


FORM OF ORDER SHEET

Court of _____

Appeal No. 864/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/06/2024	<p>The appeal of Mr. Sohail Shah resubmitted today by Mr. Kashif Hayat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 26.06.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Sohail Shah received today i.e on 14.06.2024 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

- 1- ✓ Check list is not attached with the appeal.
- 2- ✓ Affidavit is not attested by the Oath Commissioner.
- 3- ✓ Annexures of the appeal are unattested.
- 4- ✓ Memorandum of is not signed by the appellant.
- 5- ✓ Address of appellant is incomplete be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 6- ✓ Approved file cover is not used.
- 7- ✓ Appeal has not been flagged/marked with annexures marks.
- 8- ✓ Annexures of the appeal are not in sequence.
- 9- ✓ Copies of charge sheet, statement of allegations, show cause notice and reply thereto are not attached with the appeal be placed on it.
- 10- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 183 /Inst;/2024/KPST,

Dt. 14/6 /2024.



OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Kashif Hayat Adv.
High Court Kohat.

Respected Sir,

*All of the above objections are cleared and
file is complete.*

Kashif Hayat
Kashif Hayat
Advocate
High Court
24/6/24

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 884/24

Sohail Shah
Appellant

VERSUS

DPO Kohat etc.
Respondents

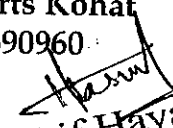
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(Appellant)

Through:

Kashif Hayat
Advocate, High Court
District Courts Kohat
Cell: 0333-9690960


Kashif Hayat
Advocate
High Court

13/6/24

(A)

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 864 2024

Sohail Shah S/o Said Badshah Sub Inspector No. 204K, SSU CPEC
Peshawar Police Line Hayat Abad
R/o Keri Sheikhan, Tehsil Gumbat District Kohat

..... (Appellant)

VERSUS

1. District Police Officer, District Kohat
2. Deputy Inspector General of Police, Kohat Region Kohat
3. Inspector General of Police, KPK Peshawar

..... (Respondents)

APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974, AGAINST THE
IMPUGNED ORDER OF RESPONDENT NO. 1
VIDE O.B NO. 683 DATED 22-08-2023, VIDE
which appellant was awarded minor punishment
of "forfeiture of two years approved service" and
respondent No.2 also upheld the decision of
respondent No.1 vide OB No. 12349 dated 23-11-
2023, also respondent No.3 upheld the decisions
of respondents No. 1 and 2 dated 17-05-2024.

PRAYER:

On acceptance of this appeal, the impugned orders dated 22-08-
2023, 23-11-2023 and 17-05-2024 may kindly be set-aside and

(2)

the punishment awarded to the appellant may kindly be set aside, and any other relief may be blessed with.

Respectfully Shaweth:

With great veneration, the instant appeal is preferred by the appellant on the following facts and grounds"

FACTS:

- a) Briefly the facts are the appellant while serving in District Kohat was served charge sheet No. 2716-17/P dated 26-05-2023 against the appellant. (charge sheet is annexed as annexure "A")
- b) That the allegations were inquired into by an inquiry officer who submitted his findings to the DPO Kohat the appellant was awarded the minor punishment of "forfeiture of two years approved service, furthermore he may not be posted as Incharge in field. (order is annexed as annexure "B")
- c) That the appellant categorically denied the allegations through his written statement. (copy of written statement is annexed as annexure "C")
- d) That the appellant being aggrieved from the order of respondent No. 1 preferred an departmental appeal before respondent No.2 and 3 which were also turned down by respondent No. 2 and 3.(Copy of departmental appeals and orders are annexed as annexure "D")

- e) That appellant being aggrieved from the order of respondents has no other remedy, instead of filing of the instant appeal, inter-alia on the following grounds:

GROUND:

- a) That the impugned order being violative of law is not sustainable and bad in the eyes of law, liable to be set-aside.
- b) That the impugned orders are suffering from perversity of reasoning, hence liable to be set-aside.
- c) That the impugned orders are outcome of surmises and conjectures.
- d) That during course of inquiry non from the General Public / statement of private witnesses / aggrieved person was examine in support of the charges leveled against the appellant, no allegation of the corruption or corrupt practices by appellant was proved against the appellant, the appellant had numerous good entries in his service record which could be verified from the service record of the appellant.
- e) That the inquiry officer conducted inquiry against E&D Rules and the whole departmental file was prepared in violation of law and rules and based on hearsay which is liable to be set aside.
- f) That the rumors have got not evidentiary value and reliance cannot be placed on the basis of rumors.

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- g) That the respondents have acted whimsically and arbitrarily which is apparent from service record and the inquiry submitted by the inquiry officer.
- h) That no punishment could be effected without affording personal hearing of the appellant.
- i) That departmental inquiry was not conducted in accordance with the rules.
- j) That the appeal is well within time, even otherwise no limitation would run against void / illegal order.
- k) That the order of respondents are very much harsh in nature.
- l) That the further grounds will be agitated at the time of arguments with the kind permission of this Hon'ble Tribunal.

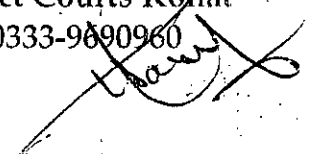
It is therefore humbly prayed that on acceptance of this appeal, the impugned orders dated 22-08-2021, 23-11-2023 and 17-05-2024 may kindly be set-aside and the punishment awarded to the appellant may kindly be set aside, and any other relief may be blessed with.


