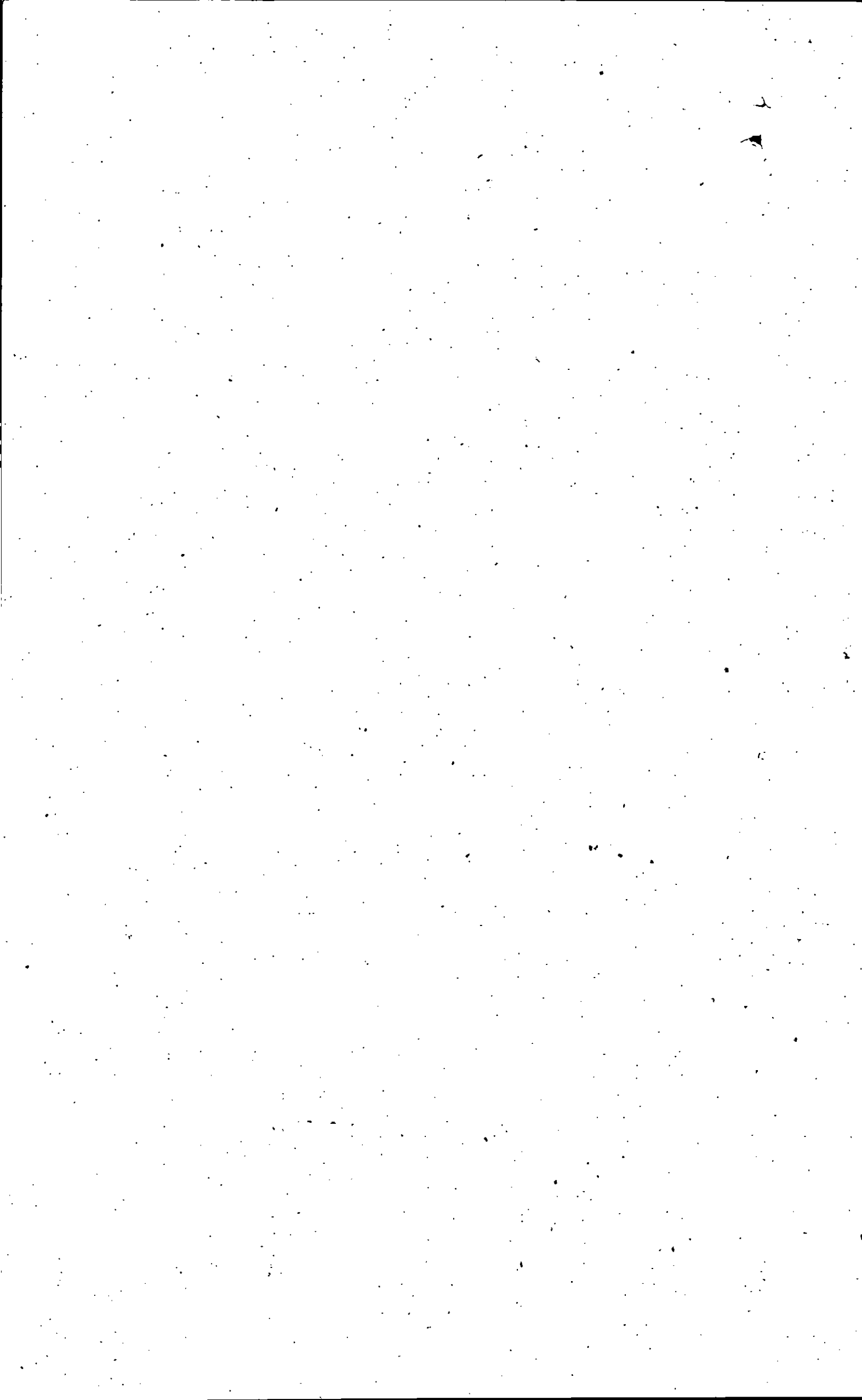
سابقہ انسپکٹر CC P
پشاور
Contact no. 0311-5454923

P/54

ATTESTED







WAKALAT NAMA

IN THE COURT OF KPK Service Tribunal Peshawar

Misal Khan

SCANNED
KPST
Peshawar
Appellant(s)/Petitioner(s)

VERSUS

The PPO and others

Respondent(s)

I/We Appellant do hereby appoint
Mr. Khaled Rehman, Advocate, Supreme Court, **Mr. Muhammad Amin Ayub & Muhammad Ghazanfar Ali**, Advocates in the above mentioned case, to do all or any of the following acts, deeds and things.

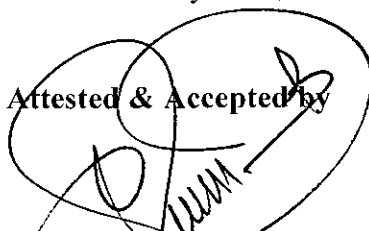
1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this


Attested & Accepted by


Khaled Rahman,
Advocate,
Supreme Court of Pakistan

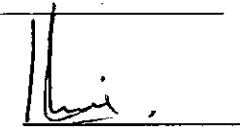
&


Muhammad Amin Ayub
Advocate, High Court

&


Muhammad Ghazanfar Ali
Advocate, High Court

4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458


Signature of Executants



"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

505

SB
23

Appeal No. of 20

Misal Khan

Appellant/Petitioner

P. P. O Versus Peshawar

Respondent

Respondent No.

Provincial Police Officer 14K Peshawar

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

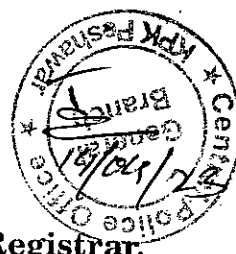
7/11

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20

For Regr

[Signature]



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

535

SB
23

Appeal No. of 20

Misat. Matter

Appellant/Petitioner

P-9-0 Versus Peshawar

Respondent

(2)

Respondent No.

C-C-P-0 Peshawar

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....
Day of.....20

April 23

For Reply

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

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10/1/25

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"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Appeal No.....

535

of 20

SB
23

Misal Khan

Appellant/Petitioner

P-P-D vs Peshawar

Respondent

Respondent No. (3)

Senior Superintendent of Police (Operations),
Peshawar.

Notice to: —

14/4/23

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

2/4

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20 23

April

For Reply

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.535 /2023.


Ex-Inspector Misal Khan No.P/34 of CCP Peshawar..... **Appellant.**

VERSUS

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

I n d e x

S.NO	DOCUMENTS	ANNEXURE	PAGES
1	Reply		1 to 4
2	Authority		5
3	Affidavit		6
4	Copy of bad entry	A	7
5	Copy of Charge Sheet	B	8
6	Statement of Allegations	C	9
7	Enquiry Report	D	10 to 15
8	FSCN	E	16
9	CDR	F	17 to 19


**DSP/Legal,
CCP, Peshawar.**

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.535 /2023.

Ex-Inspector Misal Khan No.P/34 of CCP Peshawar..... **Appellant.**

VERSUS

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

REPLY BY RESPONDENTS NO. 1 to 3.

**Khyber Pakhtunkhwa
Service Tribunal**

Respectfully Sheweth:-

Diary No. 6693

PRELIMINARY OBJECTIONS:-

Dated 25/07/23

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 to file instant appeal.
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 this Hon'ble Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

1. First part of the Para Pertains to record hence needs no comments. However the performance of the appellant was not upto the mark as he has earned 35 bad entries 01 minor and 02 major punishments upon his credits on different occasions during his service.(Copy of list is attached as A)
2. Correct to the extent that an FIR No. 583 dated 2.06.2022 u/s 364/302/PPC & 7ATA, was registered in PS Shahpur by the complainant Muhammad Tariq S/O Salamat against culprits Ramzan Ali, Jansher, Lal Sher, S/O Shamsheer and Abbas Alias Mohmanday, the motive was shown to be blood feud.
3. Incorrect. The appellant while posted at CCP Peshawar was placed under suspension and proceeded against departmentally on the charges that the appellant indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) in case vide FIR No. 583, dated 03.06.2022 u/s 365/302/109/PPC & 7-ATA PS Shahpur and also leaked secret information in arrest of POs in case ibid and allied with criminals, this act of the appellant tarnished the image of Police Department in the eyes of general Public. In this regard, he was issued Charge Sheet with Statement of Allegations and SP/Rural Peshawar was appointed as Enquiry Officer. During the course of Enquiry he was provided full opportunity of personal hearing and also recorded his statement, as well as also availed the opportunity of cross questioned.. The Enquiry Officer after thorough probe into the matter found him guilty of the charges leveled against him. The Competent Authority after receipt of the findings issued him final show cause

notice, which he replied, beside this, he was also heard in person in OR on 15.11.2022, but failed to defend himself, hence he was awarded major punishment of removal from service under Police Rules 1975 amended 2014. (Copy of charge sheet, Statement of allegations, Enquiry Report and FSCN are annexure as, B , C , D & E).

4. Incorrect. Para already explained in the above Para. Further, detailed departmental enquiry was conducted against him under rules ibid, wherein the allegations leveled against him were proved beyond any shadow of doubt. The appellant was also provided full opportunity of defense by recording his statement and also cross examined, but failed to advance any plausible grounds in rebuttal of the charges leveled against him. His act brought a bad name for the entire force, hence he was awarded punishment as per gravity of his misconduct.
5. Incorrect. Fair departmental enquiry was conducted as per rules ibid and the enquiry officer reported that charges leveled against the appellant were proved. The whole enquiry was conducted purely on merit by recording his statement as well as cross questioning and thereafter he was issued a final show cause notice, which he replied. The appellant was provided full opportunity of defense, but the appellant failed to defend himself. After fulfilling all codal formalities he was awarded major punishment as appellant committed gross misconduct.
6. 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.
7. That appeal of the appellant being devoid of merits and hit by limitation may be dismissed on the following grounds.

REPLY ON GROUNDS:-

- A. Incorrect. The punishment order passed by the lawful authority is just legal and has been passed in accordance with law/ rules and no violation of Article 4 & 10A have been done by the respondents, hence liable to be upheld.
- B. Incorrect. The appellant is giving wrong picture just to save his skin from commission of misconduct. The charges leveled against him are proved, hence he was awarded the major punishment. Presence of such black sheep in police force and any kind of leniency will encourage the misuse of authority.
- C. Incorrect. Detailed departmental enquiry was conducted against him in accordance with law/rules. During the course of enquiry his CDR was obtained wherein the appellant was remained in contact with the criminals (lal sher, jan sher, ramzan) for last one year or more without justified reason and given information regarding the operations of police after killing of Ihsan Ullah. Enquiry officer after detailed probe into the matter reported that the charges against the appellant were proved. His act brought a bad name for the entire force, hence he was awarded major punishment.(copy of CDR is annexure as F)
- D. Incorrect. The appellant was found involved in the objectionable activities related to gravest misconduct of having nexus with the above mentioned criminals and leakage of secret information due to which criminals easily escaped themselves from lawful arrest during raid

conducted at their harbours. In this regard a detailed inquiry was conducted against him, wherein the charges leveled against him were stand proved, hence he was rightly awarded major punishment.

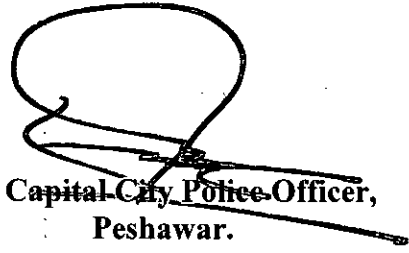
- E. Incorrect. A Proper departmental enquiry was conducted as per law/rules and the enquiry officer reported that charges leveled against the appellant were proved. The whole enquiry was conducted purely on merit. The appellant was provided full opportunity of defense, but the appellant failed to defend himself. After fulfilling all the codal formalities he was awarded the major punishment.
- F. Incorrect. para already explained in the above paras. Further, the appellant being a member of a disciplined force committed gross misconduct by giving secret information to criminals. The charges leveled against him were stand proved, hence he was awarded the major punishment.
- G. Incorrect. The appellant was rightly issued charge sheet with statement of allegations and clearly mentioned the charges that "he has allegedly been reported that you have been indulged in illegal activities and misconduct as you have maintained links with notorious criminals as well as Proclaimed Offender (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/ PPC & 7-ATA PS Shahpur. It is further alleged that you have leaked secret information in arrest of POs in above mentioned FIR and allied with criminals. During the course of enquiry the charges mentioned in the charge sheet were proved against him.
- H. Incorrect. The appellant was provided proper opportunity of personal hearing and cross questioning was provided to appellant, but he failed to defend the charges leveled against him.
- I. Incorrect. The appellant was treated as per law/rules and no violation of the Article 10A has been done by the respondents.
- J. Incorrect. The appellant was associated with the enquiry proceedings and proper opportunity of personal hearing and cross questioning was provided to appellant but failed to defend the charges leveled against him.
- K. Incorrect. The appellant has preferred time barred departmental appeal, which was properly processed and also heard him in person by the appellate authority, however he failed to defend himself with plausible/justifiable grounds hence, filed/rejected because the charges leveled against him were proved.
- L. Incorrect. The competent authority before imposing the major punishment had completed all codal formalities and an ample opportunity of self defense/ personal hearing was provided, but the appellant failed to rebut the charges leveled against him.
- M. That the replying respondents also seek permission of this Hon'ble Tribunal to raise additional grounds at the time of arguments.

PRAYERS:-


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



Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.



Capital City Police Officer,
Peshawar.



Senior Superintendent of Police,
Operations, Peshawar.

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.535 /2023.

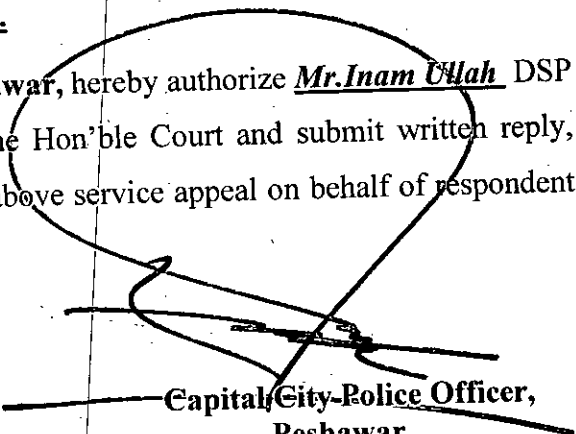
Ex-Inspector Misal Khan No.P/34 of CCP Peshawar..... **Appellant.**

VERSUS

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

AUTHORITY.

