


FORM OF ORDER SHEET

Court of _____

Appeal No. 1241/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/08/2024	<p>The appeal of Mr. Haroon Jadoon presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 5/9/2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

CHECK LIST

MR. HAROON JADOON

V/S

POLICE DEPTT:

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

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

Name:- Noor Muhammad Khattak, ASC

Signature:- _____

Dated:- _____

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL No. 1241 /2024

HAROON JADOON

V/S

POLICE DEPTT:

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Dated: 22/08/2024

APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL No. 1241 /2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15170

Dated 23/8/24

Mr. Haroon Jadoon, DSP (BPS-17)
Police Headquarter, Peshawar

..... APPELLANT

VERSUS

- 1) The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2) The Additional Inspector General of Police, Headquarter, Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED APPELLATE ORDER DATED 19/08/2024, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS PARTIALLY ALLOWED/ACCEPTED BY MODIFYING THE MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE INTO MAJOR PUNISHMENT OF REDUCTION IN RANK I.E. FROM THE SUBSTANTIVE RANK OF DSP TO SUBSTANTIVE RANK OF INSPECTOR (BPS-16) AND AGAINST THE ORIGINAL IMPUGNED ORDER DATED 05/04/2024 WHEREBY MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WAS IMPOSED ON THE APPELLANT.

Prayer:-

On acceptance of this Service Appeal, the impugned office order dated 05/04/2024 may kindly be set aside and the impugned appellate order dated 19/08/2024 may kindly be set aside to the extent of reduction in rank from substantive rank of DSP to substantive rank of Inspector (BPS-16). That the respondents may kindly be directed to restore the appellant in the rank of DSP with all back benefits and the respondents may further pleased be directed to treat the intervening period as period spent on duty. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

23/8/24
7/24
M. Jadoon

R/SHEWETH:
ON FACTS:

Brief facts giving rise to the present appeal are as under:-

1. That the appellant is the employee of respondent department and is serving the respondent department since appointment till date quite efficiently and upto the entire satisfaction of his superiors.
2. That appellant while serving as DSP (BPS-17) in the respondent department, an FIR u/s 409/419/420/201 PPC/118-C&D of Police Act, 2017 was lodged against the appellant and his subordinates vide dated 29/01/2024. Copy of the FIR is attached as annexure.....**A**
3. That on the basis of ibid FIR, a fact finding inquiry was conducted, wherein statements of the appellant and his subordinates were recorded, whereafter vide notification dated 02/02/2024 the appellant was suspended from service. Copies of the fact finding inquiry report and suspension order are attached as annexure.....**B&C**
4. That whereafter charge sheet alongwith statement of allegations were issued to the appellant on 07/02/2024 and in response the appellant submitted his detail reply by denying the allegations levelled against him. Copies of Charge Sheet, Statement of allegations and reply are attached as annexure.....**D,E&F**
5. That vide judgment dated 04/05/2024 the appellant was discharged by the trial court. Copy of judgment is attached as annexure.....**G**
6. That despite of the fact that the appellant was discharged by the trial court from the criminal case/FIR the respondents proceeded with the departmental inquiry and after ex-parte inquiry the impugned Office Order dated 05/04/2024 was issued, wherein major penalty of dismissal from service was imposed on the appellant. Copies of the inquiry report and impugned original order are attached as annexure.....**H&I**
7. That feeling aggrieved the appellant filed departmental appeal against the original order dated 05/04/2024 and in response vide impugned appellate order dated 19/08/2024 the departmental appeal of the appellant was partially allowed by

modifying the major punishment of dismissal from service into major punishment of reduction in rank i.e. from his substantive rank of DSP to substantive rank of Inspector and the intervening period was also treated as leave without pay. Copies of the departmental appeal and appellate order are attached as annexure.....J&K

8. Hence the present service appeal on the following grounds amongst the others:-

GROUND:

- A- That the impugned original order dated 05/04/2024 and impugned appellate order dated 19/08/2024 are against the law, fact and norms of natural justice, therefore, not tenable and are liable to be modified/rectified to the extent of restore/reinstated the appellant to his original rank of DSP (BPS-17).
- B- That the appellant has not been treated by the respondent department in accordance with law on the subject noted above and as such the respondents violated Article 4, 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That the impugned original order dated 05/04/2024 and impugned appellate order dated 19/08/2024 are against the law and rules, therefore, the impugned appellate order may kindly be modified to the extent of restoring the appellant to his substantive rank of DSP (BPS-17).
- D- That no Show Cause Notice neither initial nor final were issued to the appellant prior to the issuance of impugned office order dated 05/04/2024 & 19/08/2024.
- E- That no chance of personal hearing, personal defence was provided to the appellant prior to the issuance of impugned office orders.
- F- That the appellant has been discharged by the trial court in the criminal case on the basis of which the appellant was proceeded departmentally and was awarded major punishment, therefore, under the principle of natural justice, the appellant is entitled to be reinstated/restore to his original rank of DSP (BPS-17).

- G- That no regular inquiry has been conducted in the issue of the appellant, which is as per Supreme Court's judgment is necessary and punitive actions against the civil servant.
- H- That as per SOPs of respondents department, the appellant cannot be held guilty as the appellant was not the custodian of the Mall Khana in District Kachary. Copy of SOPs is attached as annexure.....L
- I- That no period has been specified in the impugned appellate order dated 19/08/2024 which is violative of FR-29 of the Fundamental Rules.
- J- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for. Any other remedy which this august Court deems fit that may also be awarded in favor of the appellant.

Dated: 22/08/2024

H. Jadoon
APPELLANT
HAROON JADOON

Through:

Noor Muhammad Khattak
NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

Waleed Adnan
WALEED ADNAN

Umar Farooq Mohmand
UMAR FAROOQ MOHMAND
&

Khanzad Gul
KHANZAD GUL
ADVOCATES HIGH COURT

AFFIDAVIT

I, Mr. Haroon Jadoon, DSP (BPS-17) Police Headquarter, Peshawar, (the appellant), do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.



Haroon Jadoon
DEPONENT

"B"
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CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR

No. 430 /PA Dated Peshawar the 24 / 01 /2024.

To **The Capital City Police Officer,
Peshawar.**

Subject: **ENQUIRY REGARDING REPLACEMENT OF CASE PROPERTY IN CASE FIR NO. 1100 DATED 12.12.2023 U/S 9D-CNSA/15-AA/419-420 PPC PS GULBERG.**

Kindly refer to your good office Endorsement No. 186/PA/CCP dated 17.01.2024.

BACKGROUND

On 12/12/2023 a Black Double Cabin Revo-Toyota vehicle was found parked in the jurisdiction of Police Station Gulberg, Peshawar. On search huge quantity of Opium and Chars were recovered from the said vehicle. Whereas, subject cited above case was registered against the unknown accused. The case property was shifted to Police Station for sampling for FSL and has to be immediately deposit in the Kacheri Malkhana made for the case property (Narcotics only) as per the SOPs/instructions issued vide No. 321/R, dated 01.06.2022 & No. 4638/R-Inv: dated 28.09.2023. The same did not happen and after a month the case property is still lying in the Police Station. Reportedly, the case property has been replaced.

PROCEEDINGS

For the purpose to scrutinize the matter. The alleged officials/officers were called to the office of the undersigned, heard them in person and their statements were recorded and appended herewith, while their statements are as under;

STATEMENT OF WAQAS RAFIQ SP CANTT PESHAWAR.(F/A)

He stated that on 12.12.2023, Police Station Gulberg received an information about an abandoned vehicle that might be carrying narcotics. At that time he (SP Cantt Mr. Waqas Rafiq) was in meeting with SSP Operations. He issued directions to IHC Azmat Ali, reader to SP Cantt, to reach the spot for supervision and taking pictures, videos of the operation to make it more transparent. The reader was continuously updating him about the developments which are being passed to SSP Operations as well. All pictorial and video evidences are available till opening of the narcotics bags, weighting them, separating FSL samples and closing of parcels. The details are given below:

Narcotics	Packets	In kg	For FSL
Chars	375x1250	468.750	1875 grams
Heroin	1	1.300	01 gram
Opium	127x1200	152.400	635 grams
Pistol	03x30 bore		

He further stated that all the proceedings were ensured to be transparent in the presence of DSP Cantt, SHO Gulberg and Reader to SP Cantt. Furthermore, all the recovered items were sealed in parcels and kept in the Malkhana of Police Station in correct condition. Till then everything was transparent.