(Appellant)

Dated: 12-06-2024

Through:

Kashif Hayat
Advocate, High Court
District Courts Kohat
Cell: 0333-9690960


13/6/24

5

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

Sohail ShahAppellant

VERSUS

District Police Officer Kohat and others
.....Respondent

AFFIDAVIT

I, Sohail Shah (appellant) S/o Said Badshah R/o Keri Sheikhan Tehsil Gumbat District Kohat, do hereby solemnly affirm and declare on oath that the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

DEPONENT
Sohail Shah
CNIC 14301-5980587-7
Mobile 0332-9621327

Identify by:
Kashif Hayat Advocate
High court

~~Kashif Hayat~~
Kashif Hayat
Advocate
High Court

13/6/24

[Signature]

[Signature]

12/6/24

(6)

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

Sohail Shah
Appellant

VERSUS

DPO Kohat etc.
Respondents


CORRECT ADDRESS

APPELLANT:

Sohail Shah S/o Said Badshah Sub Inspector No. 204K, SSU CPEC
Peshawar Police Line Hayat Abad
R/o Keri Sheikhan, Tehsil Gumbat District Kohat


RESPONDENTS:

1. District Police Officer, District Kohat
2. Deputy Inspector General of Police, Kohat Region Kohat
3. Inspector General of Police, KPK Peshawar


(Appellant)

Through:

Kashif Hayat Advocate,
High Court & District Courts Kohat


Kashif Hayat
Advocate
High Court
12/06/24

Dated: 12-06-2024



A (14)

ایس پی آپریشنز منسلح کوہاٹ

فون نمبر: 0922-9260374 ای میل: sp.operations.kohat@gmail.com



مورخہ: 23.05.2023

نمبر شمار: 120 / آرڈر

انکوائری رپورٹ

برطابق سوریس رپورٹ SHO جرما سہیل شاہ SI کے خلاف ذیل الزامات آرہے تھے۔ کہ مذکورہ نے مقدمات علت
164.165.166.167.168 / 7ATA جرم 324.353.427.188.341.342.148.149 کے تھانہ جرما میں ذیل کسان،
مطلوبہ ملزمان کو گرفتار کر کے بغیر کسی قانونی کارروائی چھوڑے ہیں اور چھوڑنے کے بدلے رقم رشوت لیکر کاروبار شروع کی ہے۔

1. ملک جان ولد سید اجان سکھ انارکلی جو کہ انجنسیر کی رپورٹ اور نادرا فوٹیج لسٹ کے مطابق درج مقدمات میں مطلوب تھا
مورخہ 19.05.2023 کو SHO جرمانے بدوران سرنج اپریشن گرفتار کر کے تھانہ لا کر بند باحوالات تھا۔ 2 گھنٹے بعد بغیر
کسی کارروائی کو چھوڑ کر جن سے ایک ضرب پستول بھی برآمد کر کے بغیر کسی قانونی کارروائی کے شاہ حسین کو نسلر کو چھوڑا ہے
2. کیسیا گل ولد انار گل سکھ اسلام کوٹ جو درج بالا مقدمات میں ملوث اور مطلوب تھا ان کے گھر چھاپہ لگایا، وہ گھر خود میں مو
جود نہیں تھا مگر ان کے گھر سے 12 بورر انفل بمبہ کارتوس برآمد کر کے ان کے ہتھیاروں محمد طارق اور محمد مشتاق تھانہ لا کر
02 گھنٹے حوالات میں بند کر کے بغیر کسی قانونی کارروائی کے چھوڑے ہیں اور رائل 12 بورر واپس کر کے مقدمہ بھی درج
رجسٹر نہیں کی ہے۔

3. SHO ملی سنگ وقار آفریدی نے افسران بالا سے موصول شدہ لسٹ میں ملوث ملزمان مقدمات بالا میں محمد عمران اور محمد
خالد ولد داؤد سکھ ٹیری بانڈہ کو مورخہ 17.05.2023 کو بغرض گرفتاری، تفتیش سہیل شاہ SHO تھانہ جرما کو حوالہ
کئے تھے۔ محمد خالد کو بندہ حوالات تھانہ کر کے مورخہ 18.05.2023 کو چھوڑا ہے روزنامہ میں اندراج نہیں ہے اور نہ
ہی مقدمات میں گرفتار شو کیا ہے۔

4. اسی طرح SHO جرمانے سعید ولد زنگل شاہ سکھ زڑھیہ اور رومان اللہ آفریدی ولد اسلام الدین سکھ پیپل غونڈ کو حسین
شاہ کو نسلر کو حوالہ کر کے چھوڑے ہیں۔

حسب احکم جناب DPO صاحب کوہاٹ درج بالا الزامات کی متعلق انکوائری کا زبانی حکم صادر کر کے آج مورخہ
22.05.2023 حسب احکم DPO صاحب ہمراہ حبیب الرحمن انچارج DSB کوہاٹ اور کیپوٹر کیمبرہ اپریٹر معاویہ تھانہ
جرما جا کر CCTV تھانہ جرما کی فوٹیج حاصل کی اور تھانہ کاریکارڈ حوالات رجسٹراٹ اور روزنامہ دیگر ریکارڈ چیک کی گئی اور
حقیہ طور پر بھی معلومات کر کے ذیل حقائق منظر عام پر آکر پیش خدمت ہے۔

ملک جان ولد سید اجان سکھ انارکلی تھانہ جرما جو PTI کا اہم رکن ہے مذکورہ زیر و پوائینٹ چوک جرما میں باڈی بلڈنگ کا
دکان ہے۔ زیر و پوائینٹ چوک کے احتجاج میں سرگرم رکن تھا۔ جسکا نادرا کے ذریعے فوٹیج سے شناخت ہو کر سیشنل برانچ
کے ذریعے تصاویر اور فوٹیج سے شناخت ہو چکا ہے۔ جو ریکارڈ پر ہے۔