I, **Capital City Police Officer, Peshawar**, 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.


**Capital City Police Officer,
Peshawar.**

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.535 /2023.

Ex-Inspector Misal Khan No.P/34 of CCP Peshawar..... **Appellant.**

VERSUS

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

AFFIDAVIT.

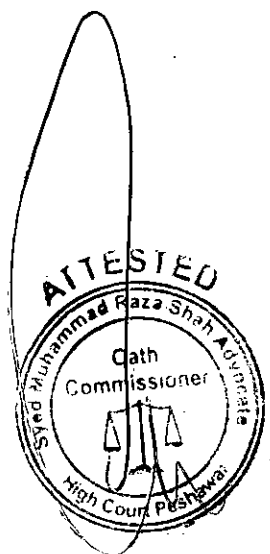
We respondents 1, 2 and 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.

it is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defence have been struck off.

[Signature]
Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

[Signature]
Capital City Police Officer,
Peshawar.

[Signature]
Senior Superintendent of Police,
Operations, Peshawar.



25 JUL 2023

BIO DATE OF MISSAL KHAN S/O ESSA KHAN FOR APPEARING IN THE ORDERLY ROOM

Name/No	Home Address	Date of Enlistment	Charges	E.O Name/Recom:	Punishment	Plea of the Applicant	Remarks/ Opinion of DSP/Legal	Order of the C.P.O				
Ex- Insp: Missal Khan No. P/54	Shahpur Peshawar	29.06.1989	<p>Shorts facts leading to the instant appeal are that the delinquent Inspector while posted at PBI HQr: Peshawar was proceeded against departmentally on the following charges:-</p> <ol style="list-style-type: none"> It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583, dated 03.06.2022 u/s 365/302/109/7-ATA-PS Shahpur. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals. He has tarnished the image of police department in the eyes of general public. 	SP/Rural Allegations proved	Dismissal from Service By SSP/Ops: Peshawar Vide order No. 3010-13/PA Dt: 16.11.2022	Request to set-aside the punishment	Perusal of relevant record reveals that punishment awarded by the competent authority is commensurate to the gravity of misconduct committed by the defaulter Inspector.					
		Total Qlfy: Service										
①		33 years, 03 months & 24 days.			(Appeal on time)							
		D.O.B										
		30.03.1969										
		Education							Entries:-			
		FA										
		Courses							Bad	Minor	Major	Good
Lower Inter: upper	35	01	02	07								

Appeal Filed

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Attested
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CHARGE SHEET

1. Whereas I, Lt Cdr @ Kashif Aftab Ahmad Abbasi, PSP, SSP/Operations Peshawar, am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against **Inspector Misal Khan No. P/54 of CCP Peshawar.**

2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, Lt Cdr @ Kashif Aftab Ahmad Abbasi, PSP, SSP Operations, Peshawar hereby charge **Inspector Misal Khan No. P/54 of CCP Peshawar** under Rule 5 (4) of the Police Rules 1975.

- i) It has allegedly been reported that you have been indulged in illegal activities and misconduct as you have maintained links with notorious criminals as well as Proclaimed Offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur.
- ii) It is further alleged that you have leaked secret information in arrest of P.Os in above mentioned FIR and allied with criminals.
- iii) He has tarnished the image of police department in the eyes of general public.
- iv) All this amounts to gross misconduct on your part and rendered you liable for punishment under Police (E&D) Rules, 1975.

4. I hereby direct you further under Rule 6 (1) (b) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why action should not be taken against you and also stating at the same time whether you desire to be heard in person.

5. In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.

Affected
Qatani

Lt Cdr @ KASHIF AFTAB AHMAD ABBAS(PSP)
Senior Superintendent of Police
(Operations) Peshawar

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STATEMENT OF ALLEGATIONS

1. I, Lt Cdr @ Kashif Aftab Ahmad Abbasi, PSP, SSP/Operations Peshawar as competent authority, am of the opinion that **Inspector Misal Khan No. P/54 of CCP Peshawar** has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omission within the meaning of section 03 of the Khyber Pakhtunkhwa Police Rules, 1975.

- i) It has allegedly been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as Proclaimed Offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur.
- ii) It is further alleged that he has leaked secret information in arrest of P.Os in above mentioned FIR and allied with criminals.
- iii) He has tarnished the image of police department in the eyes of general public.
- ii) All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

2. For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations **SP Rural** is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

3. The Enquiry Officer shall in accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.

Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 189 E/PA, dated Peshawar the

30 / 07 / 2022

Copy to:-

1. The Inquiry Officer.
2. The Delinquent official through PA to the EO officer

Attested
[Signature]

[Signature]
07/08/2022

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17301-9663629-3

OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.

No. 4076/PA, dated Peshawar the 28/10/2022.

To

The Senior Superintendent of Police,
Operations, Peshawar.

Subject: DEPARTMENTAL ENQUIRY

Please refer to your office Endt: No. 189/E/PA, dated 30.07.2022; pertaining departmental enquiry against Inspector Misal Khan.

STATEMENT OF ALLEGATION:

- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365,302,109,7-ATA PS Shahpur.
- ii. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
- iii. He has tarnished the image of police department in the eyes of general public.
- iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No. 2112/PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to Inspector Misal Khan. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/PA dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

Attested
Signature

(11)

STATEMENT OF INSPECTOR MISAL KHAN:

Inspector Misal Khan was called to the office and his statement was recorded which is attached.

CROSS QUESTIONS:

Q: - Why were you dismissed from service in 2008?

Ans: - I was company hawaldar and collected mobiles etc from the recruits, but during the returning of said items, deficiencies were found. In which, departmental proceeding was initiated and I was dismissed from service.

Q: - Do you know Jan Sher, Ramzan and Lal Sher etc?

Ans: - Yes, since 20,25 years.

Q: - What are their activities and reputation in the area?

Ans: - Suspicious/involved in illegal activities, killing of innocent people, land grabbing and extortion.

Q: - Do you have any relationship with Javed, Asfandyar group?

Ans: - Yes, I have relations with both the parties.

Q: - Why Muhammad Hussain SI (police official) was killed by Lal Sher group?

Ans: - He was killed by them without any good reason and he was killed innocently.

Q: - Did you know about the illegal activities of Jan Sher etc and have information regarding killing of innocent people?

Ans: - Yes.

Q: - Do you know about the killing of innocent women by Jan Sher etc?

Ans: - Yes.

Q: - Do you know the said group is land mafia?

Ans: - Yes,

Q: - Were you in contact with Jan Sher, Ramzan etc and since when?

Ans: - Yes, since long.

Q: - The above mentioned accused is your blood relatives?

Ans: - No

Q: - On the day of occurrence, why you contacted Jan Sher?

Ans: - My son purchased the land from him and I told Jan Sher to write the affidavit of the said land.

Attest
[Signature]

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- Q: - On the day of occurrence at 17:24, why you contacted accused Ramzan?
- Ans: - To asked about the Jirga of the land dispute.
- Q: - Did you know by that time that they have abducted and killed Haji Ihsan Ullah?
- Ans: - No.
- Q: - Did you know about the Whatsapp message and video regarding abduction and killing of Haji Ihsan Ullah?
- Ans: - No.
- Q: - Do you know that Jan Sher is PO and wanted to different PSSs?
- Ans: - Yes
- Q: - When you know everything about Jan Sher, Lal Sher etc, why you are in contact with them?
- Ans: - Again replied because of land dispute.
- Q: - Your contacts with Jan Sher show very longer duration of calls, can you explain?
- Ans: - Yes, it was all about the land dispute.
- Q: - Number of cases in which you supported Jan Sher etc?
- Ans: - None.
- Q: - How many cases you investigated of Lal Sher group?
- Ans: - None except one of PS East Cantt against Lal Sher.
- Q: - Why didn't you lodge complaint against Jan Sher etc regarding illegal possession of your land?
- Ans: - Because a Jirga was busy to sort out the issue.
- Q: - It was a cognizable offence?
- Ans: - Yes.
- Q: - Now, if it is cognizable offence, why didn't you lodge a complaint against them?
- Ans: - Because a Jirga was busy to sort out.
- Q: - If you being a police officer and Inspector went to the hujra of Jan Sher, Lal Sher etc to sort out your land dispute, what will the poor and common men do?
- Ans: - No answer.
- Q: - If you know about their activities, they have remained POs at various times and have killed innocent people including police officers and are land

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grabbers/extortionists, than what was the reason of sitting and meeting with them?

Ans: - I went to their hujra once and school near to his hujra in connection of inspection of a school where the poling/ election was to be held. However, I have been going to their house for functions and on demise of close relatives for Fateha.

Q: - Again questioned that being a police officer why you helped them?

Ans: - They are my relatives.

Q: - Are they your blood relatives?

Ans: - No.

Q: - As a police officer, knowing fully well that they are known criminals of the area and you are not even their blood relatives, can you justify you relationship with them?

Ans: - Silence (No answer).

Q: - Do you know that number 03160242424, 03199077591 and 03160901144 are being used by whom?

Ans: - Yes, Jan Sher, Ramzan and Lal Sher respectively.

FINDINGS:

1. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
2. That they are also involved in the killing of police officers.
3. That they are involved in illegal activities since 20,25 years.
4. That entire family involved in criminal activities, (criminal record is attached).
5. That there are many police officers who are their friends and supporters.
6. That they also harass police officers by using many techniques i.e submitting false applications in courts and to superior officers just to stop them from performing the lawful duties.
7. That it is because of these police officers that they have been able to reach that much level of the criminality.
8. That the testimony to the fact above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
9. That there are contradictions in the statement of Inspector Missal Khan and cross questioning.
10. That his statement is reflective of the fact that instead of replying to the allegation alleged, he tried to challenge the lawful right of superior officers to show cause him.
11. That he knew that the above mentioned group is wanted and are POs and have been POs all along as he confessed this fact during the cross questioning but he mentioned

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12. That Jan Sher, Lal Sher etc. helped him for possession of 10 marla land and carrying out Jirga for that.
13. That according to his statement, he has land dispute with Lal Sher and Jan Sher etc. however, as per evidence submitted by him (attached) accused Ramzan who is brother of Lal Sher and Jan Sher, acted as mediator in the said dispute. ***This is reflective of the fact that he had been getting favors from this notorious group which can not be one sided.***
14. That he confessed that the above mentioned group is involved in land mafia, killing of innocent people as well as killing of police officials.
15. That he was in contact with the above mentioned group after the killing of Haji Ihsan Ullah who was killed by Jan Sher etc.
16. That he also confessed that he is in relationship with Javed, Asfandyar group, who is also involved in land mafia and killing of people.
17. That he had been in contact with them since 20/25 years without any justified reason.
18. That being a close friend and being in contact with them how it is possible that till 6:00 PM he was unaware regarding the incident? The news was also shared on the day of incident at 2:30 PM in different social media groups.
19. That he admitted that he has been coming to their family functions all along since 20-25 years without any blood relation.
20. That being a police officer it is necessary to avoid contacts with criminals and other people having illegal activities, but, Inspector Misal Khan failed to do this.
21. That he had been hands and gloves with Lal Sher group etc. throughout their criminal history.
22. That if Lal Sher group has gone very high up the ladder of criminality, police officers like Inspector Misal Khan have contributed to this. As, it is a universal and recognized fact that a criminal/ a criminal gang/ a mafia/ a cuts cannot move up the ladder of criminality without the assistance of police officer.
23. That in his reply submitted in response to SCN, instead of submitting or clearing around his allegation, he states that "accused family in known elders of the area", as per facts, they are criminals of the area
24. That he admits criminals as elders of the area which shows his connivance with them and his tolerance towards criminals which is unacceptable and unjustifiable as police officer.
25. That as far as, being Nazim of area is concerned, that doesn't give any person a reason to justify crimes of a criminal or a criminal group.
26. That it is established that as and when he was contacting accused Jan Sher/ Lal Sher/ Ramzan, they were outlaws and wanted in different police stations as their criminal record shows which is attached.
27. That this officer has 32 contacts with the above mentioned group. Calls details are as under, which is tip of the iceberg as most of the people now contact on Whatsapp and different social media applications :-
 - 32 calls in total before and after the incident.
28. That he was in contact with them till their number went switched off.

Attested
[Signature]

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CONCLUSION:

In view of above, analyzing of the statement of Inspector Misal Khan, cross questioning, intelligence sources and other available material the " *all allegations against him are proved.*

Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural, Division,
Peshawar.

Attested
Signature



SENIOR: SUPERINTENDENT
(OPERATIONS),
PESHAWAR
Phone. 091-9213054

16

No. 2891 /PA

Dated Peshawar the 02 /11, 2022

FINAL SHOW CAUSE NOTICE
(Under Police Disciplinary Rules, 1975)

1. I, Senior Superintendent of Police, Operations, Peshawar as competent authority, under the Police disciplinary Rules 1975, do hereby serve you Inspector Misal Khan No. P/54 as follows:-
2. (i) That consequent upon the completion of enquiry committee conducted against you by SP Rural Peshawar, who found you guilty of the charges for which you were given the opportunity of personal hearing.
(ii) Ongoing through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the said officers;
I am satisfied that you have committed the follow misconducts:

You have been found guilty of the charges already communicated to you vide this office bearing No. 189/PA dated 30.07.2022.