STATEMENT OF HAROON JADOON SDPO CANTT.(F/B)

He stated that on 12.12.2023 he was present with his senior officers at Police Lines. He was informed by SHO Gulberg regarding recovery of huge amount of contrabands and the same was brought into the notice of high ups. Whereas, upon information he rushed to the place of occurrence to assist the SHO Gulberg, along with Moharrir East Cant and BDS staff. Subsequently, recovered contrabands, vehicle, other goods were taken into possession. In this regard case FIR No. 1100 dated 12.12.2023 u/s 9D-CNSA-15AA-419-420 PPC was registered at PS Gulberg and entrusted to investigation staff for investigation. Video recording of place of

ATTESTED

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CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR

No. _____ /PA Dated Peshawar the _____ /2024.

occurrence, vehicle and contrabands have been saved in mobile phone. He further stated that concerned SHO and Moharrir were directed to take the contrabands and vehicle in their safe custody, further he showed ignorance.

STATEMENT OF SI ABDUL AZIZ SHO PS GULBERG.(F/C)

He stated that he is performing duty as SHO Gulberg since 05 month. On 12.12.2023 at 11 AM, he received information on his mobile phone that vehicle Revo of Black color is parked near Asif Baghi park since last night, he along with other officials rushed to place of occurrence and found that information was correct. Meanwhile, During that he informed Mr. Waqas Rafiq SP Cantt and Mr. Haroon Jadoon SDPO Cantt. After on, he made photos and video recording of the said vehicle and sent the same via whatsapp to SP Cantt and also sent location of place of occurrence. Thereafter, he stated that SP Cantt sent his Reader Azmat to the place of occurrence, meanwhile SDPO and BDU staff also arrived. Upon clearance by BDU staff, in the presence of SDPO Cantt and Reader to SP Cantt, contrabands i.e chars, opium and heroin were recovered, and weighted them on the spot through digital scale. Subsequently, under the supervision of SDPO Cantt and Reader SP Cantt shipment of contrabands and vehicle were shifted to PS Gulberg and sealed them in parcels. Thereafter, he stated the whole procedure of sealing of contrabands took place in his presence along with SDPO Cantt and Reader SP Cantt. In connection to above Addl: Moharrir Rashid was directed to lock case property in malkhana and further directed him ensure entry of recovered articles into Register No. 19, after handling of case property Moharrir staff was strictly directed to strictly supervise/monitor the case property articles. He further stated that newly posted Moharrir ASI Abdul Aziz during taking charge of PS Gulberg was directed to deposit case property in the PM malkhana. On 17.01.2024, it has been ascertained that case property is being changed as told by (SSP Inv:) that case property is not original. Video and photos of contrabands and vehicle have been sent via whatsapp to DSP Inv: Khalid khan and the same can be produced when needed, as SDPO Cantt and Reader to SP Cantt are the witnesses.

STATEMENT OF ASI AZIZ-UR-REHMAN MOHARRIR PS GULBERG.(F/D)

He stated that on 25.12.2023, took the charge as Moharrir PS Gulberg and case FIR No. 1100 dated 12.12.2023 w/s 9D-CNSA-15AA-419-420 PPC was registered at PS Gulberg before his posting. He further stated that the case property was under the custody of Addl: Moharrir Rashid. Thereafter, on 02.01.2024, Addl: Moharrir Rashid khan has handed over the case property of the said case in Daily Diary but his receiving signature is not present on the same parcels which are present in malkhana as it is.

STATEMENT OF ASI MUSHTAQ MOHARRIR PS EAST CANT.(F/E)

He stated that he serving as Moharrir PS East Cantt. On 12.12.2023 SDPO Cantt Haroon Jadoon informed him telephonically to arrive PS Gulberg, as the SHO PS Gulberg has recovered contrabands and directed him to assist them in preparation of murasila and recovery memo. In compliance with; he assisted them and then returned to PS East Cantt. After lapse of 15/20 days SDPO directed him telephonically to handover the monogram of PS East Cantt to Moharrir PS Gulberg and the same was handed over to MM PS Gulberg. Further he shared ignorance regarding the matter.

STATEMENT OF IHC RASHID HUSSAIN ADDL: MOHARRIR PS GULBERG.(F/F)

He stated that he was posted as Additional Moharrir PS Gulberg and on 12.12.2023 the said case was registered at PS Gulberg and when he returned from station leave, SHO concerned handed over him 16 sealed bags of case properties having no stamp and the said bags have been properly submitted at Malkhana. 11

ATTESTED

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CAPITAL CITY POLICE PESHAWAR
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SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR

No. _____ /PA Dated Peshawar the _____ / 2024.

Further stated that on 02.01.2024, on the transfer of Moharrar Aziz Ur Rehman to PS concerned, he handed over all case properties received in his tenure to the said moharrar. In this connection charge signature was also taken on list from Moharrar Aziz Ur Rehman and also entered in Daily Diary for memorandum.

STATEMENT OF MUZAMIL KHAN NO. 952 (LIGHT DUTY) OF PS GULBERG.(F/G)

He stated that on 21.05.2017, he got several injuries during a terrorist attack on Police Post Shamshato-PS Urmar. In this connection a proper case vide FIR No. 46 dated 21.05.2017 u/s-7-ATA/05-Exp/427/353/324 was also registered at PS Urmar. He further stated that presently he is posted on light duty and on the night of registration of the case vide FIR No. 1100/2023 he was present in Police Station and he is working with Moharrar staff. Furthermore, as he was posted on light duty, therefore he doesn't know anything about the occurrence took place on that night. He further stated that he is not going to PS malkhana and Kot, while he is sat with moharrir staff on his own mercy. Beside this, another constable is also posted at light duty with moharrir staff.

STATEMENT OF IHC MASOOD AHMAD MI PS GULBERG.(F/H)

He stated that the case properties of Police Station are immediately handed over to Operations staff and the case properties, government properties and Malkhana is in the custody of Moharrar operations. He further stated that Moharrar Investigation are having case properties of those cases which are returned from FSL in sealed parcels after examination and he is not aware of anything about the exchange of case properties of the said case.

STATEMENT OF IHC SHAFI ULLAH NO. 250 MM PS GULBERG.(F/I)

He stated that he is posted as Madad Moharrar PS Gulberg and in the said case only murasila was written by him and not knowing anything about parcels. He further stated that one day before arrival of Capital City Police Officer, Peshawar, moharrar Aziz Ur Rehman directed him to shift the case properties of aforesaid case to PM Malkhana through pickup. Furthermore, when he proceeded to PM Malkhana, incharge was not present and he contacted him through mobile phone, wherein the incharge told him that rack of your concerned Police Station is small and stated that he will demand for new racks to high-ups and then will apprise them for shifting of case properties to Malkhana. Furthermore, he brought back the said case property to Police Station and handed over to Moharrir.

STATEMENT OF LHC HIDAYAT MADAD MOHARRAR PS GULBERG.(F/J)

He stated that he is posted as MM and vide Daily Diary No. 04 dated 12.12.2023 at 09:00 hrs, he was on station leave for 02 days (DD report enclosed), while FIR No. 1100/2023 was registered at 16:00 hrs.

STATEMENT OF FC SHAH JEHAN OF INVESTIGATION STAFF. (F/K)

He stated the he was out from station with ASI Shafi Ullah for eating meal and he knows nothing further that for what purpose they were going out. As they reached Zaiqa restaurant situated at Ring Road, from there they brought packed food to Police Station. He further shows ignorance regarding the matter.