مورخہ 19.05.2023 کو سہیل شاہ SHO تھانہ جرمانے دوران سرنج اینڈ سٹریٹ اپریشن درج بالا مقدمات میں
گرفتار کر کے جن سے ایک ضرب پستول مع ایوینشن بھی برآمد کی تھی۔ تھانہ کی حوالات میں بند کر کے دو گھنٹے بعد
SHO جرمانے شاہ حسین کو نسلر کو چھوڑا ہے اور پستول بھی حوالہ کر کے کسی قسم مقدمہ درج رجسٹر نہیں کی ہے۔

اسی طرح درج بالا مقدمات میں مطلوب PTI ورکر کیسیا گل ولد انار گل سکھ اسلام کوٹ کے گھر پر چھاپہ زنی کر کے وہ خو
د موجود نہ تھا ان کے گھر سے رائل 12 بورر مع 10 عدد کارتوس برآمد کر کے اس کے دو بیٹے محمد طارق اور محمد مشتاق تھانہ
لا کر محمد طارق کو اپنے ذاتی چکلہ پر محمد رازق ولد تاج محمد سکھ اسلام کوٹ کو چھوڑا ہے۔

Kashif Hameed
Advocate
High Court
24/6/23

اور رائل 12 بور بھی بغیر کسی قانونی کارروائی حوالہ کی ہے۔ (پچھلے کافونوٹسٹ کا پی بطور وجہ ثبوت ہمراہ لف ہے۔)
اسی طرح رائل 12 بور کا اندراج بھی رجسٹر حوالات میں محرر تھانہ نے کی ہے جس کا فونوٹسٹ کا پی بھی بطور وجہ ثبوت ہمراہ
لف ہے
ایسی طرح مزید معلوم ہوا کہ مورخہ 17.05.2023 کو SHO ملی ٹنگ، وقار آفریدی نے بمطابق موصول شدہ لسٹ
مطلوبہ ملزمان محمد عمران اور خالد ولد داؤد سکند ٹیری بانڈہ کو بغرض گرفتاری، تفتیش SHO جرما سہیل شاہ کو حوالہ کئے تھے
SHO جرمانے محمد عمران کو گرفتار کیا ہے جبکہ محمد خالد ولد داؤد خان سکند ٹیری بانڈہ جو مورخہ 17.05.2023 سے بند
بحوالہ تھا مورخہ 18.05.2023 کو اقبال بارگین والے کو چھوڑا ہے اور گرفتار شو نہیں کیا ہے بمطابق لسٹ محمد خالد
سیریل نمبر 70 پر درج ہے۔ (لسٹ بطور وجہ ثبوت لف ہے۔)

FINDING

انکوائری سے اس نتیجے پر پہنچا کہ سہیل شاہ SHO جرمانے درج بالا مقدمات میں مطلوب ملزم ملک جان کو معہ پستول 30
بور معہ ایمونیشن گرفتار کر کے تھانہ کے حوالہ سے چھوڑا ہے روزنامچے میں اندراج نہیں ہے اور نہ ہی مقدمات میں
گرفتاری شو کی ہے۔ مزید مطلوب ملزم کیمیا گل کے گھر پر چھاپہ زنی کر کے ان کے گھر سے رائل 12 بور معہ 10 عدد
کارٹوس برآمد کر کے وہ عدم موجود تھا ملزم کے غیر موجودگی میں ان کے بھتیجے محمد طارق اور مشتاق معہ رائل 12 بور تھانہ
لا کر دونوں کو بندہ حوالہ کئے تھے۔ رائل 12 بور معہ ایمونیشن حوالہ محرر ہو کر رجسٹر حوالات میں انٹری کی گئی ہے
۔ مگر رائل متذکرہ بالا کے متعلق مقدمہ درج رجسٹر نہیں کی ہے۔ اور محمد طارق، محمد مشتاق کو محمد رازق ولد تاج محمد سکند
اسلام کوٹ ذاتی چھلکے پر چھوڑے ہیں۔ مزید اس کے حوالے سے مدد محرر نقاش 664/LHC تھانہ جرمانے تحریری بیان
دیا کہ سہی طارق ولد عالم سکند جرما کو ایس ایچ او صاحب تھانہ جرمانے بدست ذابدا اقبال LHC تھانہ ارسال کر کے ایک
عدد بندوق کینالہ معہ 10 عدد کارٹوس 12 بور امتیاز ڈر نیور 849 نے روزنامچے میں رکھ کر بابت بندوق متذکرہ بالا کسی قسم
فرد مر اسلہ کارڈ پیش نہیں کیا۔ بعد میں گنر قادر 599/LHC ایس ایچ او صاحب گنر نے مجھے کہا مذکورہ طارق کو سکول
ماسٹر عبد الرزاق کے چھلکے پر چھوڑ دے، تو میں نے کہا کہ ایس ایچ او سے پتہ کرو۔ تو مذکورہ LHC گنر جناب SHO تھانہ جرما
نے مذکورہ طارق کو سکول ماسٹر عبد الرزاق کے چھلکے پر چھوڑ کر بندوق متذکرہ بالا بھی خود حوالہ کر کے چھوڑ دیا گیا۔ (مدد
محرر بیان، ذاتی چھلکے اور رائل انٹری رجسٹر کی فونوٹسٹ لف انکوائری ہے۔)

انکوائری سے سہیل شاہ SHO جرما قصور دار پایا جاتا ہے اپنے اختیارات کا ناجائز استعمال اور غیر ڈسپلن

اور غیر ذمہ دارانہ فعل کا مرتکب پایا گیا۔ ابتدائی انکوائری رپورٹ، ہمزاد مناسب حکم پیش خدمت سے۔

Kashif Hayat
Advocate
High Court

24/6/24



No 276-17 / P.A

(B) 8-

Office of the
District Police Officer,
Kohat

Dated 26-5-2023

CHARGE SHEET

I, **MR. FARHAN KHAN PSP, DISTRICT POLICE OFFICER, KOHAT**, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **SI Sohail Shah SHO PS Jarma** rendered yourself liable to be proceeded against, as you have omitted the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