3. As a result thereof I, as Competent Authority decided to impose upon you major/minor penalty including dismissal from service under the said Rules.
4. You are, therefore, require to Show Cause as to why the aforesaid penalty should not be imposed upon you.
5. If no reply to this notice is received within 7-days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
6. You are at liberty to be heard in person, if so wished.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

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operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

AB

Call Type	A	B	Date/Time	SECS	IMEI	Location of A
Call - Incoming	3199077591	3115454223	03/26/2022 21:19:48	311	351594341393050	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Outgoing	3199077591	3115454223	03/29/2022 12:17:35	695	351594341393050	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Incoming	3199077591	3115454223	04/01/2022 15:59:40	194	351594341393050	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Incoming	3199077591	3115454223	04/07/2022 22:16:16	448	351594341393050	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Incoming	3199077591	3115454223	06/26/2022 17:24:10	30	351594341393050	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar

Atifullah
302/109

میرٹھ میں سٹیٹ بینک کے پاس 2756 نمبر پر گزارش ہے۔
 کیشل نمبر 2756 نمبر پر گزارش ہے۔
 302/109
 02-07-02
 FIR نمبر 265
 ASHO

6

3115454223 Insp.Misal Khan

Call Type	A	B	Date/Time	SECs	IMEI	Location of A
Call - Outgoing	3160901144	3115454223	02/19/2022 17:32:16	42	359392241747860	PTCL Colony, Peshawar
Call - Outgoing	3160901144	3115454223	03/28/2022 09:41:01	73	359392241747860	Judical Complex, Peshawar
Call - Outgoing	3160901144	3115454223	03/31/2022 11:48:11	56	359392241747860	Japan bussines Center,

199

302/109

265 FIR نمبر
 302/109
 265
 02-07-022
 ASHO



65
OFFICE OF THE
SR. SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508

ORDER

This office order will dispose-off the departmental proceedings against HIC Irfan Ullah No. 2988 while as Moharrar Investigation PS East Cantt was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP Rural was appointed as Enquiry Officer who submitted his finding wherein he concluded that statement of HIC Irfan Ullah, cross questioning, reports from intelligence sources and other available material the allegations against could not be proved.

3. On receipt of findings of the enquiry officer, he was called in Orderly Room and heard in person on 01.11.2022. The accused official during personal hearing defend himself against the charges leveled against him. Keeping in view of the above, the undersigned being a competent authority do agree with the recommendation of the enquiry officer, therefore, HIC Irfan Ullah No. 2988 is hereby exonerated from the allegation leveled against him. Hence the enquiry against him is hereby filed. He is reinstated into service from the date of suspension.

Order announced.

(I.C. Of @ KASHIF AFTAB AHMAD ABBAS) PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 2823-26 PA dated Peshawar, the 02/11/2022.

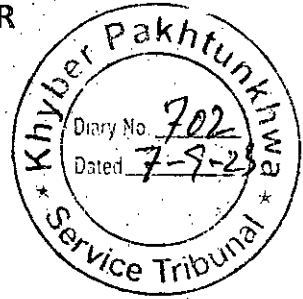
Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. FC-II, PO, OASI
3. IMC along with complete enquiry file for record (/o).

ATTESTED

PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

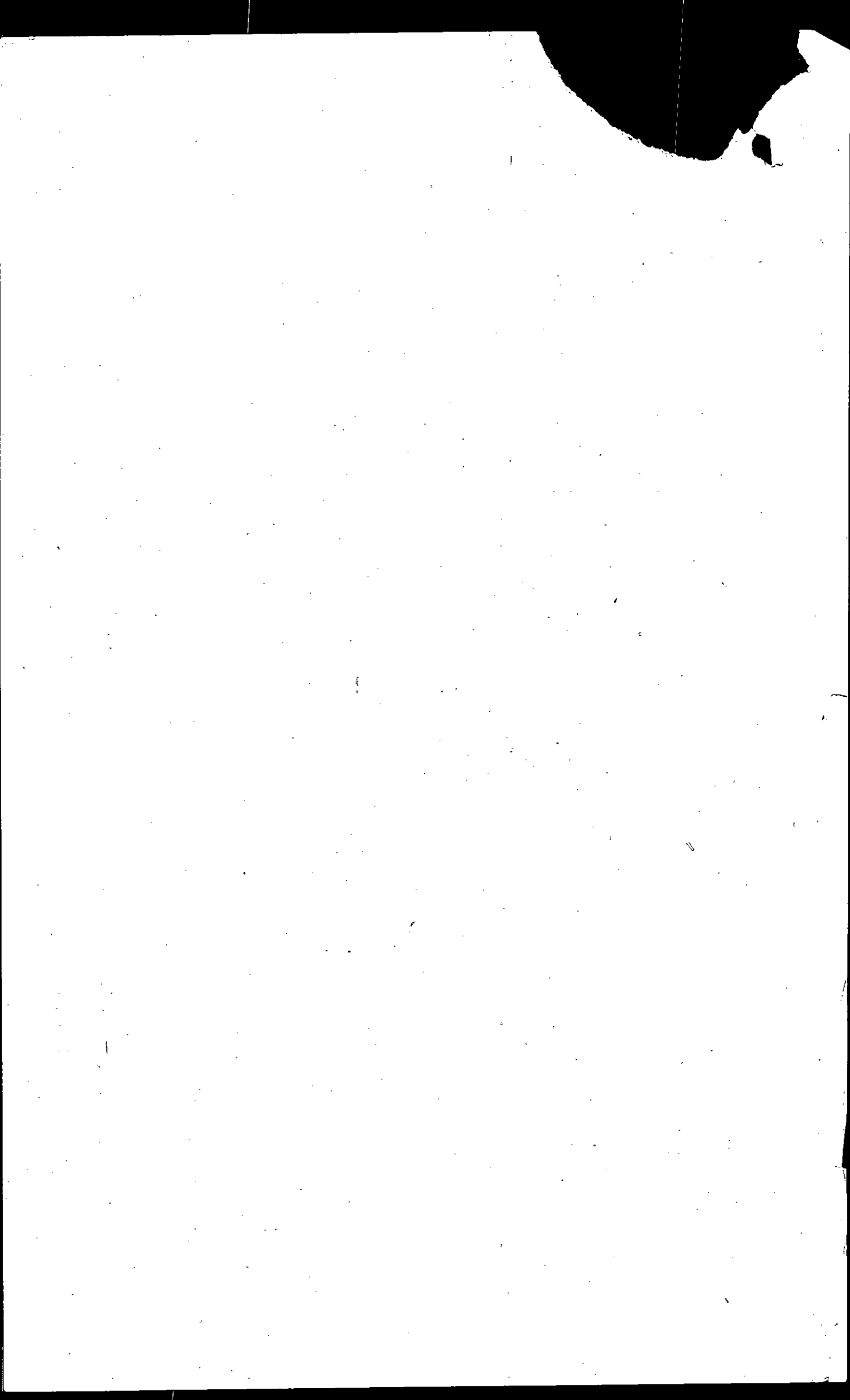


FORM 'A'

To be filled by the Counsel/Applicant

Case Number	S.A No. 535/2023		
Case Title	Misal Khan v/s Police		
Date of Institution			
Bench	SB		DB ✓
Case Status	Fresh		Pending ✓
Stage	Notice		Reply Argument ✓
Urgency to clearly stated.	Case is mature for hearing & appellant is unemployed and facts of the appeal be considered for early hearing.		
Nature of the relief sought.	Reinstatement with all consequential benefits.		
Next date of hearing	16-11-2023		
Alleged Target Date			
Counsel for	Petitioner Appellant	Respondent	In person

Signature of counsel/party



BER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing 702 -p/20 23

In case No. 535 -p/20 23

Misal Vs PPO etc

Presented by Learned Counsel on behalf of Appellant. Entered in the relevant register.

Put up alongwith main case <

REGISTRAR

Last date fixed	<u>05-09-2023</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	<u>Learned counsel requested for adjournment</u>
Date(s) fixed in the similar matter by the Branch Incharge	<u>-</u>
Available dates Readers/Assistant Registrar branch	<u>20/09/2023</u>

Allowed along connected appeal
544/23, 546/23, 545/23, 536/23

Notices be issued to the respondent
for early hearing date: 20/09/2023.

Assistant Registrar

REGISTRAR

2021/Misal Khan

No. 13.17

Police Department

Khyber Pakhtunkhwa Police

Annual confidential Report on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspector for the period/year ending 01.01.2021 to 31.12.2021

Name, Provincial or Range No.
Rank and Grade.

Inspector Misal Khan No. P/54

Father's Name

Esa Khan

Where and on what duties employed
During the past 12 months

01.01.2021 to 06.07.2021 P/line, Peshawar
06.07.2021 to 31.12.2021 OII PS Mathra.

Class of Superintendent of Police's Report,
i.e. 'A' or 'B'

→ A

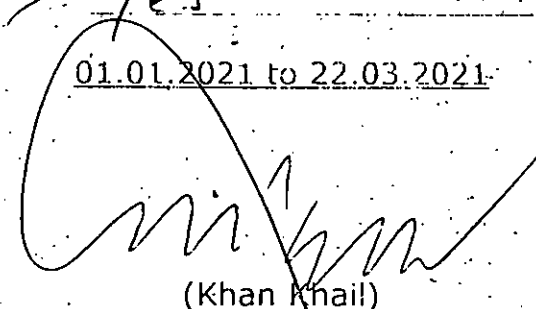
Is he/she honest?

→ Yes

Remarks:-

- (1) Superintendent of Police;
- (2) Regional Deputy Inspector General of Police.

01.01.2021 to 22.03.2021



(Khan Khalil)

Superintendent of Police,
HQrs., Peshawar

01.01.2021 to 31.12.2021

22.03.2021 to 06.07.2021

Found good at times



(Rahim Hussain)

Superintendent of Police,
HQrs., Peshawar

(Abbas Ahsan)PSP
Capital City Police Officer,
Peshawar

01.01.2021 to 06.07.2021

(Yasir Afridi)PSP -
Sr: Superintendent of Police
Operations, Peshawar.

06.07.2021 to 31.12.2021

(Shahzada Kaukab Farooq)
Sr: Superintendent of Police
Investigation, Peshawar.

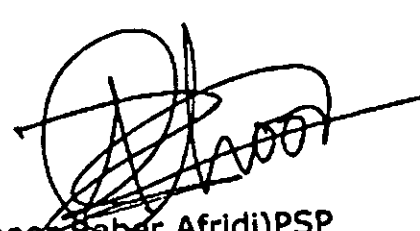
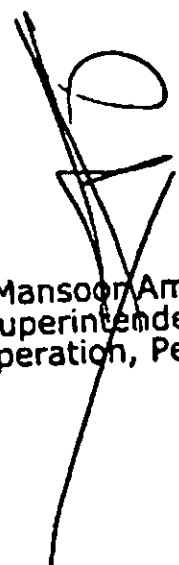
No. 13.-17

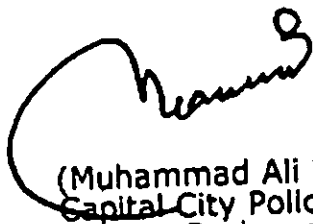
2020/Misal Khan

Khyber Pakhtunkhwa Police

Police Department

Annual confidential Report on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspector for the period/year ending 01.01.2020 to 31.12.2020

Name, Provincial or Range No. Rank and Grade.	Inspector Misal Khan P/54
Father's Name	Essa Khan
Where and on what duties employed During the past 12 months	01.01.2020 to 30.08.2020 SHO Sarband 01.09.2020 to 31.12.2020 Police Line
Class of Superintendent of Police's Report, i.e. 'A' or 'B'	→ A
Is he/she honest?	No complaints
Remarks:- (1) Superintendent of Police; (2) Regional Deputy Inspector-General of Police.	Hardworking & dedicated officer <u>01.01.2020 to 25.06.2020</u>  (Zahoor Baber Afridi)PSP Sr: Superintendent of Police Operation, Peshawar. <u>26.06.2020 to 31.12.2020</u>  (Mansoor Aman)PSP Sr: Superintendent of Police Operation, Peshawar.


(Muhammad Ali Khan)PSP
Capital City Police Officer,
Peshawar

No. 13.-17

2018/Misal Khan

Khyber Pakhtunkhwa Police

Police Department

Annual confidential Report on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspector for the period/year ending 01.01.2018 to 31.12.2018

Name, Provincial or Range No. Rank and Grade.	SI/ Inspector Misal Khan No. P54
Father's Name	Essa Khan
Where and on what duties employed During the past 12 months	01.01.2018 to 31.12.2018 P/Line, Peshawar.
Class of Superintendent of Police's Report, i.e. 'A' or 'B'	→ A
Is he/she honest?	No complaints
Remarks:- (1) Superintendent of Police; (2) Regional Deputy Inspector-General of Police. <u>01.01.2018 to 18.04.2018</u> (Muhammad Tahir) Capital City Police Officer, Peshawar. <u>18.04.2018 to 31.12.2018</u> (Qazi Jamil Ur Rehman) Capital City Police Officer, Peshawar.	→ A very good officer (Gaved Iqbal) Sr: Superintendent of Police Operation, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SCANNED
KPST
Peshawar

Service Appeal No. 535/2023

Misal Khan.....Appellant

Versus

PPO etcRespondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Rejoinder			1-3
2.	Record		RJ/1	4-68

Through

Appellant

[Signature]
Khaled Rahman
Advocate,
Supreme Court of Pakistan

&

[Signature]
Muhammad Amin Ayub
Advocate, High Court

&

[Signature]
Muhammad Ghazanfar Ali
Advocate, High Court

4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0345-9337312

Dated: 31/08/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 535/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7314

Dated 19/2023

Misal Khan.....Appellant

Versus

PPO etcRespondents

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE
TO REPLY FILED BY RESPONDENTS.**

Respectfully Sheweth,

Preliminary Objections:

That appellant has approached this Hon'ble Tribunal by asserting valuable facts and nothing has been concealed while have locus standi, therefore, the Hon'ble Tribunal having the jurisdiction to entertain the matter. Estoppel does not run against the law.