FINDINGS:

1. As per the contents of FIR No. 1100 dated 12.12.2023 u/s-9D CNSA/15-AA/419/420 PPC PS Gulberg, contrabands i.e. 468.75 kg charas, 152.400 kg opium and 1300 gram heroin by weight have been recovered while presently upon re-weighting for the purpose of re-sampling total 436.33 kg charas, 143.485 kg opium and 1315 gram heroin found present in PS Malkhana. In which total difference recorded is 32.42 kg in charas, 8.915 kg in opium and 15 gram exceeded in heroin.

ATTESTED

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CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR

No. _____ /PA Dated Peshawar the _____ / 2024.

2. The previous FSL Opinion vide letter No. 265/FSL dated 04.01.2024 in case FIR No. 1100 dated 12.12.2023 u/s-9D CNSA/15-AA/419/420 PPC PS Gulberg reveals that:

The samples in question were subjected to physical and chemical test/analysis revealed that the sample is:-

- It was charas in parcel No. 01 to 30, 32 to 61, 63 to 92, 94 to 123, 125 to 154, 156 to 185, 187 to 222, 224 to 258, 260 to 294, 296 to 345, 374 to 386.
- It was opium in parcel No. 388 to 424, 426 to 455, 457 to 476, 478 to 497, 499 to 518.
- It was heroin in parcel No. 520.

Whereas, upon re-examination, FSL opinion No. 132/FSL dated 22.01.2024, in the said case reveals that:

- "The 128 exhibits were found negative for charas and opium while one parcel was found positive for the presence of methamphetamine (ICE) and heroin traces".
- Stuff of the contents of all the above samples were physically found different from the samples earlier submitted by the I.O of the case FIR No. 1100 dated 12.12.2023 u/s-9D CNSA/15-AA/419/420 PPC PS Gulberg, Peshawar".

CONCLUSION:

Going through the inquiry papers and material present on record, it came to the surface that case FIR No. 1100 dated 12.12.2023 u/s 9D-CNSA/15AA-419-420 PPC PS Gulberg was registered at PS Gulberg and huge amount of contrabands have been recovered from a Black Double Cabin Revo-Toyota vehicle, while the said contrabands were not deposited in PM Malkhana within stipulated time period i.e. 72 hours. In this regard a proper SOP(Urdu version)vide No. 4638/R dated 28.09.2023 has also been issued, but after lapse of more than one month the case property is still lying in Police Station which is clear cut violation of the said SOP. More so, perusal of the former and later FSL report reveals that total case property (contrabands) has been replaced intentionally. Furthermore, during the course of inquiry it has been ascertained that the Charas has been sold on Rs: 28000/- per kg, Opium on Rs: 80000/- per kg and Heroin on 5 lacs per kg.

Therefore, keeping in view above, the role of each Police officer/official involved in the replacement/embezzlement of case property in case FIR No. 1100 dated 12.12.2023 u/s 9D-CNSA/15AA-419-420 PPC PS Gulberg, Peshawar are specified as below:

HAROON JADOON SDPO CANTT, PESHAWAR:

That he while being posted as SDPO Cantt, in the above mentioned case huge amount of contrabands were recovered and sealed in parcel in his presence but he failed to ensure the safe transportation on the same to PS Malkhana and subsequently PM Malkhana. Thus, the original case property was replaced with a forged one with sufficient reduction in quantity as well. All this shows his direct involvement in embezzling and replacing huge amount of contrabands.

SI ABDUL AZIZ KHAN SHO PS GULBERG

That he while being posted as SHO Gulberg and complainant of the case FIR No. 1100 dated 12.12.2023 u/s 9D-CNSA/15AA-419-420 PPC PS Gulberg, Peshawar, did not ensure the availability of original contrabands in the Police Station Malkhana and failed to deposit the said case property to PM Malkhana timely. Furthermore, on the said parcels either no monogram is affixed while in some parcels the

ATTESTED

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CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR

No. _____ /PA _____ Dated Peshawar the _____ / _____ /2024.

monogram of PS West Cantt are affixed instead of PS Gulberg. All this shows his direct involvement in embezzling and replacing huge amount of narcotics.

IHC RASHEED HUSSAIN ADDL: MOHARRIR PS GULBERG.


That he while being posted as Addl: Moharrir PS Gulberg, case FIR No. 1100/2023 was registered on 12.12.2023, wherein huge amount of narcotics were recovered, the SHO/complainant of the case handed him over 16 sealed bags of case property without monogram with the direction to keep watch on the recovered contraband in PS Malkhana, despite this the same contraband was replaced, which shows his involvement in the process of embezzlement and replacement of case property.

ASI AZIZ UR REHMAN MOHARRIR PS GULBERG.

That he while being posted as Moharrir PS Gulberg, took the charge of recovered contrabands on 02.01.2024 from IHC Rasheed Hussain (receiving list of case property 2023 enclosed) but did not deposit the same in PM malkhana till date, due to which the case property of case FIR No. 1100/2023 PS Gulberg has been replaced, which shows his direct involvement in embezzlement of the case property.

Hence, the above mentioned officials/officers are found guilty for replacing and embezzling of case property in case FIR No. 1100 dated 12.12.2023 u/s 9DCNSA/15-AA/419/420 PPC PS Gulberg.

Submitted, please.


(Muhammad Ashfaq) PSP
Senior Superintendent of Police,
Investigation CCP, Peshawar

ATTESTED



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Dated Peshawar the 02/02/2024

"C"
-11-

NOTIFICATION

No. CPO/E-Transfer/Posting/ 351. In exercise of the powers conferred upon the Provincial Police Officer, Khyber Pakhtunkhwa under sub-section (4) of Section 17 of the Khyber Pakhtunkhwa Police Act, 2017, the following transfer/posting is hereby ordered in the public interest with immediate effect -

Name & Rank

Mr. Farooq Khan
DSP (BS-17)

From
CPO Peshawar

To

Suspended and closed to CPO
Peshawar, on disciplinary grounds

Sd/-

(AKHTAR HAYAT KHAN) PSP
PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA

No. & date even.

Copy forwarded to the -

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Addl. Inspector General of Police, HQrs: Khyber Pakhtunkhwa
3. Deputy Inspector General of Police HQrs: & IAB Khyber Pakhtunkhwa.
4. Capital City Police Officer, Peshawar.
5. Director (Elections-II), Election Commission of Pakistan, Islamabad
6. PSO to IGP Khyber Pakhtunkhwa.
7. Registrar CPO Peshawar.
8. Officer concerned.
9. Supdt: Secret CPO Peshawar with the direction to initiate departmental enquiry as per directions.
10. U.O.P File.

IRIZWAN HANZOOOR PSP
D/G Headquarters
For Inspector General of Police
Khyber Pakhtunkhwa

ATTESTED

BETTER COPY PAGE NO 11

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA.**

Dated Peshawar the 02.02.2024

NOTIFICATION

No CPO/E-I/Transfer/Posting/ 351. In exercise of the powers conferred upon the Provincial police Officer, Khyber Pakhtunkhwa under sub section (4) of Section 17 of the Khyber Pakhtunkhwa Police Act 2017, the following transfer posting is hereby ordered in the public interest with immediate effect.

Name & Rank	From	To
Mr Haroon Jadoon DSP (BPS-17)	CCP Peshawar	Suspended and closed to CPO Peshawar on disciplinary grounds

Sd/-

(AKHTAR HAYAT KHAN) PSP
PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA

No & dated even

ATTESTED



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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
& Central Police Office, Peshawar.
Phone: 091-9210927


No. S/ 170 /24, dated Peshawar the 07-02-2024.

To: The Deputy Inspector General of Police,
Information Technology.

Subject: CHARGE SHEET / STATEMENT OF ALLEGATIONS

Memo:

Enclosed, please find herewith Charge Sheet/Statement of Allegations duly signed by the Competent Authority (in duplicate) in-r/o Mr. Haroon Jadoon, DSP with the request to conduct enquiry into the allegations and report within the stipulated period.