- i. As pre preliminary enquiry conducted by SP Operations Kohat vide enquiry report No. 120 / Reader dated 23.05.2023, you SI Sohail Shah while posted as SHO PS Jarma has taken illegal gratification / bribe from arrested accused in search strike Operations in your areas of Jurisdiction without taking any legal action.
- ii. Your above act shows in-efficiency & irresponsibility on your part.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

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

4. A statement of allegation is enclosed.

Arrested
Kashif Hayat
Advocate
High Court
24/6/23

DISTRICT POLICE OFFICER,
KOHAT



No. 2716-17/PA

Office of the
District Police Officer,
Kohat

Dated 26-5-2023

DISCIPLINARY ACTION

I. MR. FARHAN KHAN PSP, DISTRICT POLICE OFFICER, KOHAT as competent authority, am of the opinion that you SI Sohail Shah SHO PS Jarma have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

- i. As pre preliminary enquiry conducted by SP Operations Kohat vide enquiry report No. 120 / Reader dated 23.05.2023, you SI Sohail Shah while posted as SHO PS Jarma has taken illegal gratification / bribe from arrested accused in search strike Operations in your areas of Jurisdiction without taking any legal action.
- ii. Your above act shows in-efficiency & irresponsibility on your part.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations SP Investigation Kohat is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

DISTRICT POLICE OFFICER,
KOHAT

No. 2716-17/PA, dated 26-5-2023.

Copy of above to:-

1. SP Investigation Kohat :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The Delinquent Officer :- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

Attested
Kashif Haya
Advocate
High Court
24/6/23

29/6/24
Kashif Hayat
Advocate
High Court

Handwritten text in Urdu, likely a legal document or affidavit, starting with "میں نے" (I have) and "میں نے" (I have).

Handwritten text in Urdu, continuing the legal document or affidavit, mentioning "میں نے" (I have) and "میں نے" (I have).

Handwritten text in Urdu, continuing the legal document or affidavit, mentioning "میں نے" (I have) and "میں نے" (I have).

Handwritten text in Urdu, including a signature and date: "27/6-17" and "26.5.23".

(b)

27/6-17
26.5.23

24/6/24
Kashif Hayat
Advocate
High Court

Handwritten text in Urdu, appearing to be a legal document or petition. The text is written in a cursive style and contains several lines of text, some of which are partially obscured by the signature and stamp. The text includes the name 'Kashif Hayat' and the title 'Advocate High Court'. There are also some numbers and dates visible, such as '24/6/24' and '10/9/2019'. The text is written in Urdu and appears to be a legal document or petition.

Handwritten text in Urdu, continuing the document. It includes a signature and some additional text. The text is written in a cursive style and contains several lines of text. There are also some numbers and dates visible, such as '10/9/2019' and '17/11/2023'. The text is written in Urdu and appears to be a legal document or petition.

Kashif Hayat
Advocate
High Court
21/6/24

SHO.500
06.06.2023

SHO.500 کا جواب

جواب: شکایت نمبر SHO.500 کی ترقی شدہ گزارشات پر مبنی ہے۔

1. کہلائے ہوئے آرڈر کے تحت، متعلقہ عدالت نے ترقی شدہ گزارشات کی بنیاد پر سزا سنائی ہے۔

2. عدالت نے متعلقہ عدالت کے فیصلے کو مسترد کر دیا ہے۔

3. متعلقہ عدالت نے سزا سنائی ہے۔

4. متعلقہ عدالت نے سزا سنائی ہے۔

5. متعلقہ عدالت نے سزا سنائی ہے۔

6. متعلقہ عدالت نے سزا سنائی ہے۔

7. متعلقہ عدالت نے سزا سنائی ہے۔

8. متعلقہ عدالت نے سزا سنائی ہے۔

9. متعلقہ عدالت نے سزا سنائی ہے۔

10. متعلقہ عدالت نے سزا سنائی ہے۔

(3)

D 10
109

ENQUIRY AGAINST SI SOHAIL SHAH

Charge sheet based on statement of allegation with other documents received from DPO Kohat vide No. 2716-17/PA dated 26.05.2023, wherein the following allegations were leveled against SI Sohail Shah. Contents of allegations are as under:-

1. *As per preliminary enquiry conducted by SP Operation Kohat vide enquiry report No. 120/Reader dated 23.05.2023, you SI Sohail shah while posted as SHO PS Jerma has taken illegal gratification/bribe from arrested accused in search & Strike operation in your areas of jurisdiction without taking any legal action.*
2. *Your above act shows inefficiency, irresponsibility and professional gross misconduct on your part.*

The undersigned was appointed as enquiry officer therefore above quoted charge-sheet based on statement of allegation was served upon the above mentioned SI with the direction to submit his written statement before the undersigned on or before the target date.

Reply of the SI Sohail Shah was received, placed on file and found un-satisfactory. The statements of Police officers /official related to the instant matter were obtained which given below:-

1. STATEMENT OF ACCUSED OFFICER SI SOHAIL SHAH

He stated that on 19.05.2023 he brought accused Malak Jan into the Police Station but due to non-availability of cogent evidence except his picture, he released him and when investigating officer properly charged him on 25.05.2023 then he arrested him. He further stated that he raided upon the house of accused Kimya Gul but he didn't recognize the accused by face therefore he could not arrest him and took his nephew Muhammad Tariq to Police Station alongwith a 12 bore rifle. Thereafter the elders of his locality come to Police Station and convinced him (SHO Sohail Shah) that there is no relationship between Kimya Gul and accused. Muhammad Tariq therefore due to a possible chance of Law & Order situation, he released the said accused with his 12 bore rifle. SHO Sohail Shah further reveals in his statement that SHO PS Billitang Waqar Khan arrested the accused Muhammad Imran and Khalid Khan on 17.05.2023 and handed over to him for further proceeding on which he challaned accused Imran Khan while due to verification, he released accused Khalid Khan on surety which was thereafter arrested on 31.05.2023. Furthermore, he does not know about accused Roman Ullah s/o Islam ud Din and Saeed s/o Zangal Shah nor he arrested them. SI Sohail Shah further stated in his statement that being SHO it is his authority to released a person on "Machalka" in connection with his verification.