Facts:

1. Absolutely misconceived hence not admitted. It is apprised that appellant from the very inception of his service was never found to be guilty and rendered meritorious services till last.
2. Needs no reply.
- 3-5. Incorrect. The allegations were altogether ill-founded. Moreover, the departmental enquiry was also conducted in an improper manner as no such material is/was available on record which could substantiate the charges leveled against the appellant which is no justification for imposition of awarding major penalty upon which appellant

elaborated each and every fact concerning baseless allegations in the reply of Charge Sheet. It is contended that reply to the Show Cause Notice furnished by the appellant was not taken into consideration, therefore, the same reflects negation of Rule-7 of Khyber Pakhtunkhwa E&D Rules-2011 which mandates that after considering the reply, the Authority is bound to aver his own opinion upon the charges which were leveled against the delinquent servant. Furthermore, charges stood unproved during the course of so called regular inquiry rather the inquiry was commenced in shape of questionnaire which is not permissible under the law and against natural justice.

6. Absolutely incorrect. Neither the departmental appeal of the appellant was decided by applying judicial mind nor was he afforded opportunity of personal hearing.
6. Incorrect. The instant appeal is well within time.

Grounds:

- A&B. Incorrect hence not admitted. Appellant was not dealt with as per the mandate of Article-4 & 10A of the Constitution of the Islamic Republic of Pakistan, 1973. As already explained hereinabove that no legality exists in the departmental proceedings nor appellant was treated fairly and justly.
- C-E. Not admitted as asserted. It is absolutely necessary to bring into the notice of the Tribunal that the Answering Respondents have adopted a pick and choose policy in the matter. Initially, as many as 22 Police officials were proceeded against and suspended vide order dated 29.07.2022 against whom disciplinary actions were started but later on the appellant was administered full dose and removed from service inspite of his longstanding service whereas other similarly placed official who were found to have been similar roles, were either let off the hook or awarded minor/lesser punishments. The details are as under:-

S.No	Name/Designation	Enquiry Findings	Enquiry Recommendation	Penalty
1.	HC Bashir Khan	59 contacts with accused proved	Not proved	Exonerated
2.	IHC Mukhtiar ullah	9 contacts with accused proved	Not Proved	Minor Penalty
3.	Muhammad Riaz PASI	9 contacts with accused proved	Partially proved	Minor Penalty
4.	Asfandyar ASI	Contact established with accused proved	Partially proved	Minor Penalty
5.	Sajawal Khan ASI	15 Contacts with accused proved	Partially proved	Minor penalty
6.	Arif ullah FC	6 contacts with accused proved	Not proved	Exonerated
7.	Rashid Ali LHC	5 contacts with accused proved	Not Proved	Exonerated
8.	Muhammad Irshad ASI	Contact established	Not Proved	Exonerated
9.	Izhar FC	4 contacts with accused partially proved	Not Proved	Minor Penalty
10.	Yousaf Jan Inspector	4 contacts before incident proved	Not Proved	Exonerated
11.	Syed Waqar Ali Shah HC	8 Contacts proved with accused	Not Proved	Exonerated
12.	Fakhre Alam DFC	39 contacts proved with accused	Not Proved	Exonerated
13.	Shaukat FC	3 contacts proved with accused	Not Proved	Exonerated
14.	Amjid Khan HC	7 contacts proved with accused	Partially proved	Minor Penalty
15.	Irfan ullah IHC	7 contacts proved with accused	Not Proved	Exonerated

(Record *Annex*;- RJ-1)

In this view of the matter the impugned orders cannot be sustained.

F-L. Incorrect. The detailed reply has already been given in the preceding paras.

It is, therefore, humbly prayed that the reply of answering Respondents may graciously be rejected and the appeal as prayed for may graciously be accepted with costs

Through

Appellant

Khaled Rahman
Advocate, Peshawar

Dated: 31 /08/2023

Verification

Verified that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Appellant

- 4 -

Rj/1

**OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.**

No. 4086/PA: dated Peshawar the 28/10/2022.

To The Senior Superintendent of Police,
Operations, Peshawar.

Subject: **DEPARTMENTAL ENQUIRY**

Please refer to your office Endt. No. 175/E/PA, dated 30.07.2022, pertaining to departmental enquiry against HC Bashir Khan No. 5221.

STATEMENT OF ALLEGATION:

- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365,302,109,7-ATA PS Shahpur.
- ii. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
- iii. He has tarnished the image of police department in the eyes of general public.
- iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No. 2112/PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to HC BASHIR Khan. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/Pa dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

ATTESTED

R/

- 3 -

STATEMENT OF HC BASHIR KHAN NO. 5221:

HC Bashir Khan No. 5221 was called to the office and his statement was recorded which is attached.

CROSS QUESTIONS:

Q: - Do you know Jan Sher, Ramzan and Lal Sher etc?

Ans: - Yes.

Q: - What are their activities and reputation in the area?

Ans: - Suspicious/ involved in illegal activities, killing of innocent people, land grabbing and extortion.

Q: - Why Muhammad Hussain Si (police official) was killed by Lal Sher group?

Ans: - He was killed by them without any reason.

Q: - Did you know about the illegal activities of Jan Sher etc and have information regarding killing of innocent people?

Ans: - Yes.

Q: - Do you know about the killing of innocent women by Jan Sher etc?

Ans: - Yes.

Q: - Do you know the said group is land mafia?

Ans: - Yes.

Q: - Do you know that Jan Sher is PO and wanted to different PSSs?

Ans: - Yes.

Q: - When you know everything about Jan Sher, Lal Sher etc, why you are in contact with them?

Ans: - Because they are relatives.

Q: - They are your blood relatives?

Ans: - Yes.

Q: - Why you helped them in criminal cases?

Ans: - Failed to justify.

Q: - Can you explain the reason of 59 contacts with the group?

Ans: - No answer.

ATTESTED

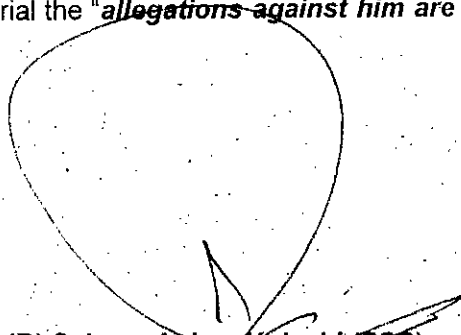
6


FINDINGS:

1. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
2. That they are also involved in the killing of police officers.
3. That they are involved in illegal activities since 20,25 years.
4. That entire family involved in criminal activities, (criminal record is attached).
5. That there are many police officers who are their friends and supporters.
6. That they also harass police officers by using many techniques i.e submitting false application in courts and superior officers just to stop them from performing their lawful duties.
7. That it is because of these police officers that they have been able to reach that much level of the criminality.
8. That the testimony to the fact above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
9. That he confessed that the above mentioned group is involved in land mafia, killing of innocent people as well as killing of police officials.
10. That he was in contact with the above mentioned group.
11. That being a police officer it is necessary to avoid contacts with criminals and other people having illegal activities, but, HC Bashir Khan failed to do this.
12. That as far as, being Nazim of area does not give any person a reason to justify crimes of a criminal.
13. That he is very close relative of above mentioned accused, he is the son of maternal aunt of the accused.
14. That he lives in the same village as of the accused, Mohammad Zai.
15. That this officer has 59 contacts with above mentioned criminals (incoming and outgoing both).

CONCLUSION/ RECOMMENDATION:

In view of above, analyzing of the statement of HC Bashir Khan No. 5221, cross questioning, intelligence sources and other available material the "~~allegations against him are~~ **not proved**".


Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural, Division,
Peshawar.


ATTESTED

5221

شهران

Fc

دردم جان شير

Call Type	A	B	Date/Time	SECs	IMEI	Location of A
Call - Incoming	3138080457	3160242424	05/13/2022 21:33:00	21	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Outgoing	3138080457	3160242424	05/13/2022 21:41:06	19	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Incoming	3138080457	3160242424	05/13/2022 21:41:51	20	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Outgoing	3138080457	3160242424	05/13/2022 21:45:05	33	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Incoming	3138080457	3160242424	05/27/2022 15:23:18	672	356962095434660	Mardan Rd, Kandar Stop, Muhallah Kochian, Nowshehra
Call - Outgoing	3138080457	3160242424	06/03/2022 11:58:02	33	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Outgoing	3138080457	3160242424	06/25/2022 13:01:01	42	356962095434660	Kashti pul. Sahna & PO Nowshehra Kalan. Noshehra
Call - Incoming	3138080457	3160242424	06/25/2022 13:18:35	1451	356962095434660	Mardan Rd, Kandar Stop, Muhallah Kochian, Nowshehra

ATTESIEZ

5221

FC Fe → نواز / نواز

Call Type	A	B	Date/Time	SECS	IMEI	Location of A
Call - Incoming	3138080457	3199077591	04/18/2022 17:59:55	74	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Incoming	3138080457	3199077591	04/23/2022 12:31:40	44	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Incoming	3138080457	3199077591	05/01/2022 20:53:49	47	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Outgoing	3138080457	3199077591	05/06/2022 05:51:40	54	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Incoming	3138080457	3199077591	05/13/2022 17:34:43	42	356962095434660	VILLAGE JHOGIYAN , DAAK KHANA , TARNAB FARM, T&D PESHAWAR
Call - Incoming	3138080457	3199077591	05/13/2022 20:31:22	13	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Incoming	3138080457	3199077591	05/17/2022 11:45:17	116	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Incoming	3138080457	3199077591	05/17/2022 21:31:45	19	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Incoming	3138080457	3199077591	06/03/2022 11:56:57	24	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Incoming	3138080457	3199077591	06/05/2022 08:22:34	70	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Outgoing	3138080457	3199077591	06/05/2022 10:52:21	27	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar

ATTENDED

5221
FC FC ← → منہ لکھ شہر

Call Type	A	B	Date/Time	SECS	IMEI	Location of A
Call - Outgoing	3138080457	3160901144	03/29/2022 20:43:42	73	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Outgoing	3138080457	3160901144	06/05/2022 10:40:32	21	356962095434660	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar

9

~~ATTACHED~~



- 10

**OFFICE OF THE
SR: SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508**

ORDER

This office order will dispose-off the departmental proceedings against HC Bashir Khan No. 5221 while at CCP Peshawar was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP Rural was appointed as Enquiry Officer who submitted his finding wherein he concluded that statement of HC Bashir Khan No. 5221, cross questioning, reports from intelligence sources and other available material the allegations against could not be proved.

3. On receipt of findings of the enquiry officer, he was called in Orderly Room and heard in person on 01.11.2022. The accused official during personal hearing defend himself against the charges leveled against him. Keeping in view of the above, the undersigned being a competent authority do agree with the recommendation of the enquiry officer, therefore, HC Bashir Khan No. 5221 is hereby exonerated from the allegation leveled against him. Hence the enquiry against him is hereby filed. He is reinstated into service from the date of suspension.

Order announced.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 2859-62 PA dated Peshawar, the 02/11/2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. PO, OASI, CRC
3. FMC along with complete enquiry file for record (1/4).

TESTED

- 11

**OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.**

No. 4683 /PA: dated Peshawar the 28/10 /2022.

To The Senior Superintendent of Police,
Operations, Peshawar.

Subject: **DEPARTMENTAL ENQUIRY**

Please refer to your office Endt. No. 190/E/PA, dated 30.07.2022, pertaining to departmental enquiry against IHC (Mukhtiar Ullah) No. 1201.

STATEMENT OF ALLEGATION:

- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365, 302, 109, 7-ATA PS Shahpur.
- ii. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
- iii. He has tarnished the image of police department in the eyes of general public.
- iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No. 21/27PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to IHC Mukhtiar Ullah. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/Pa dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

ATTESTED

- 12

STATEMENT OF IHC MUKHTIAR ULLAH:

IHC Mukhtiar Ullah No. 1201 was called to the office and his statement was recorded which is attached.

CROSS QUESTIONING:

Q:- What was the reason of contact with accused Jan Sher?

Ans:- Jan Sher was complainant in case vide FIR No. 72 dated 17.07.2020; u/s 201.148.149.364.387.7-ATA.302.109 PS Shahpur. In which circle officer namely Inspector Javed Iqbal investigated the case. Inspector Javed told to inform the complainant namely Jan Sher to assist local police to complete the investigation process.

Q:- Jan Sher, Lal Sher etc called you many times, can you explain the reason?

Ans:- He was calling but I was ignoring him and told him that call circle officer for any investigation or other work as he is Muharrar Investigation.

Q:- The case registered on 01.07.2020 and the accused released before your contacts, can you explain?

Ans:- Failed to justify.

Q:- Why you shared the fake information to a news reporter?

Ans:- DSP Sikandar Shah called and asked about Amjid (martyred), I answered to DSP Sikandar. In which, DSP Sikandar Shah told that Ihsan reported will be called you and directed that talk to him. I turned off the mobile and after 4 hours on 09:00 PM Ihsan called and asked about date of incident of martyred Amjid.

Q:- Why you give information to a reporter without confirmation of belt number?

Ans:- I was unaware regarding the propaganda will be shared against department I gave the information on the direction of DSP Sikandar Shah.

FINDINGS

1. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
2. That they are also involved in the killing of police officials.
3. That they are involved in illegal activities since 20,25 years.
4. That entire family are involved in criminal activities, (criminal record is attached).
5. That there are many police officers who are their friends and supporters.
6. That they also harass police officers by using many techniques i.e submitting false applications in courts and to superior officers just to stop them from performing their lawful duties.
7. That it is because of these police officers that they have been able to reach that much level of criminality.

ATTESTED

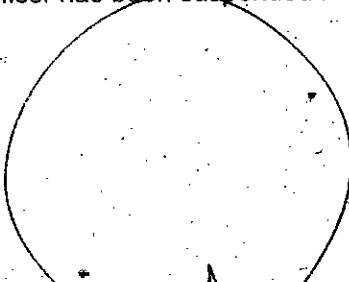
13

8. That the testimony to the facts above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
9. That he was called on the direction of circle officer.
10. That the information was shared on the direction of DSP Sikandar Shah.
11. That this officer has 9 contacts with above mentioned group (incoming and outgoing both).
- 12.
13. That this officer tarnished the image of department by sharing fake information to a reporter and bringing bad name to the department.