(AFSAR JAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & Date even

Copies of the above, along with its enclosures, are forwarded to Office Supdt: E-1, CPO Peshawar, for service upon the individuals named above. One copy of the same may be returned to this office after signature of the said officers as a token of its receipt.

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ATTESTED



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Central Police Office, Peshawar
Phone: 091-9210927 Email: secretbranchcpo9@gmail.com

-13-

CHARGE SHEET

I, **Awal Khan**, Additional Inspector General of Police, Headquarters Khyber Pakhtunkhwa as Competent Authority, under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) and the powers delegated vide Notification No. CPO/E-1/Delegation of Power 257, dated 31.01.2020 hereby charge you, **Mr. Haroon Jadoon DSP, the then SDPO Cantt, now closed to CPO Peshawar vide Notification No. CPO/E-U/Transfer/Posting/351** as follows:-

- i. While You were posted as SDPO Cantt, a huge quantity of Narcotics was recovered and case FIR No. 1100 dated 12.12.2023 u/s 9D-CNSA/15AA-419-420-PPC PS Gulberg, Peshawar was registered. Moreover, the seized stuff was sealed in parcels in your presence nevertheless you failed to ensure its safe transportation to PS Malkhana and subsequently to Police Malkhana at District Courts (PM Malkhana) within stipulated period i.e. 72 hours.
- ii. SOP vide No. 4638/R, dated 28.09.2023 was issued, which enunciates the criteria of dealing case property but seized stuff was still lying in Police Station after lapse of more than one month hence blatant violation of SOP Ibid.
- iii. Perusal of the former & later FSI report revealed that the original case property has been replaced with fake one with sufficient reduction in quantity as well which shows your direct involvement in pilfering and replacing huge amount of contrabands with fake ones.
- iv. It has been ascertained that the Charas has been sold on Rs.-28000/- per kg, Opium on Rs. 80,000/- per kg and Heroin on 5 lacs per kg.

By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the said Rules.

You are, therefore, directed to submit your written defense within seven (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 in that case *ex-parte* action shall be taken against you.

You are directed to intimate whether you desire to be heard in person or otherwise.

A statement of allegation is enclosed.

Awal Khan

(AWAL KHAN) PSP
Additional Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa.

ATTESTED



"E" - 08 - 14 -

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

No. S/179/24 dt. 7²/₀₂₄

Phone: 091-9210927

Email: secretbranchcpo2@gmail.com

DISCIPLINARY ACTION

I, Awal Khan, Additional Inspector General of Police, Headquarters Khyber Pakhtunkhwa being Competent Authority, am of the opinion that Mr. Haroon Jadoon DSP, the then SDPO Cantt now closed to CPO Peshawar vide Notification No. CPO/E-I/Transfer/Posting/351 has rendered himself liable to be proceeded against, as he has committed the following acts of omissions/commissions within the meaning of the Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014).

STATEMENT OF ALLEGATIONS

- i. While he was posted as SDPO Cantt, a huge quantity of Narcotics was recovered and case FIR No. 1100 dated 12.12.2023 u/s 9D-CNSA/157A-419-420-PPC-PS-Gulberg, Peshawar was registered. Moreover, the seized stuff was sealed in parcels in your presence nevertheless you failed to ensure its safe transportation to PS Malkhana and subsequently to Police Malkhana at District Courts (PM Malkhana) within stipulated period i.e. 72 hours.
- ii. SOP vide No. 4638/R, dated 28.09.2023 was issued, which enunciates the criteria of dealing case property but seized stuff was still lying in Police Station after lapse of more than one month hence blatant violation of SOP Ibid.
- iii. Perusal of the former & later FSI report revealed that the original case property has been replaced with fake one with sufficient reduction in quantity as well which shows his direct involvement in pilfering and replacing huge amount of contrabands with fake ones.
- iv. It has been ascertained that the Charas has been sold on Rs. 28000/- per kg, Opium on Rs. 80,000/- per kg and Heroin on 5 lacs per kg.

The said act of negligence depicts inefficiency, disobedience, indiscipline and lack of professionalism which amounts to grave misconduct on his part warranting strict disciplinary action against him.

For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, an Enquiry Committee of following officer (s) of Khyber Pakhtunkhwa is hereby constituted under Police Rules, 1975 (amended 2014):-

- i. Mr. Irfan Tariq PSP, Deputy Inspector General of Police IT.

The Inquiry Committee/officer (s) shall, in accordance with the provision of the said Rules, provide reasonable opportunity of hearing to the accused officer, record and submit its finding **within 25 days** of the receipt of this order, recommendations as to punishment or other appropriate action against the accused officer.

Awal Khan

(Awal Khan), PSP

Additional Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa.

ATTESTED

حوالہ چارج شیٹ مجازیہ جناب از دفتر انسپکٹر جنرل آف پولیس صاحب CPO پشاور نمبری 180 مورخہ 07.02.204 معروض خدمت ہوں کہ میرے خلاف عائد الزامات کا حقیقت سے کوئی تعلق واسطہ نہیں ہے بلکہ جملہ الزامات خود ساختہ اور بے بنیاد ہیں۔ میرے خلاف عائد الزامات کا پس منظر کچھ یوں کہ مورخہ 12.12.2023 کو SHO گلبرگ عبدالعزیز خان نے من SDPO کو بزریعہ موبائیل فون متعلقہ REVO گاڑی کے متعلق اطلاع دی اس SDPO نے افسران بالا کو مطلع کر کے خود موقع پر پہنچ کر SP کینٹ صاحب کارڈر HC عظمت علی، BDU سٹاف، SHO گلبرگ بمعہ دیگر نفری موقع پر موجود تھے اور میرے موجودگی میں SHO گلبرگ نے متزکرہ گاڑی سے منشیات چرس، ایون، ہیروئن واسلحہ برآمد کر کے من SDPO، SHO اور SP صاحب کینٹ کے ریڈرنے ویڈیو اور تصاویر بابت برآمدگی بنا کر افسران بالا کو ارسال کر کے جو کہ ریکارڈ کا حصہ ہے من SDPO نے SHO گلبرگ کے امداد اور قانون کے مطابق کارروائی کی تکمیل کے لئے محرر تھانہ شرقی مشتاق کو طلب کر کے جس نے مقدمہ علت 1100 مورخہ 12.12.2023 جرم 12.12.2023 DCNSA-419-420-15AA 9DCNSA تھانہ گلبرگ کے اندراج میں معاونت کی بعد میں SHO گلبرگ نے مال مقدمہ منشیات وغیرہ تھانہ منتقل کر کے حسب ضابطہ محرر تھانہ کو حوالہ کیا۔ بعد میں SSP/INV صاحب نے انکوائری کر کے معلوم ہوا کہ متزکرہ منشیات تبدیل ہوئے ہیں اور FSL سمجھوائے گئے نمونہ جات اول و بعد میں تضاد ہیں۔ جنہوں نے بعد انکوائری من SDPO، SHO گلبرگ و محرران کے خلاف مقدمہ علت نمبر 50 مورخہ 29.01.2024 جرم 409-419-420-118-C-D Police Act تھانہ گلبرگ میں درج رجسٹرڈ کر کے من SDPO نے قانونی تقاضے پورے کرتے ہوئے اسی وقت اپنی گرفتاری پیش کی تفتیشی افسران (SIT) نے پوچھ گچھ کر کے عدالت سے حراست پولیس حاصل کی حراست پولیس کے بعد جیل سمجھوائے گئے اور عدالت نے پوسٹ آرٹ منشیات منظور کر کے من SDPO عدالت کے حکم پر جیل سے رہا ہوا۔

مزید چارج شیٹ موصولہ ملاحظہ کر کے من SDPO کے خلاف چارج شیٹ میں

1. برآمد شدہ منشیات کی غیر محفوظ ترسیل اور PM مال خانہ میں بروقت ادخال 02 R-SOP . 4638 کی خلاف ورزی 03 FSL سے موصول شدہ رازے میں تبدیلی منشیات۔ 04 منشیات / مال مقدمہ کی فروخت۔ 1