2. STATEMENT OF LHC NAQASH MM PS JERMA

He stated that on 19.05.2023 SHO Sohail Shah arrested the accused Tariq s/o Alam Khan with a 12 bore rifle and brought him to Police Station by IHC Zahid Iqbal. Later on LHC Qadir No. 599 (Gunner of SHO Sohail Shah) come to Police and disclosed that SHO Sohail Shah instructed him to released the accused Muhammad Tariq on the surety of School Teacher Abdur Raziq with his 12 bore rifle therefore, he released the accused Muhammad Tariq alongwith his rifle 12 bore after confirmation from SHO concerned. (Statement of LHC Naqash is attached)

3. STATEMENT OF LHC QADIR GUNNER OF SI SOHAIL SHAH

His statement supported the version of LHC Naqash as he stated that during search & Strike operation SHO Sohail Shah arrested the accused Muhammad Tariq and sent to Police Station for further proceeding. Thereafter local elders of the area of accused was come to Police Station and warned SHO that he arrested the wrong person so they will take legal against himon which SHO told him (LHC Qadir) that told to Miharar for releasing the said accused. (Statement of LHC Qadir is attached)

Attested
Kashif Hayat
Advocate
High Court
24/6/24

4. STATEMENT OF IHC ZAHID IQBAL

He stated that on 19.05.2023 SHO Sohail Shah arrested many accused in which accused Malak Jan was one of them and brought him to Police Station but due to not nomination in the FIRs SHO Sohail Shah released him on the surety of Local elders. He further stated that during said search & Strike Operation a 12 bore rifle was also recovered from a house which was handed over to the Muharar Staff of PS Jerma by driver Imtiaz No. 849. Furthermore in the time of handing over the accused Imran & Muhammad Khalid by SHO PS Billitang he was not present at there nor in the time of arrested of accused Roman Ullah and Saeed (Statement of IHC Zahid Iqbal is attached)

5. STATEMENT OF DRIVER IMTIAZ ALI SHAH

He stated that on 19.05.2023 he was in search & Strike operation with SHO Sohail Shah. During a search in strike operation a rifle 12 bore was recovered from a house which he brought to Police Station and handed over to Muharar Staff of PS Jerma. He further stated that being a driver didn't know regarding further situation but it is fact that on the same day there are a huge crowd in the Police Station. (Statement of Driver Imtiaz Ali Shah is attached)

6. STATEMENT OF SHO WAQAR KHAN

He stated that according to the receiving list of the accused involved in the 9th & 10th May incident he arrested the accused Khalid Khan s/o Dad Khan r/o Dhoda and Imran Khan s/o Gul Haider r/o Billitang and handed over to Muharar Staff of PS Jerma for further proceeding. (Statement of SHO Waqar Khan is attached)

Finding

After careful study of available record/ examination of witnesses it was found that the entire matter is turned around the incidents of 9th & 10 May Riots and processions in which a mob of violent protesters attacked over the Government / private installations including educational establishment i.e Kohat Board and KUST etc. in this regard 05 cases have been registered at PS Jerma against the supporters of PTI as well as their Local leadership. After the registrations of the FIRs, arrests of the accused were started but here greed arose in the intention of the SI Sohail Shah and started bargaining with accused. This is the reason why the accused were released without any action. The entire statement of SHO Sohail Shah reflects his bargaining with the accused as given below:-

- i. SI Sohail Shah confessed that he arrested the accused Malak Jan but due to non availability of cogent evidence except his picture he released him. It is pertinent to mention here that the said picture of accused was taken during 9th & 10 May Riots and processions which was sent to NADRA authority for verification and after verification from NADRA authority said picture was forwarded to SI Sohail Shah for arrest of accused but strangely SHO Sohail Shah did not considered the said verified picture as a cogent evidence.
- ii. According to the statement of SI Sohail Shah, he didn't recognize accused Kimya Gul by his face but according to the records received from NADRA, the picture of accused Kimya Gul alongwith other information is clearly mentioned which was already shared with SI Sohail Shah.
- iii. He also confessed that due to the pressure of Local elders he released accused Muhammad Tariq alongwith his 12 bore rifle without any proceeding.
- iv. It is also proved from the statement of SI Sohail Shah that he released accused Khalid Khan s/o Dad Khan after handing over by SHO Waqar Khan.
- v. The Picture of accused Roman Ullah s/o Islam ud Din and Muhammad Saeed Afridi S/o Zangal Shah is clearly mentioned in the records received from NADRA authority.
- vi. He also confessed in his statement that nothing on the record regarding releasing of accused on surety (Machalka).

Att. to Court
Kashif Hayat
Advocate
High Court
24/6/24

D-1070

The above facts indicating towards the Mala-fide intention of SI Sohail Shah that many accused who involved in, ATA / Ordinary sections cases released by SI Sohail Shah without any legal action who thereafter arrested but here a question arises that why SI Sohail Shah released them despite the facts that they also involved in ATA cases. On the other hand SHO Waqar Khan handed over two accused namely Khalid Khan and Imran Khan but strangely SI Sohail Shah challaned only Imran Khan and released accused Khalid Khan without any legal proceeding nor he mentioned in Roznamcha etc. This behavior of the SI Sohail Shah clearly shows that the accused who accepted his demands was released and the one who did not accept was arrested. This act of SI Sohail Shah is also indicating that Preliminary enquiry conducted by SP Operation Kohat was on merit.