CONCLUSION/ RECOMMENDATION

In view of above, following is recommended:

1. In the light of above, cross questioning, analyzing the CDR, intelligence sources and statement of delinquent official, **the allegation against IHC Mukhtiar Ullah No. 1201 are not proved.**
However, he is guilty of conspiracy against police department by giving a false information to a news reporter for tarnishing the image of the police and also to bring bad name to the good step taken by superiors against involved officials.
2. Departmental proceedings may be initiated against DSP Sikandar Shah for misconduct and asking his subordinate to share/ give information about a Shaheed to a crime reporter without confirmation which brought bad name to the department as it was covered in headlines that a Shaheed police officer has been suspended for relations with criminals.


Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural Division,
Peshawar.


ATTESTED

محمد حان شير / He فيسار الله

Call Type	A	B	Date/Time	SECS	IMEI	Location of A
Call - Incoming	3156718802	3160242424	09/10/2021 12:37:44	1	358811075982270	Chamkani Phaatak, Peshawar
Call - Incoming	3156718802	3160242424	09/23/2021 11:39:03	54	358811075982270	Chamkani Phaatak, Peshawar
Call - Incoming	3156718802	3160242424	05/10/2022 12:50:27	19	358811075982270	PTCL Colony, Peshawar
Call - Outgoing	3156718802	3160242424	05/10/2022 15:00:02	142	358811075982270	Chamkani Phaatak, Peshawar
Call - Incoming	3156718802	3160242424	05/10/2022 18:45:14	211	358811075982270	Chamkani Phaatak, Peshawar
Call - Incoming	3156718802	3160242424	05/11/2022 11:38:11	67	358811075982270	Chamkani Phaatak, Peshawar
Call - Incoming	3156718802	3160242424	05/11/2022 15:37:26	46	358811075982270	Chamkani Phaatak, Peshawar
Call - Incoming	3156718802	3160242424	05/11/2022 19:58:36	284	358811075982270	Ghrumbak. Charsadda

14

~~ATTESTED~~



15
OFFICE OF THE
SR. SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508

ORDER

This office order will dispose-off the departmental proceedings against IIC Mukhtiar Ullah No. 1201 while posted at C CP Peshawar was placed under suspension and proceeded against departmentally on the allegations charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP Rural was appointed as Enquiry Officer who submitted his finding wherein he concluded that statement of IIC Mukhtiar Ullah No. 1201, cross questioning, analyzing the CTR, intelligence sources and other available material are not stands proved. However, he is guilty of conspiracy against police department by giving false information to a news reporter for tarnishing the image of police and also to bring bad name to the step taken by superiors against involved officials.

3. On receipt of findings of the enquiry officer, he was called in Orderly Room and heard in person on 01.11.2022. The accused official during personal hearing could not defend himself against the charges leveled against him. Keeping in view of the above, the undersigned being a competent authority do agree with the recommendation of the enquiry officer, therefore, IIC Mukhtiar Ullah No. 1201 is hereby awarded minor punishment of "Forfeiture of approved service for two years. He is reinstated into service from the date of suspension.

Order announced.

(Lt. Col. (R) KASHIF AFTAB AHMAD ABBAS) PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 2851-54PA dated Peshawar, the 02/11/2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. CC, II, PO, OAS, CRG
3. JMC along with complete enquiry file for record.

ATTESTED

1

16

**OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.**

No. 4077/PA: dated Peshawar the 28/10/2022

To: The Senior Superintendent of Police,
Operations, Peshawar.

Subject: **DEPARTMENTAL ENQUIRY**

Please refer to your office Endt. No. 186/E/PA, dated 30.07.2022; pertaining to departmental enquiry against PASI Muhammad Riaz.

STATEMENT OF ALLEGATION:

- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365,302,109,7-ATA PS Shahpur.
- ii. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
- iii. He has tarnished the image of police department in the eyes of general public.
- iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No. 2112/PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to PASI Muhammad Riaz. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/PA dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

ATTESTED

2

17

STATEMENT OF PASI MUHAMMAD RIAZ:

PASI Muhammad Riaz was called to the office and his statement was recorded which is attached:

FINDINGS

1. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
2. That they are also involved in the killing of police officials.
3. That they are involved in illegal activities since 20,25 years.
4. That entire family are involved in criminal activities, (criminal record is attached).
5. That there are many police officers who are their friends and supporters.
6. That they also harass police officers by using many techniques i.e. submitting false applications in courts and to superior officers just to stop them from performing their lawful duties.
7. That it is because of these police officers that they have been able to reach that much level of the criminality.
8. That the testimony to the fact above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
9. That this officer is neighbour of the accused and lives in same village.
10. That accused Jan Sher called him twice for different which he declined to comply with.
11. That no evidence could be found to substantiate to prove allegation no.2 and 3.
12. That as a police officer, he should have restrained himself for contacts with such criminal gang.
13. That this officer has 9 contacts with Jan Sher (incoming and outgoing both).

CONCLUSION:

In view of above, analyzing of the statement of PASI Muhammad Riaz No. 22/P, cross questioning, intelligence sources and other available material **"the allegation no.4 of misconduct stands proved only" and he is not guilty of allegation no.1, no.2 and no.3.**

Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural, Division,
Peshawar.

ATTESTED

22/P ملزم جان شير - نمبر باص PAM

Call Type	A	B	Date/Time	SECS	IMEI	Location of A
Call - Incoming	3149277201	3160242424	04/26/2022 15:26:25	87	868344038459140	Tamur plaza gulbahar 2 opposite shell pump, gulbahar Peshawar.
Call - Outgoing	3149277201	3160242424	04/26/2022 15:34:43	68	868344038459140	Grand Trunk Rd, Zaryab Colony, Peshawar
Call - Outgoing	3149277201	3160242424	04/26/2022 15:49:48	20	868344038459140	Hassan Market,, G.T road , Chughualpura, Peshawar.
Call - Incoming	3149277201	3160242424	04/26/2022 17:40:26	22	868344038459140	Mouza Arazi 1,T&D Peshawar
Call - Outgoing	3149277201	3160242424	04/26/2022 17:59:08	37	868344038459140	Main GT Road, Near Wapda Power House, Anees Tower, Peshawar
Call - Outgoing	3149277201	3160242424	04/26/2022 18:03:08	51	868344038459140	Main GT Road, Near Wapda Power House, Anees Tower, Peshawar
Call - Incoming	3149277201	3160242424	04/26/2022 18:21:59	78	868344038459140	Main GT Road, Near Wapda Power House, Anees Tower, Peshawar
Call - Incoming	3149277201	3160242424	04/26/2022 18:29:19	19	868344038459140	Javaid Town Gulberg Town No. 4, Opp Gulshan Colony Peshawar
Call - Incoming	3149277201	3160242424	04/26/2022 18:36:15	166	868344038459140	Alhaaj Market. Garhi Nawab Khan.G.T Rd Peshawar

ARRESTED



19
OFFICE OF THE
SR: SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508

ORDER

This office order will dispose-off the departmental proceedings against PASI Muhammad Riaz No. 22/P while at CCP Peshawar was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP Rural was appointed as Enquiry Officer who submitted his finding wherein he concluded that statement of PASI Muhammad Riaz No. 4655, cross questioning, reports from intelligence sources and other available material the allegations No. 4 of the charge sheet stands proved.

3. On receipt of findings of the enquiry officer, he was called in Orderly Room and heard in person on 01.11.2022. The accused official during personal hearing could not defend himself against the charges leveled against him. Keeping in view of the above, the undersigned being a competent authority do agree with the recommendation of the enquiry officer; therefore, PASI Muhammad Riaz No. 22/P is hereby awarded minor punishment of "Stoppage of increment for six months. He is reinstated into service from the date of suspension.

Order announced.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 2871-74 PA dated Peshawar, the 02/11/2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. EC-II, PO.
3. FMC along with complete enquiry file for record (//).

ATTESTED

-20

**OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.**

No. 4093 /PA: dated Peshawar the 28/10 /2022.

To The Senior Superintendent of Police,
Operations, Peshawar.

Subject; **DEPARTMENTAL ENQUIRY**

Please refer to your office Endt: No. 176/E/PA, dated 30.07.2022; pertaining to departmental enquiry against ASI Asfandyar No. 4607.

STATEMENT OF ALLEGATION:

- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365,302,109,7-ATA PS Shahpur.
- ii. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
- iii. He has tarnished the image of police department in the eyes of general public.
- iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No. 2112/PA dated 02.08.2022(attached).

Enquiry officer provided reasonable opportunity to ASI Asfandyar. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/PA dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes; supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

ATTESTED

21

STATEMENT OF ASI ASFANDYAR:

ASI ASFandiyar was called to the office and his statement was recorded which is attached.

FINDINGS:

- i. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
- ii. That they are also involved in the killing of police officers.
- iii. That they are involved in illegal activities since 20/25 years.
- iv. That entire family involved in criminal activities, (criminal record is attached).
- v. That there are many police officers who are their friends and supporters.
- vi. That they also harass police officers by using many techniques i.e submitting false applications in courts and to superior officers just to stop them from performing their lawful duties.
- vii. That it is because of these police officers that they have been able to reach that much level of the criminality.
- viii. That the testimony to the fact above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
- ix. That ASI ASFandiyar was posted in the PS Shahpur recently, he has three contacts with accused and notorious criminal Jan Sher (record attached).
- x. That he knew that Jan Sher is a notorious criminal and is involved in the above mentioned activities.
- xi. That told the EO that he was given threat by Jan Sher for not interfering in the affairs of their village.
- xii. That during the period in contact accused Jan Sher was PO, he should not have maintained contact with him as there is an outgoing call from under enquiry officer to Jan Sher for the reasons best known to him.
- xiii. That he was not in contact with Jan Sher in the last year except while he was posted to PS Shahpur on GD Duty.
- xiv. That no mala fide on the part of the ASI ASFandiyar came to the surface.

CONCLUSION:

Keeping in view the above mentioned circumstances, ASI ASFandiyar No 4607 is "**found guilty of misconduct as per allegation number 4 of the charge sheet.**"

Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural Division,
Peshawar.

REGISTERED



22

**OFFICE OF THE
SR: SUPERINTENDENT OF POLICE.
(OPERATIONS) PESHAWAR
Phone. 091-9210508**

ORDER

This office order will dispose-off the departmental proceedings against ASI Asfandyar No. 4607 while posted at PS Shahpur was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP Rural was appointed as Enquiry Officer who submitted his finding wherein he concluded that statement of ASI Asfandyar No. 4607, cross questioning, reports from intelligence sources and other available material the allegations No. 4 of the charge sheet stands proved.

3. On receipt of findings of the enquiry officer, he was called in Orderly Room and heard in person on 01.11.2022. The accused official during personal hearing could not defend himself against the charges leveled against him. Keeping in view of the above, the undersigned being a competent authority do agree with the recommendation of the enquiry officer, therefore, ASI Asfandyar No. 4607 is hereby awarded minor punishment of "Stoppage of increment for six months. He is reinstated into service from the date of suspension.

Order announced.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 2863-66 PA dated Peshawar, the 02/11/2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. EC-II, PO.
3. FMC along with complete enquiry file for record (7).

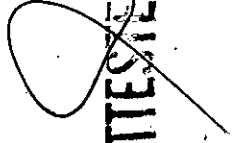
ATTACHED

4607

HE → Ali → مزرگانہ

23

Call Type	A	B	Date/Time	SECs	IMEI	Location of A
Call - Incoming	3139559939	3160242424	06/24/2022 18:34:10	112	354191109332520	Mohallah Ahmad Khel, Shewa, Swabi
Call - Incoming	3139559939	3160242424	06/24/2022 18:36:14	114	354191109332520	Khāra # 1664, Khata # 1960/3799, Mouza Sheikh Jana, Mohallah Ali Sher Khel, Sheikh Jana, Tehsil Razar & ?Dist. Swabi.
Call - Outgoing	3139559939	3160242424	06/25/2022 15:18:43	66	354191109332520	Mohallah Ahmad Khel, Shewa, Swabi


ATTESTED

- 24

**OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.**

No. 4092/PA: dated Peshawar the 28/10/2022.

To The Senior Superintendent of Police,
Operations, Peshawar.

Subject; **DEPARTMENTAL ENQUIRY**

Please refer to your office Endt: No. 182/E/PA, dated 30.07.2022; pertaining to departmental enquiry against ASI Sajawal Khan No. 4140.

STATEMENT OF ALLEGATION:

- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365,302,109,7-ATA PS Shahpur.
- ii. It is further alleged that he has leaked secret information in arrest of POs in
- iii. He has tarnished the image of police department in the eyes of general public.
- iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No. 2112/PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to ASI Sajawal Khan. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/PA dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

STATEMENT OF ASI SAJAWAL KHAN:

ASI Sajawal Khan was called to the office and his statement was recorded which is attached.

ATTESTED

ISS QUESTIONS:

Q: - Do you know Jan Sher, Lal Sher and Ramzan?

Ans: - Yes

Q: - What are their activities and reputation in the area?

Ans: - Suspicious/ involved in illegal activities, killing of innocent people, land grabbing and extortion.

Q: - Did you knowing about the illegal activities of Jan Sher etc and have information regarding killing of innocent people?

Ans: - Yes.

Q: - Do you know about the killing of innocent women by Jan Sher etc?

Ans: - Yes.

Q: - Do you know the said group is land mafia?

Ans: - Yes.

Q: - Were you in contact with Jan Sher, Ramzan etc and since when?

Ans: - Yes, before my posting in PS Shahpur.

Q: - Do you know that Jan Sher is PO and wanted to different PSs?

Ans: - Yes

Q: - When you know everything about Jan Sher, Lal Sher etc, why you are in contact with them?

Ans: - Failed to explain.

FINDINGS:

1. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
2. That they are also involved in the killing of police officers.
3. That they are involved in illegal activities since 20,25 years.
4. That entire family involved in criminal activities, (criminal record is attached).
5. That there are many police officers who are their friends and supports.
6. That they also harass police officers by using many techniques i.e submitting false application in courts and to superior officers just to stop them from performing their lawful duties.
7. That it is because of these police officers that they have been able to the reach that much level of the criminality.
8. That the testimony to the fact above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.