1. البتہ جہاں تک میرے بطور SDPO ذمہ داری کا تعلق ہے تو میں نے اسی روز جملہ مال مقدمہ متعلقہ اہلکاران کی مدد سے بند پاپارسل کئے اور تھانہ گلبرگ میں بمعہ SHO کی موجودگی میں پولیس ریلز کے لئے باقاعدہ تصاویر بھی نکالیں اور SHO محرر سٹاف کو ہدایت کی کہ جملہ مال مقدمہ SOP کے مطابق محفوظ مانجانہ کریں۔ مزید یہ کہ عدالت عالیہ کی حالیہ احکامات کی روشنی میں بطور SDPO استغاثہ کیس کو مزید مضبوط کرنے کے لئے میں نے جملہ مال مقدمہ کی ویڈیو ریکارڈنگ نہ صرف ریکوری افسر بلکہ اپنے ذاتی موبائل سے بھی بنوائی تاکہ بعد آزاں مال مقدمہ کو تبدیل نہ کر سکے۔
2. جہاں تک SOP کی خلاف ورزی کا تعلق ہے تو اس ضمن میں معروض خدمت ہوں کہ جاری شدہ SOP کسی بھی جگہ SDPO کی ذمہ داری کا ذکر نہیں ہے۔ بلکہ مال مقدمہ کی سیف کسٹی کی ذمہ داری متعلقہ SHO اور محرر کی ہے۔
3. جہاں تک FSL رپورٹ کا تعلق ہے تو ابتدائی تفتیش میں مال مقدمہ سے لئے گئے نمونہ جات استغاثہ کی تائید میں موصول ہوئے تھے۔ جو کہ بعد ازاں Fact Finding انکوائری کے دوران جو نمونہ جات لئے گئے ہیں وہ صریحاً 2019 KPK CNSA کے خلاف اور اختیارات سے تجاوز کے زمرے میں آتے ہیں بلکہ انکوائری افسر SSP/INV نے خود ساختہ قسم کے سپشل کورٹ کے اختیارات استعمال کئے ہیں جس کی قانونی کوئی حیثیت نہیں ہے مزید یہ کہ FSL پشاور نے بھی ایک مقدمہ میں پہلے سے نمونہ جات کی تجزیہ کہ دوبارہ تجزیہ پر کوئی قانونی objection نہیں کیا بلکہ استغاثہ کی کیس کو خراب کر دیا گیا ہے۔
4. منشیات کی فروخت کے بارے میں انکوائری افسر نے مفروضے کی بنیاد پر اپنے رازے کا اظہار کیا جس کا من SDPO سے ہرگز کوئی تعلق نہیں اور نہ ہی میرے خلاف درج مقدمہ کے تفتیش کے دوران انکوائری افسر جو کہ ہیڈ آف انوسٹیگیشن بھی ہے ایسا کوئی بھی ثبوت مثل پرنٹ لاسکے جس سے ثابت ہو کہ میں نے بطور SDPO اپنے ذاتی مفاد کے لئے مال مقدمہ فروخت کیا ہے۔

جناب عالی!

میرے خلاف چارج شیٹ میں عائد ایک بھی الزام ثابت نہیں ہوا بلکہ میرے شہرت کو نقصان پہنچانے کے لئے ایک خود ساختہ کہانی بنائی گئی ہے جس کا منہ بولتا ثبوت یہ ہے کہ میرے خلاف درج شدہ مقدمہ کی تفتیش کے دوران بھی اور باوجود 03 یوم کسٹی کے جرم ثابت نہیں ہوا اور لگائے گئے الزامات بے بنیاد ہیں اور من مسائل مکمل طور پر بے گناہ ہے اور مسائل مذکورہ بالا مقدمہ میں عدالت مجاز کے روبرو پیش ہو کر قانونی تقاضے دوران سماعت پورے کرنے کا پابند ہے جس طرح مسائل نے خود کو تفتیش کے تقاضے پورے کرنے کے لئے پیش کیا تھا۔ استدعا ہے کہ درج بالا وجوہات کو مد نظر رکھ کر چارج شیٹ کو بغیر کسی کارروائی کے داخل دفتر کی جائے۔

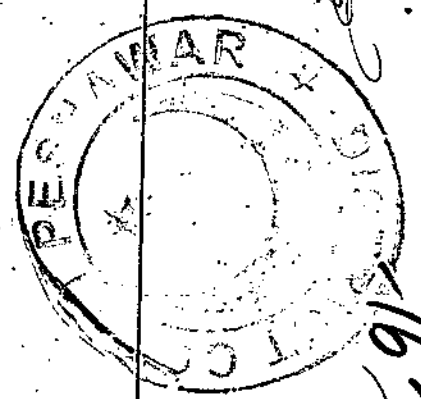
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2024 مورخہ

ATTESTED

مسائل ہارون جدون سابقہ SDPO ایس ای سی پی پشاور۔

بدرستی جانباہر کا کارڈ (انگریزی) کافی ہے۔

16/11/24



۱۔ نام و پتہ
۲۔ تعلیم
۳۔ پیشہ

۴۔ تاریخ
۵۔ وقت

۶۔ پتہ

۷۔ تعلقہ

۸۔ ضلع

۹۔ دیگر نوٹس

1. Name and Address
2. Education
3. Profession
4. Date
5. Time
6. District
7. Division
8. District
9. Other Notes

4. Date
5. Time

6. District

7. Division
8. District
9. Other Notes

8. District
9. Other Notes

9. Other Notes

Government of Punjab, Pakistan

ATTESTED

SHO

- ① اشتیاق
- ② تصنیع الہیہ
- ③ 31/11/24
- ④ محل 709
- ⑤ تاریخ 11/11/24
- ⑥ تعلقہ شان

419-409 خان گلبرگ

29/11/2024

صوبہ گلبرگ

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ATTESTED
04 MAY 2024
Session Court Penang

17-

BEFORE THE COURT OF SESSION JUDGE, PESHAWAR.

-18-

The State VS Haroon Khan Etc.

Subject: APPLICATION FOR THE DISCHARGE/WITHDRAWAL R/W 494/265-D R/W 4-C(ii), 5(b) PROSECUTION ACT OF THE ACCUSED FROM THE CHARGES LEVELED AGAINST HIM, IN CASE FIR NO. 50 DATED: 29.01.2024, U/S 409/ 419/420 PPC/118(c)(d) POLICE ACT, 2017, P.S GULBERG, PESHAWAR.

Respectfully Shewoth:

That the instant case was registered on the report of complainant against the accused. During scrutiny the case was found not fit for trial on the following grounds.

Grounds:-

- I. That the accused Haroon Jadoon is neither complainant nor marginal witness to the recovery memo, the recovery has not been effected by him, the parcels have not been prepared by him, the accused Haroon Jadoon has neither shifted the case property nor handed over the same to same concerned official.
- II. That after recovery the case property so misappropriated allegedly, was not in the possession or custody of the accused mentioned above.
- III. That the accused has been charged on the basis of the inquiry available on case file but astonishingly he has not even been charged by any witness.
That no rule has been attributed to the accused mentioned above.
That as per facts and circumstances of the case he was neither the seizing officer nor the custodian of case property.
- VI. That after registration of the case the accused was arrested three days custody was granted but the accused was not connected with the commission offence.
 - a. Whether the case property come in to the possession of accused.
 - b. Whether any entry was made in the relevant record.
 - c. Whether it was misappropriated by the accused.
 - d. Whether the accused played any role in the misappropriation of case property?
 - e. The manner and mode of misappropriation is missing.
 - f. The case property or its sale proceeds were not recovered from the accused or upon his pointation.
 - g. The accused has not confessed his guilt before the court.
 - h. The witnesses were examined during inquiry as well as during investigation but no such role was attributed to the accused which could connect him with the commission of offence.