Conclusion

From the enquiry conducted so far, the undersigned has reached to the conclusion that the charges leveled against is fully established and **found guilty** on account of taking illegal gratification/bribe from arrested accused and is recommended for **Minor Punishment**.

Attested
Kashif Hayat
Advocate
High Court
22/6/24



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-920116 Fax 920125

No 4003 /PA dated Kohat the 24/6/2023

FINAL SHOW CAUSE NOTICE

1. I, **Mr. Farhan Khan PSP, District Police Officer, Kohat** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you **SI Sohail Shah the then SHO PS Jarma** as follow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 2716-17/PA dated 26.05.2023.
- ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

- a. As pre preliminary enquiry conducted by SP Operations Kohat vide enquiry report No. 120 / Reader dated 23.05.2023, you SI Sohail Shah while posted as SHO PS Jarma has taken illegal gratification / bribe from arrested accused in search strike Operations in your areas of Jurisdiction without taking any legal action.
- b. Your above act shows in-efficiency & irresponsibility on your part.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules **ibid**.

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

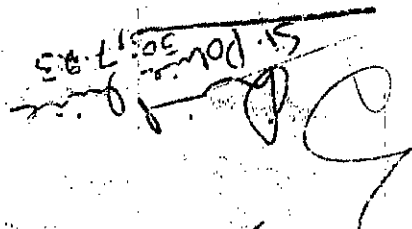
4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. The copy of the finding of inquiry officer is enclosed.

Attested
Kashif Hayat
Advocate
High Court
24/6/24

-Sd-
DISTRICT POLICE OFFICER,
KOHAT


Attested
Kashif Hayat
Advocate
High Court
24/6/24


S. P. 303/17.23

پہلے سے مندرجہ ذیل رقموں کی وصولی ہو چکی ہے
مبلغ 265 روپے 27/6/24
مبلغ 4003 روپے 24/23

مبلغ 1

مبلغ 4003 روپے 24/23


E



18
12 Dec

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

ORDER

This order will dispose of departmental enquiry against SI Sohail Shah the then SHO PS Jarma of this district Police under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that as per preliminary enquiry conducted by SP Operations Kohat vide enquiry report No. 120 / Reader dated 23.05.2023, SI Sohail Shah while posted as SHO PS Jarma has taken illegal gratification / bribe from arrested accused in search strike Operations in his areas of Jurisdiction without taking any legal action.

The above act shows in-efficiency & irresponsibility on his part.

He was served with charge sheet and statement of allegations. SP Investigation Kohat was appointed as enquiry officer to proceed against him departmentally. The enquiry officer submitted finding report, found him guilty of the charges leveled against him and recommended for minor punishment.

He was served with Final Show Cause Notice, reply received and found un-satisfactory. The accused official was called in O.R held in this office on 16.08.2023 and heard in person, he did not submit plausible explanation in his defense.

In view of above I, Farhan Khan, District Police Officer, Kohat in exercise of the powers conferred upon me, award him a minor punishment of "Forfeiture of two years approved service". Furthermore, he may not be posted as Incharge in field.

DISTRICT POLICE OFFICER,
KOHAT

OB No. 683

Dated 22-8-2023

No 4838-40/PA dated Koh at the 22-8-2023.

Copy of above to the Reader/SRC/OHC/Pay officer for necessary action.

Kashif Hayat
Advocate
High Court

24/6/24

To

Regional Police Officer
Kohat Region Kohat.

Subject: - DEPARTMENTAL APPEAL

Respected Sir,

With due respect and humble submission appellant submits departmental appeal against the order of District Police Officer, Kohat bearing OB No.683, dated 22.08.2023 vide which appellant was awarded minor punishment of "Forfeiture of two years approved service" and not be posted as incharge in field..

FACTS:-

1. That appellant was posted as SHO PS Jarma district Kohat. At the time of occurrence/violent protest on 09-may-2023, appellant was on duty in the area of PS Jarma, whereby appellant discharged his duties as per law.
2. That, in the light violent protests and as per orders of High-ups, appellant arrest hundreds of protestors in search and strike operations and challaned them as per law.
3. That, few arrested people were released after due verification and satisfaction that nothing has been available against them in the record.
4. That appellant was posted as SHO PS Jarma with effect from 30-04-2023 to 06-06-2023 and showed his capacity of being hardworking efficient In-charge, and good performance by effecting recoveries and arrest the accused against whom F.I.R were lodged.
5. That, allegations leveled against the appellant was that appellant had released one Muhammad Tariq and also handed over 12 bore riffle to him, released Malak Jan, Muhammad Imran, Khalid and Saeed and taken illegal gratification from them.
6. That the fair/proper procedure according to E and D rules was not adopted, charge sheet with summery of allegation was issued to the

Attest
Kashif Hayat
Advocate
High Court
24/6/24

CF" (135b)

appellant and the appellant was awarded minor punishment of "Forfeiture of two years approved service" and not be posted as incharge in field. Hence present the departmental appeal on following grounds.