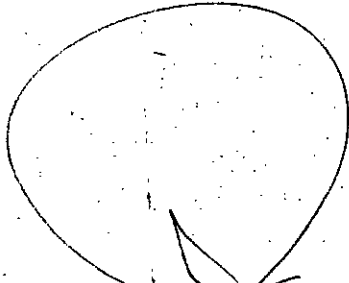
ATTESTED

that he knew that the above mentioned group are wanted and is POs and have been POs all along as he confessed during cross questioning.

10. That he confessed that the above mentioned group is involved in land mafia, killing of innocent people as well as killing of police officials.
11. That being a police officer it is necessary to avoid contacts with criminals and other people having illegal activities, but, ASI Sajawal Khan failed to do this.
12. That as far as, being Nazim of area does not give any person a reason to justify crimes of a criminal.
13. That he served in the PS Shahpur in both investigation and operation staff.
14. That ASI Sajawal Khan was in contact with the above mentioned group since long before his posting in PS Shahpur.
15. Nothing substantial could be found against him to substantiate the allegations from serial no.1 to serial no.3.
16. That as a police officer, it was his duty to avoid contact with accused Jan Sher, knowing fully well his criminal history.
17. That this officer has 15 contacts with the above mentioned group (incoming and outgoing both).

CONCLUSION:

In view of above, analyzing of the statement of ASI Sajawal Khan No. 4140, cross questioning, intelligence sources and other available material the "***allegation no.4 of the charge sheet stands proved***".


Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural, Division,
Peshawar.

ATTESTED



مذکورہ جان شیئر / سجاد علی آغا

27



Call Type	A	B	Date/Time	SECs	IMEI	Location of A
Call - Outgoing	3146900767	3160242424	12/19/2021 12:56:19	153	355705608343800	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Incoming	3146900767	3160242424	12/19/2021 17:19:35	51	355705608343800	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Outgoing	3146900767	3160242424	12/19/2021 17:40:28	48	355705608343800	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Outgoing	3146900767	3160242424	01/24/2022 14:18:43	39	354158112482140	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Incoming	3146900767	3160242424	02/18/2022 12:45:57	71	354158112482140	Chamkani Phaatak, Peshawar
Call - Incoming	3146900767	3160242424	02/18/2022 13:54:30	16	354158112482140	Dilazak Rd, Muhammad Zai, Gulo Zai, Peshawar
Call - Incoming	3146900767	3160242424	02/18/2022 14:42:14	63	354158112482140	Village Vadpaga Mohallah Najoi, PSH
Call - Incoming	3146900767	3160242424	03/02/2022 09:27:13	71	354158112482140	Zaheer shah Afridi palaza, Shaheen town Laberty RD, near police station PSH
Call - Outgoing	3146900767	3160242424	04/30/2022 10:20:16	94	354158112482140	Wadpagga, Peshawar, KPK
Call - Incoming	3146900767	3160242424	04/30/2022 11:49:54	59	354158112482140	Wadpagga, Peshawar, KPK
Call - Incoming	3146900767	3160242424	04/30/2022 13:11:58	50	354158112482140	Sardar Garhi, Near GT Road, Peshawar
Call - Incoming	3146900767	3160242424	05/07/2022 19:52:21	30	354158112482140	Wadpagga, Peshawar, KPK
Call - Outgoing	3146900767	3160242424	05/07/2022 19:54:35	16	354158112482140	Wadpagga, Peshawar, KPK
Call - Incoming	3146900767	3160242424	05/09/2022 09:21:39	57	354158112482140	Village Kankala, Charsadda Rd., Peshawar
Call - Outgoing	3146900767	3160242424	06/05/2022 21:51:48	1	354158112482140	Wadpagga, Peshawar, KPK
Call - Outgoing	3146900767	3160242424	06/05/2022 21:52:24	181	354158112482140	Wadpagga, Peshawar, KPK
Call - Incoming	3146900767	3160242424	06/07/2022 11:39:15	53	354158112482140	PTCL Colony, Peshawar



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**OFFICE OF THE
SR: SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508**

ORDER

This office order will dispose-off the departmental proceedings against ASI Sajawal Khan No. 4140 while at CCP Peshawar was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP Rural was appointed as Enquiry Officer who submitted his finding wherein he concluded that statement of ASI Sajawal Khan No. 4140, cross questioning, reports from intelligence sources and other available material the allegations No. 4 of the charge sheet stands proved.

3. On receipt of findings of the enquiry officer, he was called in Orderly Room and heard in person on 01.11.2022. The accused official during personal hearing could not defend himself against the charges leveled against him. Keeping in view of the above, the undersigned being a competent authority do agree with the recommendation of the enquiry officer, therefore, ASI Sajawal Khan No. 4140 is hereby awarded minor punishment of "Stoppage of increment for two years. He is reinstated into service from the date of suspension.

Order announced.

(Lt Cdr @ KASHIF AFTAB AHMAD ABRASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 2875-78 PA dated Peshawar, the 2/11 /2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. EC-II, PO, OASI, CRC
3. FMC along with complete enquiry file for record (3/2).

~~RESTRICTED~~

29

**OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.**

No. 4078/PA: dated Peshawar the 28/10/2022.

To The Senior Superintendent of Police,
Operations, Peshawar.

Subject: **DEPARTMENTAL ENQUIRY**

Please refer to your office Endt. No. 171/E/PA, dated 30.07.2022; pertaining to departmental enquiry against FC Arif Ullah No. 2864.

STATEMENT OF ALLEGATION:

- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365,302,109,7-ATA PS Shahpur.
- ii. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
- iii. He has tarnished the image of police department in the eyes of general public.
- iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No. 2112/PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to FC Arif Ullah No. 2864. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/PA dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.


ATTESTED

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STATEMENT OF FC ARIF ULLAH NO. 2864:

FC Arif Ullah No. 2864 was called to the office and his statement was recorded which is attached.

CROSS QUESTIONS:

Q: - Do you know Jan Sher, Ramzan and Lal Sher etc?

Ans: - Yes.

Q: - What are their activities and reputation in the area?

Ans: - Suspicious/ involved in illegal activities, killing of innocent people, land grabbing and extortion.

Q: - Why Muhammad Hussain SI (police official) was martyred by Lal Sher group?

Ans: - He was killed by them without any reason.

Q: - Did you know about the illegal activities of Jan Sher etc and have information regarding killing of innocent people?

Ans: - Yes.

Q: - Do you know about the killing of innocent women by Jan Sher etc?

Ans: - Yes.

Q: - Do you know the said group is land mafia?

Ans: - Yes.

Q: - Do you know that Jan Sher is PO and wanted to different PSSs?

Ans: - No answer.

Q: - When you know everything about Jan Sher, Lal Sher etc, why you are in contact with them?

Ans: - Silence (No answer).

FINDINGS:

1. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion; killing of innocent people as well as killing of innocent women.
2. That they are also involved in the killing of police officers.
3. That they are involved in illegal activities since 20,25 years.
4. That entire family involved in criminal activities, (criminal record is attached).
5. That there are many police officers who are their friends and supporters.
6. That they also harass police officers by using many techniques i.e submitting false applications in courts and to superior officers just to stop them from performing their lawful duties.

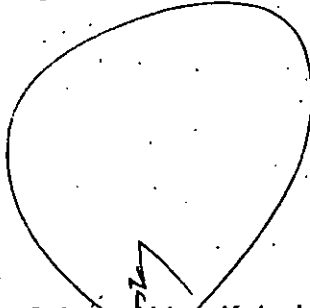
ATTESTED

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7. That it is because of these police officers that they have been able to reach that much level of criminality.
8. That the testimony to the facts above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
9. That at PS Daudzai a case was registered against Hussain Ullah brother of delinquent official vide FIR No. 1411 dated 21.12.2021 u/s 365 PPC. In which kidnappee returned back home. Later on, Ramzan did compromise between the parties and sorted out the matter. That's why he contacted him.
10. That the affidavit of the compromise was also checked who purchased on 22.12.2021 and wrote on 22.01.2022 (attached).
11. That this person has 6 contacts with accused Ramzan (incoming and outgoing).

CONCLUSION:

In view of above, analyzing of the statement of FC Arif Ullah, cross questioning, intelligence sources and other available material "the allegations against him couldn't be proved."



Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural Division,
Peshawar.

ATTESTED



32

**OFFICE OF THE
SR: SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508**

ORDER

This office order will dispose-off the departmental proceedings against Constable Arif Ullah No. 2864 while at CCP Peshawar was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP Rural was appointed as Enquiry Officer who submitted his finding wherein he concluded that statement of Constable Arif Ullah No. 2864, cross questioning, reports from intelligence sources and other available material the allegations against could not be proved.

3. On receipt of findings of the enquiry officer, he was called in Orderly Room and heard in person on 01.11.2022. The accused official during personal hearing defend himself against the charges leveled against him. Keeping in view of the above, the undersigned being a competent authority do agree with the recommendation of the enquiry officer, therefore, Constable Arif Ullah No. 2864 is hereby exonerated from the allegation leveled against him. Hence the enquiry against him is hereby filed. He is reinstated into service from the date of suspension.

Order announced.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 2883-86 PA dated Peshawar, the 02/11 /2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. PO, OASI, CRC
3. FMC along with complete enquiry file for record (12).

ATTESTED

(33)

**OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.**

No. 4074/PA: dated Peshawar the 28/10/2022.

To The Senior Superintendent of Police,
Operations, Peshawar,
Subject: **DEPARTMENTAL ENQUIRY**

Please refer to your office Endt: No. 188/E/PA, dated 30.07.2022; pertaining to departmental enquiry against LHC Rashid Ali No. 1070.

STATEMENT OF ALLEGATION:

- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365,302,109,7-ATA PS Shahpur.
- ii. It is further alleged that he has leaked secret information in arrest of POs above mentioned FIR and allied with criminals.
- iii. He has tarnished the image of police department in the eyes of general public.
- iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No. 2112/PA dated 02.08.2022

Enquiry officer provided reasonable opportunity to LHC Rashid Ali No. 1070. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/PA dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

ATTESTED

33 34

STATEMENT OF LHC RASHID ALI NO. 1070:

LHC Rashid Ali No: 1070 was called to the office and his statement was recorded which is attached.

FINDINGS:

1. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
2. That they are also involved in the killing of police officers.
3. That they are involved in illegal activities since 20,25 years.
4. That entire family involved in criminal activities, (criminal record is attached).
5. That there are many police officers who are their friends and supporters.
6. That they also harass police officers by using many techniques i.e submitting false applications in courts and to superior officers just to stop them from performing their lawful duties.
7. That it is because of these police officers that they have been able to reach that much level of criminality.
8. That the testimony to the facts above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
9. That this person has 5 contacts with Jan Sher as he asked about some officials number and also threatened him of dire consequences.
10. No malafide or any other thing came on surface to substantiate the allegations leveled against him.

CONCLUSION:

In view of above, analyzing of the statement of LHC Rashid Ali No. 1070, cross questioning, intelligence sources and other available material "**he is not guilty**".

Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural, Division,
Peshawar.

ATTESTED



35
OFFICE OF THE
SR. SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508

ORDER

This office order will dispose-off the departmental proceedings against L.I.C. Rashid Ali No. 1070 while at PS Daudzai was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP Rural was appointed as Inquiry Officer who submitted his finding wherein he concluded that statement of L.I.C. Rashid Ali No. 1070, cross questioning, reports from intelligence sources and other available material the allegations against could not be proved.

3. On receipt of findings of the enquiry officer, he was called in Orderly Room and heard in person on 01.11.2022. The accused official during personal hearing defend himself against the charges leveled against him. Keeping in view of the above, the undersigned being a competent authority do agree with the recommendation of the enquiry officer, therefore, L.I.C. Rashid Ali No. 1070 is hereby exonerated from the allegation leveled against him. Hence the enquiry against him is hereby filed. He is reinstated into service from the date of suspension.

Order announced.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI) PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 2843-46 PA dated Peshawar, the 02/11/2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. PO, OASI, CRC.
3. FMC along with complete enquiry file for record (8).

ATTENDED

36

OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.

No. 4075/PA: dated Peshawar the 28/10 /2022.

To The Senior Superintendent of Police,
Operations, Peshawar.

Subject: DEPARTMENTAL ENQUIRY

Please refer to your office Endt. No. 180/E/PA, dated 30.07.2022; pertaining to departmental enquiry against ASI Muhammad Irshad No. 191.

STATEMENT OF ALLEGATION:

- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365,302,109,7-ATA PS Shahpur.
- ii. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
- iii. He has tarnished the image of police department in the eyes of general public.
- iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No. 2112/PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to ASI Muhammad Irshad. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/PA dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

ATTESTED

37 38

STATEMENT OF MUHAMMAD IRSHAD:

ASI Muhammad Irshad was called to the office and his statement was recorded which is attached.

FINDINGS:

1. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
2. That they are also involved in the killing of police officers.
3. That they are involved in illegal activities since 20/25 years.
4. That the entire family involved in criminal activities, (criminal record is attached).
5. That there are many police officers who are their friends and supporters.
6. That they also harass police officers by using many techniques i.e submitting false applications in courts and to superior officers just to stop them from performing their lawful duties.
7. That it is because of these police officers that they have been able to reach that much level of the criminality.
8. That the testimony to the fact above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
9. That ASI Irshad called to Doulat and Sartaj to give the outstanding amount of Rs. 50,000 to constable Ayaz as he is needs. In which Jan Sher contacted and CDR and FIR support the proposition.
10. That he was contacted by the accused Jan Sher twice and was threatened.

CONCLUSION:

In view of above, analyzing of the statement of ASI Muhammad Irshad No. 191, cross questioning, intelligence sources and other available material the allegations **against ASI Muhammad Irshad No. 191 couldn't be proved.**

Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural, Division,
Peshawar.

ATTESTED



38

OFFICE OF THE
SR: SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508

ORDER

This office order will dispose-off the departmental proceedings against ASI Muhammad Irshad No. 191 while as I/C Police Post PS Daudzai was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP Rural was appointed as Enquiry Officer who submitted his finding wherein he concluded that statement of ASI Muhammad Irshad No. 191, cross questioning, reports from intelligence sources and other available material the allegations against could not be proved.