DISTRICT P.P.
PESHAWAR.

DISTRICT P.P.
PESHAWAR.

ATTESTED

It is, therefore, requested that the accused charged in the
aforementioned case, may kindly be discharged of the charges leveled
against him for deficient, weak evidence and for non-prosecution by the
Prosecution Agency.

(SHAHSAUD)
Deputy Public Prosecutor
Peshawar

Approved by

District Public Prosecutor
Peshawar

Dated: 26.03.2024

DIST: CT PP
PE

-19-

It is, therefore, requested that the accused charged in the
aforementioned case, may kindly be discharged of the charges leveled
against him for deficient, weak evidence and for non-prosecution by the
Prosecution Agency.

(SHAHSAUD)
Deputy Public Prosecutor
Peshawar

Approved by

District Public Prosecutor
Peshawar

DISTRICT PUBLIC PROSECUTOR
PESHAWAR

Dated: 26.03.2024

ATTESTED

-20-

**IN THE COURT OF EJAZ-UR REHMAN QAZI
ADDITIONAL SESSIONS JUDGE-XVII, PESHAWAR**

ORDER

04/05/2024

1. Mr. Muhammad Imran, learned APP for the state present. Accused *Haroon Jadoon, Abdul Aziz Khan, Aziz Ur Rehman & Rashid Hussain* on bail are in attendance. Accused *Noor Muhammad* is absconding in instant case.
2. My this order is intended to dispose of an application filed by prosecution seeking discharge of accused *Haroon Jadoon*/withdrawal from prosecution U/s 494/265-D Cr.P.C R/w 4 C(ii), 5(b) of Prosecution Act in instant case.
3. Arguments of learned prosecutor on subject application have already been heard. Record perused.
4. The accused *Haroon Jadoon S/o Hubab Khan* stood charged in instant case FIR No. 50 dated 29/01/2024 U/s 409, 419, 420, 201 PPC r/w 118(C)(D) Police Act, 2017, Police Station *Gulberg, Peshawar*.
5. Briefly, allegations as per FIR are that huge quantity of narcotics with three 30 bore pistols and live cartridges were recovered from an abandoned vehicle Revo and FIR No. 1100 Dated 12/12/2023 U/s 9D CNSA, 15AA, 419 & 420 PPC registered at Police station *Gulberg* against unknown accused. That vide order dated 17/1/2024 a fact finding inquiry conducted by SSP Investigation Peshawar, on the directions of CCPO Peshawar, for ascertaining the facts regarding replacement of the case property, non adherence to the SoPs, FSL reports etc and the investigation conducted so far, hence,

عبد الفریقین
عبد الفریقین
عبد الفریقین

ATTESTED
04 MAY 2024
(Examiner)
Session Court Peshawar

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vide inquiry report No. 430/PA dated 24/1/2024 the accused *Haroon Jadoon* alongwith three others were found involved in the embezzlement and replacement of case property, hence, the instant FIR registered against them.

6. The matter was investigated into and complete *challan* alongside subject application of prosecution was put in court against the accused on 18/04/2024.
7. Record reveals that admittedly accused *Haroon* was not mentioned anywhere on record as witness of the recovery or witness of the occurrence. Similarly, he never prepared parcels nor case property was handed over to him at any time during occurrence or investigation. He was charged in the instant case on the basis of an inquiry but no witness recorded against him in inquiry or investigation of the instant case.
8. Above all when the prosecution by filing subject application of discharge has shown its disinterest to prosecute against accused *Haroon* then how come the charges could prove against him even if the said accused is prosecuted for the charges and proceeding against him will only cause wastage of precious time of this Court.
9. In view of the reasons above and contents of application of discharge filed by prosecution, this court is agree with the contents of application.
10. Resultantly, the application of prosecution is *accepted*.

Hence, accused *Haroon Jadoon S/o Hubab Khan* is hereby

ATTESTED
04 MAY 2024
(Signature)
(Examiner)
Session Court Peshawar

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discharged in the instant case. As he is on bail in instant case; his sureties stands absolved from liability of bail bonds.

- 11. To the extent of accused *Abdul Aziz, Aziz Ur Rehman & Rashid Hussain*, copies of relevant documents of case provided to them in compliance of provisions u/s 265-C Cr.P.C. Their signatures obtained on margin of ordersheet as token of proof. While for accused absconding namely Noor Muhammad, SW concerned be summoned for date fixed
- 12. File be put up for statement of SW and framing of charge sheet against accused on bail on 13/05/2024..

Announced:
04th May-2024

(Ejaz-ur Rehman Qazi)
Addl: Sessions Judge-XVII,
Peshawar

No. 23718

Dated of Application 04/5/24

Name of Applicant P. S. Jadoon

Word / Pages 100

Fee 100/-

Signatures of Copyist & Date [Signature] 04/5/24

Dated of Preparation 04/5/24

Dated of Delivery 04/5/24

ATTESTED
04 MAY 2024
(Examiner)
Session Court Peshawar

23- 'H'

Subject: DEPARTMENTAL ENQUIRY AGAINST MR. HAROON JADOON, SDPO CANTT PESHAWAR

It is submitted that Mr. Haroon Jadoon, SDPO Cantt Peshawar was charge sheeted on the basis of the following allegations, under the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014).

1. While you were posted as SDPO Cantt, a huge quantity of Narcotics was recovered and case FIR No. 1100 dated 12.12.2023 u/s 9D-CNSA/15-AA/419/420 PPC Police Station Gulberg, Peshawar was registered. Moreover, the seized stuff was sealed in parcels in your presence nevertheless you failed to ensure its safe transportation to Police Station Malkhana and subsequently to Police Malkhana at District Courts (PM Malkhana) within stipulated period i.e 72 hours.
2. SOP vide No. 4638/R dated 28.09.2023 was issued, which enunciate the criteria of dealing case property but seized stuff was still lying in Police Station after lapse of more than one month hence blatant violation of SOP Ibid.
3. Perusal of the former & letter of FSL report revealed that the original case property has been replaced with fake one with sufficient reduction in quantity which shows your direct involvement in pilfering and replacing huge amount of contrabands with fake ones.
4. It has been ascertained that the Charas has been sold on Rs. 28000/- per Kg, Opium on Rs. 80,000/- Per Kg and Heroin on 05 lacs per Kg.

Charge sheet and Summary of Allegations was served upon the delinquent officer. He submitted his reply to the charge sheet within the stipulated period.

Brief of Reply of Mr. Haroon Jadoon, DSP Cantt, CCP, Peshawar

He stated that the allegations levelled against him in the Charge Sheet are not based on facts. On 12.12.2023 he was informed by Mr. Abdul Aziz, SHO Police Station Gulberg through Mobile Phone regarding recovery of huge quantity of contrabands from vehicle REVO. He brought the matter into the notice of high-ups and

ATTESTED

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rushed to the place of occurrence where HC Azmat (Reader to SP Cantt) and SHO Police Station Gulberg alongwith other Police Party were present. In his presence SHO Police Station Gulberg recovered Charas, Opium, Heroin and Weapons from the said vehicle. He alongwith SHO Police Station Gulberg and Reader to SP Cantt made videos and took pictures of the recovered contrabands and shared with high-ups which is part of record. He called Mushtaq Moharrar Police Station East Cantt for legal and lawful assistance with SHO Police Station Gulberg and after his assistance in registration of case FIR No. 1100 dated 12.12.2023 u/s 9-D CNSA/419/420 PPC/15-AA Police Station Gulberg, SHO Police Station Gulberg shifted the case property to Police Station and handed over to Moharrar. Later-on, SSP/Investigation conducted enquiry into the matter and it came to light that the said case property was replaced and a contradiction was noticed in the former report of FSL. After enquiry, case FIR No. 50 dated 29.01.2024 u/s 409/419/420/118-C-D Police Act was registered against him, SHO and Moharrars Police Station Gulberg in Police Station Gulberg, in which he offered his arrest and after interrogation of SIT obtained Police custody. After Police custody he was sent to Judicial lock-up from where he was released on the basis of Post Arrest Bail. He further stated that:-

1. Being SDPO, he performed his duty according to law and on the same day he sealed the case property in parcels with the help of concerned officials. He took pictures in the presence of SHO for Press Release and SHO alongwith Moharrar staff was strictly directed to keep the case property in Malkhana. In the light of recent directions of the honourable court, he alongwith recovery officer made video recording for prosecution case so that someone cannot change the case property.
2. As long as violation of SOP is concerned, according to the SOP it is the responsibilities of SHO and Moharrar to keep the case property in safe custody, and SDPO has nothing to do with SOP and Malkhanas.
3. Samples of the case property sent to FSL during initial investigation were received as Positive. Samples took during Fact Finding Enquiry is clear violation of KPK CNSA 2019. Enquiry Officer (SSP/Investigation) has exercised the powers of a self-styled Special Court, which has no legal status. Moreover, FSL Peshawar also did not raise any legal objection to the re-analysis of samples from earlier in a case, rather the prosecution's case has been spoiled.