GROUNDS:-

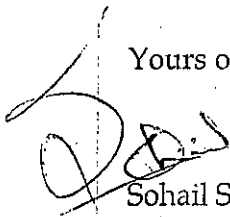
- A. That the impugned order has been passed without taking into account the materials available on the file of above mentioned case as well as no proper inquiry proceeding were carried out against the appellant. This is on the record that after raiding at the house of one Keema Gul his nephew namely Muhammad Tariq was arrested and also one rifle of 12 bore was taken from Tariq's home. After arrival to PS register of Criminals was perused and there was no criminal record/F.I.R against him, moreover, elders of locality satisfied me regarding his innocence and also produced license of 12 bore riffle, to maintain law and order situation i handed over Muhammad Tariq along with riffle to him and death with them as per law.
- B. That, one Malak Jan was arrested on dated 19-05-2023 and his verification. Being an accused of violent protester was still under verification, for the reason mentioned above. he was released and soon after his verification appellant arrested him again on 25-05-203 and submitted his challan in the court.
- C. That, SHO Waqar Khan handed over two persons namely Muhammad Imran and Muhammad Khalid on 17-05-2023 appellant whereby challan of Imran was submitted in the court and Muhammad Khalid was under process of verification which was released on bail and after verification appellant again arrested him and submitted his challan in the court.
- D. That, appellant never arrested one Saeed and Roman neither appellant has any knowledge about his arrest.
- E. That, being an SHO appellant arrested senior leadership of PTI in Kohat which includes Daud Afridi, Naseem Afridi, Aftab Alam Ex-MPA Intiaz Shahid Qureshi and other numerous of protestors.

Attested
Kashif Hayat
Advocate
High Court
24/5/24

(F) (13A)

- F. That the appellant was served with charge sheet No. 2716-17/PA dated 26.5.2023 that appellant has taken illegal gratification from above mentioned persons, appellant submitted his reply on 06-06-2023, whereby DPO Kohat awarded minor punishment to appellant on dated 22.08.2023. (charge sheet, reply and order of DPO Kohat are annexed as annexure A, B and C respectively)
- G. That There is no mentioned regarding Ban on posting in punishment schedule of E & D Rules, as well as other punishment rules.
- H. That no proper inquiry was taken in to account against the appellant and no statement of private witnesses aggrieved (nominate persons) were available on the record which is against the natural justice.
- I. That appellant is innocent and never involved in such illegal activities.
- J. That, appellant kept the high-ups abreast about the progress of the cases and about the protest of 9th May 2023, and followed their directions and instructions issued from time to time. In this respect IGP KPK Police on the recommendation of DIG Kohat, appellant was recommended for the grant of honoraria amount. (copy of recommendation is annexed as annexure "D")
- K. That the entire departmental file was prepared in violation of law and rules and total enquiry is based on hearing. Appellant was never involved in any illegal activities or gratification.
- L. It is therefore humbly prayed that on acceptance of the appeal, minor punishment awarded to appellant may kindly be set aside and may given opportunity to discharge his duties as per law.

Yours obediently


Sohail Shah SI 204/K
Police Line Kohat
22-9-23

Attested
Ullah
Kashif Farooq
High Advocate
24/6/24
High Court

"F" (130)

ORDER.

This order will dispose of the departmental appeal preferred by Offg: SI Sohail Shah No. 204/K of district Kohat against the order of District Police Officer, Kohat whereby he was awarded minor penalty of forfeiture of 02-years approved service vide OB No. 683, dated 22.08.2023. Brief facts of the case are that the appellant while posted as SHO PS Jarra had taken illegal gratification / bribe from the accused arrested during search / strike operations in his area of jurisdiction without taking any legal action against him.

Proper departmental enquiry proceedings were initiated against him and SP / Operations Kohat was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of codal formalities submitted his findings wherein the appellant was found guilty of the charges leveled against him. He was, therefore, recommended for penalty under the relevant rules.

Keeping in view the recommendations of the Enquiry Officer and the above cited circumstances, the delinquent officer was awarded minor punishment of forfeiture of 02-years approved service under the relevant rules by the District Police Officer, Kohat vide OB No. 683 dated 22.08.2023.

Feeling aggrieved from the order of District Police Officer, Kohat, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 21.11.2023. During personal hearing the appellant did not advance any plausible explanation in his defense.

Foregoing in view, I, Sher Akbar, PSP, S.St, Regional Police Officer, Kohat, being the appellate authority, am of the considered opinion that the charges leveled against him have been established beyond any shadow of doubt. The competent authority has already taken a lenient view while awarding him punishment. Hence, appeal of Offg: SI Sohail Shah No. 204/K is hereby rejected, being devoid of substance and merit.

Order Announced
24.10.2023

Regional Police Officer,
Kohat Region

No. 12369 /EC, Dated Kohat the 23 / 11 /2023

Copy forwarded to District Police Officer, Kohat for information and necessary w/ to his office Memo: No. 7068/LE, dated 17.10.2023. Enquiry File is returned herewith.

SRc/okc
for necessary action

~~District Police Officer
Kohat 24/11~~



Advised
Kashif Hayat
Advocate
High Court
24/6/24

70

G- (4)

To
Inspector General of Police
Khyber Pakhtunkhwa
Peshawar

Subject: - DEPARTMENTAL APPEAL AGAINST THE ORDER OF DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION VIDE DATED 23-11-2023

Respected Sir,

With due respect and humble submission appellant submits departmental appeal against the order of Deputy Inspector General of Police Kohat Region Kohat dated 23-11-2023 vide OB No. 12349/EC whereby the Hon'ble DIG Kohat Region upheld the order of worthy District Police Officer, Kohat bearing OB No.683, dated 22.08.2023 vide which appellant was awarded minor punishment of "Forfeiture of two years approved service" and not be posted as incharge in field..

FACTS:-

1. That appellant was posted as SHO Ps Jarma district Kohat. At the time occurrence/violent protest on 09-may-2023, appellant was on duty in the area of PS Jarma, whereby appellant discharged his duties as per law.
2. That , in the light violent protests and as per orders of High-ups, appellant arrest hundreds of protestors in search and strike operations and challaned them as per law.
3. That, few arrested people were released after verification and satisfaction that nothing has been available against them in the record.