3. On receipt of findings of the enquiry officer, he was called in Orderly Room and heard in person on 01.11.2022. The accused official during personal hearing defend himself against the charges leveled against him. Keeping in view of the above, the undersigned being a competent authority do agree with the recommendation of the enquiry officer, therefore, ASI Muhammad Irshad No. 191 is hereby exonerated from the allegation leveled against him. Hence the enquiry against him is hereby filed. He is reinstated into service from the date of suspension.

Order announced.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 2867-70 PA dated Peshawar, the 02/11/2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. EC-II, PO
3. FMC along with complete enquiry file for record (//).

ATTESTED

39

**OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.**

No. 4079/PA: dated Peshawar the 28/10 /2022.

To

The Senior Superintendent of Police,
Operations, Peshawar.

Subject: **DEPARTMENTAL ENQUIRY**

Please refer to your office Endt. No. 181/E/PA, dated 30.07.2022; pertaining to departmental enquiry against FC Izhar No. 1959.

STATEMENT OF ALLEGATION:

- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365,302,109,7-ATA PS Shahpur.
- ii. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
- iii. He has tarnished the image of police department in the eyes of general public.
- iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No. 2112/PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to FC Izhar No. 1959. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/PA dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

ATTEST

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STATEMENT OF FC IZHAR NO. 1959:

FC Izhar No. 1959 was called to the office and his statement was recorded which is attached.

CROSS QUESTIONS:

Q: - Do you know Jan Sher, Ramzan and Lal Sher etc?

Ans: - Yes.

Q: - What are their activities and reputation in the area?

Ans: - Suspicious/ involved in illegal activities, killing of innocent people, land grabbing and extortion.

Q: - Why Muhammad Hussain SI (police official) was killed by Lal Sher group?

Ans: - He was killed by them without any reason.

Q: - Did you know about the illegal activities of Jan Sher etc and have information regarding killing of innocent people?

Ans: - Yes.

Q: - Do you know about the killing of innocent women by Jan Sher etc?

Ans: - Yes.

Q: - Do you know the said group is land mafia?

Ans: - Yes.

Q: - Do you know that Jan Sher is PO and wanted to different PSs?

Ans: - No answer.

Q: - When you know everything about Jan Sher, Lal Sher etc, why you are in contact with them?

Ans: - My relative was missing at Afghanistan and Jan Sher has many friends there, on that's why he contacted to find out his relative through his friends at Afghanistan.

FINDINGS:

1. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
2. That they are also involved in the killing of police officers.
3. That they are involved in illegal activities since 20,25 years.
4. That entire family involved in criminal activities, (criminal record is attached).
5. That there are many police officers who are their friends and supporters.

ATTESTED

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6. That they also harass police officers by using many techniques i.e submitting false applications in courts and to superior officers just to stop them from performing their lawful duties.
7. That it is because of these police officers that they have been able to reach that much level of criminality.
8. That the testimony to the facts above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
9. That this person has 4 contacts with Jan, Sher as he has friends at Afghanistan and relative of FC Izhar was missing there. That's why he asked for help to trace out his relative who was doctor there.
10. That Doctor Bakhtiar who was missing from Afghanistan also heard and it is found that he was missing for 3,4 months at Afghanistan.

CONCLUSION:

In view of above, analyzing of the statement of FC Izhar Khan No. 1959, cross questioning, intelligence sources and other available material "~~the allegation no. 4 of the charge sheet stands proved against him~~".

Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural, Division,
Peshawar.

ATTESTED



42
OFFICE OF THE
SR: SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508

ORDER

This office order will dispose-off the departmental proceedings against Constable Izhar No. 1959 while posted at CCP Peshawar was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP Rural was appointed as Enquiry Officer who submitted his finding wherein he concluded that statement of Constable Izhar No. 1959, cross questioning, reports from intelligence sources and other available material the allegations No. 4 of the charge sheet stands proved.

3. On receipt of findings of the enquiry officer, he was called in Orderly Room and heard in person on 01.11.2022. The accused official during personal hearing could not defend himself against the charges leveled against him. Keeping in view of the above, the undersigned being a competent authority do agree with the recommendation of the enquiry officer, therefore, Constable Izhar No. 1959 is hereby awarded minor punishment of "Stoppage of increment for six months. He is reinstated into service from the date of suspension.

Order announced.

(Lt Cdr @ KASHIF AFTAB AIMAD ABBASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 2031-34 PA dated Peshawar, the 02/11/2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. OASI, CRC, PO.
3. FMC along with complete enquiry file for record (//).

ATTESTED

43

**OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.**

No. 4080 /PA: dated Peshawar the 28/10 /2022.

To: The Senior Superintendent of Police,
Operations, Peshawar.

Subject: **DEPARTMENTAL ENQUIRY**

Please refer to your office Endt. No. 177/E/PA, dated 30.07.2022; pertaining to departmental enquiry against Inspector Yousaf Jan.

STATEMENT OF ALLEGATION:

1. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365,302,109,7-ATA PS Janpur.
2. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
3. He has tarnished the image of police department in the eyes of general public.
4. All this amounts to gross misconduct on his part and rendered him liable to punishment under Police (E&D) Rules, 1975.

PROCEEDINGS:

1. Personal hearing.
2. Recording of statement.
3. Collection of CDR and posting record.
4. Criminal record of Lal Sher group vide this office memo No. 2112/PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to Inspector Yousaf Jan. Statement of allegation was served upon him and his written reply was recorded and he was cross-questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/PA dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

STATEMENT OF INSPECTOR YOUSAF JAN:

Inspector Yousaf Jan was called to the office and his statement was recorded which is attached.

(1) 2022

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CROSS QUESTIONS:

Q: - Where do you live?

Ans: - Rajar, Charsadda.

Q: - Have ever performed duties at PS Janpur?

Ans: - No.

Q: - Since when you are performing your duties in CCP?

Ans: - Since 1991.

Q: - Have you performed your duties in PS Chamkani?

Ans: - Yes, as SHO in 2018.

Q: - Reason of contact with Jan Sher and Lal Sher?

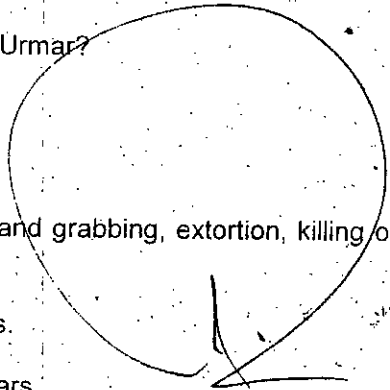
Ans: - Their cousins are wanted and are POs in different cases of PS Urmar. In which raids were conducted several times for the arrest of accused. That's why they contacted and threatened me to not to raid again.

Q: - Since when are you performing your duty at PS Urmar?

Ans: - Since 9 months.

FINDINGS:

1. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
2. That they are also involved in the killing of police officers.
3. That they are involved in illegal activities since 20,25 years.
4. That entire family involved in criminal activities, (criminal record is attached).
5. That there are many police officers who are their friends and supporters.
6. That they also harass police officers by using many techniques i.e submitting false applications in courts and to superior officers just to stop them from performing their lawful duties.
7. That it is because of these police officers that they have been able to reach that much level of the criminality.
8. That the testimony to the fact above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
9. That Inspector Yousaf Jan conducted several raids for the arrest of POs who are wanted in different cases (FIRs attached). In which, Jan Sher and Lal Sher etc contacted and threatened to not to raid again.
10. That above mentioned POs in the jurisdiction of PS Urmer are close relatives of Lal Sher group.
11. That he did his job according to the law.
12. That this officer has 4 contacts with Jan Sher. Call details are as under: -
 1. 4 calls before the incident (incoming and outgoing both).



ATTACHED

CONCLUSION:

In view of above, analyzing of the statement of Inspector Yousaf Jan, cross examination, reports from intelligence sources and other available material; it is found that Inspector Yousaf Jan is **not guilty of the offences** as charged.

Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural Division,
Peshawar.

ATTACHED



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OFFICE OF THE
SR: SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508

ORDER

This office order will dispose-off the departmental proceedings against Inspector Yousaf Jan No. P/324 while as SHO Police Station Urmar was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP Rural was appointed as Enquiry Officer who submitted his finding wherein he concluded that statement of Inspector Yousaf Jan, cross questioning, reports from intelligence sources and other available material the allegations against could not be proved.

3. On receipt of findings of the enquiry officer, he was called in Orderly Room and heard in person on 01.11.2022. The accused official during personal hearing defend himself against the charges leveled against him. Keeping in view of the above, the undersigned being a competent authority do agree with the recommendation of the enquiry officer, therefore, Inspector Yousaf Jan No. P/324 is hereby exonerated from the allegation leveled against him. Hence the enquiry against him, is hereby filed. He is reinstated into service from the date of suspension.

Order announced.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSI
Senior Superintendent of Police
(Operations) Peshawar

No. 2879-02 PA dated Peshawar, the 02/11/2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. EC-II, PO
3. FMC along with complete enquiry file for record (- 25).

REVISED

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OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.

No. 4081/PA: dated Peshawar the 28/10/2022.

To: The Senior Superintendent of Police,
Operations, Peshawar.

Subject: **DEPARTMENTAL ENQUIRY**

Please refer to your office Endt: No. 179/E/PA, dated 30.07.2022; pertaining to departmental enquiry against HC Syed Waqar Ali Shah No. 1873.

STATEMENT OF ALLEGATION:

- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365,302,109,7-ATA PS Shahpur.
- ii. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
- iii. He has tarnished the image of police department in the eyes of general public.
- iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No. 2112/PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to HC Waqar Ali Shah No. 1873. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/PA dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

STATEMENT OF HC WAQAR ALI SHAH:

HC Waqar Ali Shah was called to the office and his statement was recorded which is attached.

ATTESTED

FINDINGS:

1. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
2. That they are also involved in the killing of police officers.
3. That they are involved in illegal activities since 20,25 years.
4. That entire family involved in criminal activities, (criminal record is attached).
5. That there are many police officers who are their friends and supporters.
6. That they also harass police officers by using many techniques i.e submitting false applications in courts and to superior officers just to stop them from performing their lawful duties.
7. That it is because of these police officers that they have been able to reach that much level of the criminality.
8. That the testimony to the fact above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
9. That he received a call and caller stated that don't tease his villager during Nakabandi. In which, asked by delinquent official about his identity but he discontinued the call.
10. That he was unaware regarding any Lal Sher, Jan Sher or any other member of his group as this period of duty was first in his tenure.
11. That this officer has 8 contacts with Jan Sher (incoming and outgoing both).

CONCLUSION:

In view of above, analyzing of the statement of HC Waqar Ali Shah No. 1873, cross questioning, intelligence sources and other available material "**allegations against him are not proved**".

Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural Division,
Peshawar.

ATTESTED



OFFICE OF THE
SR: SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508

ORDER

This office order will dispose-off the departmental proceedings against HC Syed Waqar Ali Shah No. 1873 while at PS Hayatabad was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case-wise FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP Rural was appointed as Enquiry Officer who submitted his finding wherein he concluded that statement of HC Syed Waqar Ali Shah, cross questioning, reports from intelligence sources and other available material the allegations against could not be proved.

3. On receipt of findings of the enquiry officer, he was called in Orderly Room and heard in person on 01.11.2022. The accused official during personal hearing defend himself against the charges leveled against him. Keeping in view of the above, the undersigned being a competent authority do agree with the recommendation of the enquiry officer, therefore, HC Syed Waqar Ali Shah No. 1873 is hereby exonerated from the allegation leveled against him. Hence the enquiry against him is hereby filed. He is reinstated into service from the date of suspension.

Order announced.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 2855-58 PA dated Peshawar, the 02/11 /2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar,
2. PO, OASI, CRC
3. FMC along with complete enquiry file for record (35).

ATTACHED

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OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.

No. 4091 /PA dated Peshawar the 28/10 /2022.

To The Senior Superintendent of Police,
Operations, Peshawar.

Subject: **DEPARTMENTAL ENQUIRY**

Please refer to your office Endt: No. 172/E/PA, dated 30.07.2022; pertaining to departmental enquiry against DFC Fakhr e Alam No. 419.

STATEMENT OF ALLEGATION:

- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 Crs 365,302,109,7-ATA PS Shahpur.
- ii. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
- iii. He has tarnished the image of police department in the eyes of general public.
- iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No. 2112/PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to DFC Fakhr e Alam No. 419. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/Pa dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

ATTESTED

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STATEMENT OF DFC FAKHR E ALAM:

DFC Fakhr e Alam was called to the office and his statement was recorded which is attached.

CROSS QUESTIONS:

Q: - Do you know Jan Sher, Ramzan and Lal Sher etc?

Ans: - Yes.

Q: - What are their activities and reputation in the area?

Ans: - Suspicious/ involved in illegal activities, killing of innocent people, land grabbing and extortion.

Q: - Why Muhammad Hussain SI (police official) was killed by Lal Sher group?

Ans: - He was killed by them without any reason.

Q: - Did you know about the illegal activities of Jan Sher etc and have information regarding killing of innocent people?

Ans: - Yes.

Q: - Do you know about the killing of innocent women by Jan Sher etc?

Ans: - Yes.

Q: - Do you know the said group is land mafia?

Ans: - Yes.

Q: - Do you know that Jan Sher is PO and wanted to different PSs?

Ans: - No answer.

Q: - When you know everything about Jan Sher, Lal Sher etc, why you are in contact with them?

Ans: - Only for compliance the court orders and informing about the court summons.

FINDINGS:

- i. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
- ii. That they are also involved in the killing of police officers.
- iii. That they are involved in illegal activities since 20,25 years.
- iv. That entire family involved in criminal activities, (criminal record is attached).
- v. That there are many police officers who are their friends and supporters.
- vi. That they also harass police officers by using many techniques i.e submitting false applications in courts and to superior officers just to stop them from performing their lawful duties.