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4. The Enquiry Officer expressed his opinion on the basis of hypothesis regarding the sale of drugs, which has nothing to do with him as SDPO, nor during the investigation of the case registered against him. No evidence is produced by the Enquiry Officer (who is Head of Investigation), to prove that he as SDPO has sold the case property for his personal gains.

He further stated that being SDPO, there were three Police Station under his supervision while the office of SDPO is situated in Police Station East Cantt and the office of SP/Cantt is situated in Police Station Gulberg. My office and PS Gullerg are located at a considerable distance from each other. If there was any incident of changing of case property, it would first come to the notice of SP/Cantt as his office is located in the same Police Station. Besides a few days after the incident, as per the order of the high-ups, he was deputed for duty around the honourable Peshawar High Court premises, which continued for several days from morning to late night. In this connection proper contingency plan was issued which is available on record. Unfortunately, due to lack of time and long duty, he could not go to Gulberg Police Station during this time. Charges levelled against him in the charge sheet has not been proved but a self-made story has been created to damage his reputation, the proof of which is that even during the investigation of the case registered against him, despite 03 days of custody, the crime was not proved and the allegations made are baseless and that he is completely innocent. He requested to file the Charge Sheet.

To dig out the real facts, the following concerned were summoned, heard in person and their statements were recorded:-

1. Mr. Abdul Aziz, the then SHO Police Station Gulberg.
2. Mr. Aziz-ur-Rehman, the then MASI PS Gulberg.
3. Mr. Mushtaq Ahmad, Moharrar PS East Cantt.
4. Mr. Rashid Hussain, Additional Moharrar PS Gulberg.
5. Mr. Javed Khan, OII/CO PS East Cantt.
6. IHC Shafi Ullah No. 250 PS Gulberg.
7. LHC Hidayat No.4145 PS Gulberg.
8. SI Mudassir Iqbal, Incharge PP Nothia.
9. HC Azmat Ali No. 5722, Reader to SP/Cantt.

ATTESTED

assigned to investigation staff for investigation. Video recording of place of

CNSA-15AA-419-420 PPC

Statement of Mr. Abdul Aziz, the then SHO PS Gulberg

He stated that he is performing duty as SHO Gulberg since 05 month.

On 12.12.2023 at 11 AM, he received information on his mobile phone that vehicle Revo of Black colour is parked near Asif Baghi Park since last night, he along with other officials rushed to place of occurrence and found that information was correct. Meanwhile, during that he informed Mr. Waqas Rafiq SP Cantt and Mr. Haroon Jadoon SDPO Cantt. Later on, he made photos and video recording of the said vehicle and sent the same via whatsapp to SP Cantt and also sent location of place of occurrence. Thereafter, he stated that SP Cantt sent his Reader Azmat to the place of occurrence; meanwhile SDPO and BDU staff also arrived. Upon clearance by BDU staff, in the presence of SDPO Cantt and Reader to SP Cantt, contrabands i.e chars; opium and heroin were recovered, and weighted them on the spot through digital scale. Subsequently, under the supervision of SDPO Cantt and Reader SP Cantt shipment of contrabands and vehicle were shifted to PS Gulberg and sealed them in parcels. Thereafter, he stated the whole procedure of sealing of contrabands took place in his presence along with SDPO Cantt and Reader SP Cantt. In connection of above Addl: Moharrir Rashid was directed to lock case property in malkhana and further directed him ensure entry of recovered articles into Register No. 19, after handling of case property Moharrir staff was strictly directed to strictly supervise/monitor the case property articles. He further stated that newly posted Moharrir ASI Abdul Aziz during taking charge of PS Gulberg was directed to deposit case property in the PM malkhana. On 17.01.2024, it has been ascertained that case property is being changed as told by (SSP Inv:) that case property is not original. Video and photos of contrabands and vehicle have been sent via whatsapp to DSP Inv: Khalid Khan and the same can be produced when needed, as SDPO Cantt and Reader to SP Cantt are the witness.

Statement of Mr. Aziz-ur-Rehman, the then MASI PS Gulberg

He stated that on 25.12.2023, took the charge as Moharrir PS Gulberg and case FIR No. 1100 dated 12.12.2023 u/s 9D-CNSA-15AA-419-420 PPC was registered at PS Gulberg before his posting. He further stated that the case property was under the custody of Addl: Moharrir Rashid. Thereafter, on 02.01.2024, Addl: Moharrir Rashid Khan has handed over the case property of the said in Daily Diary but

ATTESTED

entrusted to investigation staff for investigation. Video recording of place of

his receiving signature is not present on the same parcels which are present in malkhana as it is. - 21 -

Statement of Mr. Mushtaq Ahmad, Moharrir PS East Cantt

He stated that he is serving as Moharrir PS East Cantt. On 12.12.2023 SDPO Cantt Haroon Jadoon informed him telephonically to come PS Gulberg, as the SHO PS Gulberg has recovered contrabands and directed him to assist them in preparation of murasila and recovery memo. In compliance with; he assisted them and then returned to PS East Cantt. After lapse of 15/20 days SDPO directed him telephonically to handover the monogram of PS East Cantt to Moharrir PS Gulberg and the same was handed over to MM PS Gulberg. Further he shared ignorance regarding the matter.

Statement of Mr. Rashid Hussain, Additional Moharrir PS Gulberg

He stated that on 04.10.2023 he was posted as Additional Moharrir Police Station Gulberg. On 22.11.2023 Moharrir Irfan MASI was suspended and closed to Police Lines by SP Cantt Peshawar and he was posted as Moharrir Police Station Gulberg. On 12.12.2023 case FIR No. 1100 dated 12.12.2023 u/s 9D-CNSA/419/412 PPC/15-AA Police Station Gulberg was registered at that time he was on station leave. He was informed by Moharrir Staff to come to Police Station and later-on SHO also contacted him to come to Police Station. At night time at about 08:40 PM he reached to Police Station, 16 Nos, Sacks were lying in the SHO's office but there is no stamp was available on it. SHO concerned handed over him 16 Bags of case properties having no stamp and the said bags have been properly submitted at Malkhana. SHO handed over him Charas, Opium and Heroin for parcel No.01. Later-on, samples for examination were sent to FSL vide receipt No. 585/21 and entry of the parcels were entered into Register No.19. FSL report was received as POSITIVE. On 19.12.2023 Aziz-ur-Rehman reported to Police Station as Moharrir vide DD No. 06 dated 19.12.2023. He told to Aziz he has different case properties and on 02.01.2024 he handed over all the case properties to MASI Aziz-ur-Rehman according to register No. 09 and after verification MASI Aziz-ur-Rehman signed the detailed list and entered into Daily Diary vide DDNo. 10 dated 02.01.2024.

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Investigation staff for investigation. Video recording of place of. CNSA-15AA-419-420 PPC wa

Statement of Mr. Javed Khan, OII/CO PS East Cantt.