Appellant
Kashif Haja
Advocate
High Court
24/6/24

6" (19)

4. That appellant was posted as SHO PS Jarma with effect from 30-04-2023 to 06-06-2023 to and showed his capacity of being hardworking and efficient In-charge, and showed good performance and made recoveries and arrested the accused against whom F.I.R were lodged.
5. That, allegations leveled against the appellant was that appellant had released one Muhammad Tariq and also handed over 12 bore rifle to him, released Malak Jan, Muhammad Imran, Khalid and Saeed. And had taken illegal gratification from them.
6. That the fair/proper procedure according to E and D rules was not adopted, show cause was issued to the appellant and reply was requisitioned on 06-06-2023, and the appellant was awarded minor punishment of "Forfeiture of two years approved service" and not be posted as incharge in field.
7. That the appellant submitted an appeal against the order of DPO Kohat to Regional Police Officer Kohat, whereby the appeal was dismissed by worthy RPO Kohat. Hence present the departmental appeal on following grounds.

GROUNDS:-

- A. That the impugned order has been passed without taking into account the materials available on the file of above mentioned case as well as no inquiry proceeding were carried out against the appellant. This is on the record that after raiding at the house of one Keema Gul his nephew namely Muhammad Tariq was arrested and also one rifle of 12 bore was taken from Tariq's home. After arrival to PS register of Criminals was perused and there was no criminal record/F.I.R against him, moreover, elders of locality satisfied me regarding his innocence and also produced license of 12 bore rifle, to maintain law

Attested
Kashif Hayat
Advocate
High Court
24/6/23

G-14-b

and order situation i handed over Muhammad Tariq along with rifle to him and death with them as per law.

- B. That, one Malak Jan was arrested on dated 19-05-2023 and his verification. Abeing an accused of violent protester was still under verification, for the reason mentioned above. he was released and soon after his verification appellant arrested him again on 25-05-203 and submitted his challan in the court.
- C. That, SHO handed over two persons namely Muhammad Imran and Muhammad Khalid on 17-05-2023, challan of Imran was submitted in the court and Muhammad Khalid was under process of verification which was released on bail and after verification appellant again arrested him in submitted his challan in the court.
- D. That, appellant never arrested one Saeed and Roman neither appellant has any knowledge about his arrest.
- E. That, being an SHO appellant arrested senior leadership of PTI in Kohat which includes Daud afridi, Naseem Afridi, Aftab Alam Ex-MPA Imtiaz shahid question and other millions of protesters.
- F. That the appellant was served with charge sheet PA 2716-17/26.5.2023 that appellant has taken gratification from above mentioned persons, appellant submitted his reply on 06-06-2023, whereby DPO Kohat awarded minor punishment to appellant on dated 22.08.2023.
- G. That no proper inquiry was taken in account against the appellant and no statement of private witnesses were available on the record which is against the natural justice.
- H. That appellant is innocent and never got in such illegal activities.

Attested
CASHI LAYAL
Advocate
High Court
24/6/24

"F" (24-C)

- I. That, appellant kept the high-ups abreast about the progress of the cases and about the protest of 9 May 2023, and followed their directions and instructions issued from time to time.
- J. That the entire departmental file was prepared in violation of law and rules. Appellant was never involved in any illegal activities or gratification.
- K. It is therefore humbly prayed that on acceptance of the appeal, minor punishment awarded to appellant may kindly be set aside and may given opportunity to discharge his duties as per law.

Yours obediently



Sohail shah SI Police
Cell No. 0332-9621327
Permanent Address:

Copy enclosed:

1. copy of Charge sheet along with reply
2. Enquiry Report
3. Order of DPO Kohat
4. Order of DIG Kohat along with appeal

Attested
Kashif Iqbal
Advocate
High Court

24/6/24



1450

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

order of
IGP
KPK

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11 of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Offg: SI Sohail Shah No. 204/K (hereinafter referred to as petitioner).

The petitioner was awarded minor punishment of forfeiture of two (02) years approved service by District Police Officer Kohat vide OB No. 683, dated 22.08.2023 on the allegations that he while posted as SHO PS Jarina had taken illegal gratification/bribe from the accused arrested during search/strike operations in his area of jurisdiction without taking any legal action against him.

The Appellate Authority i.e. RPO Kohat rejected his appeal vide Order Endst: No. 12349/EC dated 23.11.2023

A meeting of Appellate Board was held on 10.05.2024 in CPO under the chairmanship of DIG Headquarters. Offg: SI Sohail Shah No. 204/K was present.

The petitioner was heard in person. He was given reasonable opportunity to defend himself against the charges; however he failed to advance any justification. The Board **rejected** his revision petition

Sd/-

AWAL KHAN, PSP,

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 1132-38 /24, dated Peshawar, the 17-05-2024.

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. Two Service Book, One Service Roll + Fauji Missal received vide letter No. 869/EC, dated 26.01.2024 is returned for your office record.
2. District Police Officer, Kohat.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-III, CPO Peshawar.

SAB
21/5/24
District Police Officer
Kohat



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

Attested

District Police Officer
Kohat
21/5/24

Attested
Kashif Hayat
Advocate
High Court
21/6/24



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Handwritten text below the top signature, possibly a date or reference number.

Main body of handwritten text, appearing to be a legal or official document. It contains several lines of text, some of which are crossed out or written over.

Kashif Hayat
Advocate
High Court

20-1-2019
0353-989896

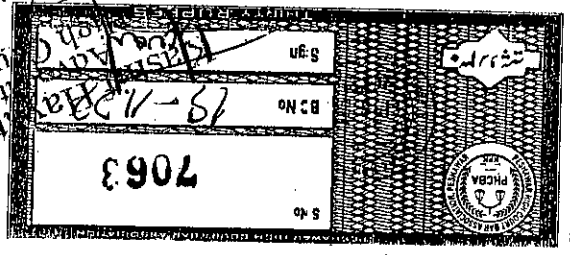
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Service HM
13/6/19



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