ATTESTED

- vii. That it is because of these police officers that they have been able to reach that much level of criminality.
- viii. That the testimony to the facts above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
- ix. That applicant of the case i.e Jan Sher and Ramzan called by DFC Fakhr e Alam and informed about the summons. The details of the cases are as under:
 - a. FIR No. 56 dated 17.01.2018 u/s 302/34 PS Chamkani.
 - b. FIR No. 1214 dated 29.10.2014 u/s 302/324/34 PS Chamkani
 - c. FIR No. 2267 dated 06.10.2019 u/s 324 PS Chamkani
 - d. FIR No. 407 dated 03.04.2021 u/s 302 PS Chamkani
- x. All relevant documents i.e court summons, cases details etc are attached.
- xi. That this officer has 39 contacts with Jan Sher and Ramzan (incoming and outgoing both).

CONCLUSION:

In view of above, analyzing of the statement of DFC Fakhr e Alam No. 419, cross questioning, intelligence sources and other available material *the allegations are not proved.*

Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural Division,
Peshawar.

ATTESTED



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OFFICE OF THE
SR: SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508

ORDER

This office order will dispose-off the departmental proceedings against Constable Fakhr-e-Alam No. 419 while at PS Chamkani was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP Rural was appointed as Enquiry Officer who submitted his finding wherein he concluded that statement of Constable Fakhr-e-Alam No. 419, cross questioning, reports from intelligence sources and other available material the allegations against could not be proved.

3. On receipt of findings of the enquiry officer, he was called in Orderly Room and heard in person on 01.11.2022. The accused official during personal hearing defend himself against the charges leveled against him. Keeping in view of the above, the undersigned being a competent authority do agree with the recommendation of the enquiry officer, therefore, Constable Fakhr-e-Alam No. 419 is hereby exonerated from the allegation leveled against him. Hence the enquiry against him is hereby filed. He is reinstated into service from the date of suspension.

Order announced.

(Lt Cdr @ KASHIF AFTAB MIMAD ABBAS)PSP,
Senior Superintendent of Police
(Operations) Peshawar

No. 2835-38 PA dated Peshawar, the 02/11/2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. PO, OASI, CRC
3. FMC along with complete enquiry file for record (/ 2)

ATTESTED

OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.

No. 4089 /PA: dated Peshawar the 28/10 /2022.

To

The Senior Superintendent of Police,
Operations, Peshawar.

Subject:

DEPARTMENTAL ENQUIRY

Please refer to your office Endt: No. 185/E/PA, dated 30.07.2022; pertaining to departmental enquiry against FC Shoukat Khan No. 1190.

STATEMENT OF ALLEGATION:

- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365,302,109,7-ATA PS Shahpur.
- ii. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
- iii. He has tarnished the image of police department in the eyes of general public.
- iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No. 2112/PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to FC Shoukat Khan No. 1190. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/PA dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

STATEMENT OF FC SHOUKAT KHAN:

FC Shoukat Khan was called to the office and his statement was recorded which is attached.

TESTED

CROSS QUESTIONS:

Q: - Do you know Jan Sher, Ramzan and Lal Sher etc?

Ans: - Yes.

Q: - What are their activities and reputation in the area?

Ans: - Suspicious/ involved in illegal activities, killing of innocent people, land grabbing and extortion.

Q: - Why Muhammad Hussain SI (police official) was killed by Lal Sher group?

Ans: - He was killed by them without any reason.

Q: - Did you know about the illegal activities of Jan Sher etc and have information regarding killing of innocent people?

Ans: - Yes.

Q: - Do you know about the killing of innocent women by Jan Sher etc?

Ans: - Yes.

Q: - Do you know the said group is land mafia?

Ans: - Yes.

Q: - Do you know that Jan Sher is PO and wanted to different PSs?

Ans: - No answer.

Q: - When you know everything about Jan Sher, Lal Sher etc, why you are in contact with them?

Ans: - Because for asking the presence of PMA.

FINDINGS:

- ⇒ That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
- ⇒ That they are also involved in the killing of police officers.
- ⇒ That they are involved in illegal activities since 20,25 years.
- ⇒ That entire family involved in criminal activities, (criminal record is attached).
- ⇒ That there are many police officers who are their friends and supporters.
- ⇒ That they also harass police officers by using many techniques i.e submitting false applications in courts and to superior officers just to stop them from performing their lawful duties.
- ⇒ That it is because of these police officers that they have been able to reach the much level of criminality.
- ⇒ That the testimony to the facts above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
- ⇒ That he performed his duties as gunner MPA Jehandad and on his directions he called to Jan Sher, Lal Sher etc for meeting or other work as he was area Nazim.

ATTESTED

- 56
- ↳ That Lal Sher is Nazim of his constituency and was contacted several time by MPA and his son namely Arbab Imad.
 - ↳ That whenever, MPA is in meeting or busy and unable to receive the call, different persons, Nazimeen, elders of the area as well as Lal Sher was calling on his number.
 - ↳ That this person has 3 contacts with Jan Sher.

CONCLUSION:

In view of above, analyzing of the statement of FC Shoukat Khan, cross questioning, intelligence sources and other available material "***the allegations against FC Shoukat Khan couldn't be proved***".

Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural, Division,
Peshawar.

ARRESTED



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**OFFICE OF THE
SR: SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508**

ORDER

This office order will dispose-off the departmental proceedings against Constable Shoukat Khan No. 1190 while at CCP Peshawar was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP Rural was appointed as Enquiry Officer who submitted his finding wherein he concluded that statement of Constable Shoukat Khan No. 1190, cross questioning, reports from intelligence sources and other available material the allegations against could not be proved.

3. On receipt of findings of the enquiry officer, he was called in Orderly Room and heard in person on 01.11.2022. The accused official during personal hearing defend himself against the charges leveled against him. Keeping in view of the above, the undersigned being a competent authority do agree with the recommendation of the enquiry officer, therefore, Constable Shoukat Khan No. 1190 is hereby exonerated from the allegation leveled against him. Hence the enquiry against him is hereby filed. He is reinstated into service from the date of suspension.

Order announced.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBAS)PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 2827-30 PA dated Peshawar, the 02 / 11 / 2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. PO, OASL, CRC
3. FMC along with complete enquiry file for record (//).

ATTESTED

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**OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.**

No. 4087/PA: dated Peshawar the 28/10/2022.

To: The Senior Superintendent of Police,
Operations, Peshawar.

Subject: **DEPARTMENTAL ENQUIRY**

Please refer to your office Endt: No. 174/E/PA, dated 30.07.2022; pertaining to departmental enquiry against HC Amjid Khan No. 5564.

STATEMENT OF ALLEGATION:

- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365,302,109,7-ATA PS Shahpur.
- ii. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
- iii. He has tarnished the image of police department in the eyes of general public.
- iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No. 2112/PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to HC Amjid Khan No. 5564. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/PA dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

ATTESTED

- 58

STATEMENT OF HC AMJID KHAN NO. 5564:

HC Amjid Khan No. 5564 was called to the office and his statement was recorded which is attached.

CROSS QUESTIONS:

Q: - Why you have attached the press clipping of martyred ASI Amjid Khan with your statement ?

Ans: - "دل کو سکون کے لیے"

Q: - Do you know Jan Sher, Ramzan and Lal Sher etc?

Ans: - Yes.

Q: - what are their activities and reputation in the area?

Ans: - Suspicious/ involved in illegal activities, killing of innocent people, land grabbing and extortion.

Q: - Why Muhammad Hussain (police official) was killed by Lal Sher group?

Ans: - He was killed by them without any reason.

Q: - Did you know about the illegal activities of Jan Sher etc and have information regarding killing of innocent people?

Ans: - Yes.

Q: - Do you know about the killing of innocent women by Jan Sher etc?

Ans: - Yes.

Q: - Do you know the said group is land mafia?

Ans: - Yes,

Q: - Were you in contact with Jan Sher, Ramzan etc and since when?

Ans: - No.

Q: - Do you know that Jan Sher is PO and wanted to different PSSs?

Ans: - Yes

Q: - If you know everything about Jan Sher, Lal Sher etc, why you are in contact with them?

Ans: - No answer.

ATTESTED

FINDINGS:

1. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
2. That they are also involved in the killing of police officers.
3. That they are involved in illegal activities since 20,25 years.
4. That entire family involved in criminal activities, (criminal record is attached).
5. That there are many police officers who are their friends and supporters.
6. That they also harass the police officials by using many techniques i.e lodging false applications in courts and to superior officers just to stop them from performing their lawful duties.
7. That it is because of those police officers that they have been able to reach that much level of the criminality.
8. That the testimony to the fact above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
9. That he knew that the above mentioned group are wanted and is POs and have been POs all along as he confessed during cross questioning.
10. That he confessed that the above mentioned group is involved in land mafia, killing of innocent people as well as killing of police officials.
11. That during cross questioning, he denied the relationship and contact with the above mentioned group but in his CDR cleared showed that he in contact with the group (CDR attached).
12. That being a police officer it is necessary to avoid contacts with criminals and other people having illegal activities, but, HC Amjid Khan failed to do this.
13. That as far as, being Nazim of area does not give any person a reason to justify crimes of a criminal.
14. That he mentioned in his statement that the person who has been charged is not him and he has no contacts with the Lal Sher Group contrary to what is reflected in his CDR.
15. That he is the resident of the same village as of the accused.
16. That knowing fully well the history of the group he has been involved
17. That this officer has 7 contacts with Jan Sher, Lal sher and Ramzan (incoming and outgoing both).

CONCLUSION:

In view of above, analyzing of the statement of Inspector HC Amjid No. 5564, cross questioning, intelligence sources and other available material the **allegation no.4 of charge sheet against him is proved.**

~~ATTESTED~~

Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural Division,
Peshawar



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**OFFICE OF THE
SR SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508**

ORDER

This office order will dispose-off the departmental proceedings against HC Amjid Khan No. 5564 while posted at CCP Peshawar was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 w/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP Rural was appointed as Enquiry Officer who submitted his finding wherein he concluded that statement of HC Amjid Khan No. 5564, cross questioning, reports from intelligence sources and other available material the allegations No. 4 of the charge sheet stands proved.

3. On receipt of findings of the enquiry officer, he was called in Orderly Room and heard in person on 01.11.2022. The accused official during personal hearing could not defend himself against the charges leveled against him. Keeping in view of the above, the undersigned being a competent authority do agree with the recommendation of the enquiry officer, therefore, HC Amjid Khan No. 5564 is hereby awarded minor punishment of "Stoppage of increment for six months. He is reinstated into service from the date of suspension.

Order announced.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 2847-50 PA dated Peshawar, the 02/11/2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. EC-II, PO.
3. FMC along with complete enquiry file for record (/ 3).

ATTESTED

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**OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.**

No. 4084/PA: dated Peshawar the 28/10 2022.

To: The Senior Superintendent of Police,
Operations, Peshawar.

Subject: **DEPARTMENTAL ENQUIRY**

Please refer to your office Endt: No. 178/E/PA, dated 30.07.2022; pertaining to departmental enquiry against IHC Irfan Ullah No. 2988.

STATEMENT OF ALLEGATION:

- i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365,302,109,7-ATA PS Shahpur.
- ii. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
- iii. He has tarnished the image of police department in the eyes of general public.
- iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vide this office memo No/ 2112/PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to IHC Irfan Ullah No. 2988. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vide this office letter No. 2113/PA dated 02.08.2022.

SCOPE OF ENQUIRY:

The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

ATTENDED

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STATEMENT OF IHC IRFAN ULLAH NO. 2988:

IHC Irfan Ullah No. 2988 was called to the office and his statement was recorded which is attached.

CROSS QUESTIONS:

Q: - Do you know Jan Sher, Ramzan and Lal Sher etc?

Ans: - Yes.

Q: - What are their activities and reputation in the area?

Ans: - Suspicious/ involved in illegal activities, killing of innocent people, land grabbing and extortion.

Q: - Why Muhammad Hussain SI (police official) was killed by Lal Sher group?

Ans: - He was killed by them without any reason.

Q: - Did you know about the illegal activities of Jan Sher etc and have information regarding killing of innocent people?

Ans: - Yes.

Q: - Do you know about the killing of innocent women by Jan Sher etc?

Ans: - Yes.

Q: - Do you know the said group is land mafia?

Ans: - Yes.

Q: - Do you know that Jan Sher is PO and wanted to different PSs?

Ans: - Yes.

Q: - When you know everything about Jan Sher, Lal Sher etc, why you are in contact with them?

Ans: - for same FIR

Q: - Why you have been in contact with Jan Sher, Lal Sher, Ramzan etc since 6 months.

Ans: - as I already stated.

FINDINGS:

1. That Lal Sher, Jan Sher, Ramzan etc are involved in land grabbing, extortion, killing of innocent people as well as killing of innocent women.
 2. That they are also involved in the killing of police officers.
 3. That they are involved in illegal activities since 20,25 years.
 4. That entire family involved in criminal activities, (criminal record is attached).
- many police officers who are their friends and supporters.

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6. That they also harass police officers by using many techniques i.e submitting false application in courts and superior officers just to stop them from performing their lawful duties.
 7. That it is because of these police officers that they have been able to reach that much level of the criminality.
 8. That the testimony to the fact above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
 9. That he knew that the above mentioned group is wanted, are POs and have been POs all along as he confessed during cross questioning.
 10. That he confessed that the above mentioned group is involved in land mafia, killing of innocent people as well as killing of police officials.
 11. That he was in contact with the above mentioned group.
 12. That during cross questioning he regretted the relationship with group but later on confessed that he has close relation with the group.
 13. That being a police officer it is necessary to avoid contacts with criminals and other people having illegal activities, but, IHC Irfan Ullah failed to do this.
 14. That this officer has 7 contacts with Jan Sher (incoming and outgoing both).
 15. That he only contacted for the purpose of the FIR mentioned above of PS East Cantt.
 16. That he was Muharir Investigation in PS East Cantt.
 17. That his contacts are only at the day of the FIR as attached.

CONCLUSION:

In view of above, analyzing of the statement of Irfan Ullah No. 2988, cross questioning, intelligence sources and other available material the "**allegation against him are not proved**".

Capt (R) Saleem Abbas Khatami (PSP)
Enquiry Officer,
Superintendent of Police,
Rural Division,
Peshawar

ACCEPTED