He stated that case FIR No. 50 dated 409/419/420/118CD Police Act 2017 was registered against Haroon Jadoon, the then SDPO Cantt, Abdul Aziz, the then SHO PS Gulberg, Aziz-ur-Rehman, the then Moharrar and Rashid Hussain, the then AMHC Police Station Gulberg. In this case earlier enquiry was conducted. Samples were taken from the case properties and sent to FSL which was received as NEGITIVE. Statement of Rashid Hussain AMHC was recorded who stated that 16 bags of case properties were handed over to him having no stamp and on the arrival of Aziz-ur-Rehman as Moharrar, the said 16 bags were handed over to him. Statement of Mushtaq Moharrar PS East Cantt, who stated that on the directions of DSP, he went to Police Station Gulberg for preparation of recovery memo and Murasila. After lapse of 15/20 days, on the directions of DSP Monogram (EC) of Police Station East Cantt was sent to Police Station Gulberg. Police officials were arrested in the said case and their Police custody were obtained. Statement of Shafi Ullah Additional Moharrar was recorded who stated that on 02.01.2024 and 03.01.2024 after evening time, Moharrar Aziz-ur-Rehman sent him behind Noor Muhammad Haji (his mobile No. 0331-9199225). Rashid Hussain AMHC told that he handed over the said case property on 02.01.2024 but Aziz-ur-Rehman Moharrar is disowned from the signature on Charge Report. Sample of Moharrar Aziz-ur-Rehman was taken in the front of Court but Aziz-ur-Rehman told that he did not have the original charge report while AMHC Rashid Hussain stated that original Charge Report is with Aziz-ur-Rehman. On receipt of the original charge report, the sample will be sent to FSL, so that they can be compared with their counterparts. Four Police official are on bail and challan is submitted to court.

Statement of IHC Shafi Ullah No. 250 PS Gulberg

He stated that he was posted as Additional Moharrar PS Gulberg and in the said case only murasila was written by him and on 17.01.2024 on the directions of Moharrar PS Gulberg. He proceeded to PM Malakhana in Police Mobile Pick-up alongwith case property but the incharge did not received it and told that he will be informed. He returned back to Police Station and handed over the case property to Moharrar Aziz-ur-Rehman. After this, he is unaware.

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Investigation. Video recording of place of
409-419-420-PPC was

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Statement of SI/OH Saleem Khan, PS Gulberg

He stated that Abdul Aziz, SHO Police Station Gulberg recovered contrabands i.e Charas, Opuim, Heroin and 03 Nos. Pistols 30 bore from the vehicle REVO and FIR No. 1100 dated 12.12.2023 u/s 9D-CNSA/419/420 PPC/15-AA Police Station Gulberg was registered against the unknown persons and investigation was handed over to him. He visited to the spot and prepared the site plan and statements of witnesses u/s 161 Cr.PC were recorded. Due to unknown accused, Excise department was approached for the ownership of the vehicle which was found register on the name of Khaliq Yar. His CNIC was obtained and searched his mobile number through CKC. He was contacted who told that he is the resident of Landi Kotal and presently residing in Karachi. He has transport business and his vehicle is under the use of his uncle namely Nadeem, who run rent a Car in Islamabad. Mr. Nadeem was contacted, who appeared in Police Station Gulberg and produced documents regarding vehicle in question alongwith 06 other REVO vehicles which were given on rent to one Sheheryar r/o District Mansehra and on other stamp paper 07 No. REVO vehicles were given to Choudhry Shahzeb Shameem r/o Islamabad on rent. Both the stamp papers were discussed with the high-ups and on their directions both the stamp papers were verified from Islamabad which were found correct. The matter was discussed with SSP/Investigation, Peshawar and opinion was obtained from DPP, statement u/s 164 Cr.PC of Nadeem was recorded. For more information Mr. Sheheryar and Choudhry Shahzeb Shameem were contacted. Choudhry Shahzeb Shameem produced a stamp paper regarding REVO No. KZ-8893 which was handed over to one Muhammad Bilal s/o Javid Iqbal but their Mobile numbers were switched off and proceedings u/s 512 Cr.PC was initiated against him. Report of FSL was received as POSITIVE and placed on file.

Statement of LHC Hidayat No. 4145 PS Gulberg

He stated that he is performing his duty as Additional Moharrar in Police Station Gulberg. He was on leave when the case FIR no. 1100 was registered. After 15/20 days he was busy in routine work in Police Station, Moharrar directed him to bring the stamp from Moharrar Mushtaq Police Station East Cantt. When he went to Police Station East Cantt, Moharrar Mushtaq was not present, he told to Roznamcha Staff and on the direction of Muhstaq Muharrar, the Stamp was handed over to him. He

ATTESTED

Investigation staff for investigation. Video recording of place of
2023 u/s 9D-CNSA-15AA-419-420 PPC was
other goods were taken

handed over the Stamp to Moharrar MASI Aziz and then busy in his work. He does not know anything further.

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Statement of SI Mudassir Iqbal, Incharge Police Post Nothia

He stated that he was on patrolling, SHO contacted him to reach Asif Baghi Park, when he reached to the spot, DSP, SHO and Reader SP/Cantt were present. Where one unknown REVO vehicle black color was parked. SHO informed the BDU staff, who cleared the vehicle and then the vehicle was checked under the supervision of SDPO Cantt, from which Charas and Opium were recovered. From where vehicle alongwith Charas and Opium were shifted to Police Station. All the necessary legal proceedings were completed and the case property was kept in Malkhana under the supervision of DSP in accurate condition.

Statement of HC Azmat Ali No. 5722, Reader to SP/Cantt

He stated that on 12.12.2023 at 12:01 PM, SP/Cantt, Peshawar contacted him through Whats-App call and told that he was in meeting with SSP/Operations, Peshawar and sent location that SHO Police Station Gulberg seized drugs in huge quantity and directed him to immediately rush to the spot and keep surveillance on the case property. He immediately rushed to Asif Baghi Park, where REVO vehicle was parked and SHO PS Gulberg was present. The vehicle was parked in the street, so pushed it out and took it to a free place. DSP Cantt also came there. After clearance of BDS, one sack present in the vehicle was opened in the presence of DSP Cantt. After this, the vehicle in question was to chain with Police Pick-up and shifted to Police Station. All the sacks were opened and checked. Video recording from the spot to Police Station is available with him as evidence and also sent it to SP/Cantt. At 06:00 PM all the sacks were closed and he went to house. Till this time, the contrabands were available in original condition.

Standard Operation Procedure (SOP) for lawful handling of narcotics cases and ancillary matters vide his office letter No.321/reader, dated 01.06.2022 issued by CCPO, Peshawar.

The Capital City Police Officer Peshawar has issued Standard Operation Procedure (SOP) for lawful handling of narcotics cases and ancillary matters vide his office letter No.321/reader, dated 01.06.2022. The relevant para of the SOP are reproduced as under:-

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...ing of place of

All Station House officers (SHO's) and Police officer of the rank of Sub-inspector have been declared authorized officer within the meaning of section 2 (e) of the Khyber Pakhtunkhwa Control of Narcotics Act, 2019(hereinafter only referred to the Act) vide order No. PA/Khyber Pakhtunkhwa/Bills-48/2019/6179, dated Peshawar, the 4th September, 2019. Therefore Police officers below the rank of Sub-inspector shall in no case exercise powers under the Act. The unauthorized officer will manage services of authorized officer for action under the Act. In case the officers below the rank of Sub-inspector is unable to manage the services of authorized officer than he will proceed under prohibition Order 1979.

2. Tests purchase shall be made through responsible Police Officer or reliable and trust worthy person. Though proceedings under the Act are exempted from compliance with 103 Cr.PC yet the authorized officer will record reason for not associating independent witnesses in search process under this Act.

3. The authorized officer will record all the details of recovery, seizure, arrest and search to ensure transparency and fairness of the proceedings.

4. The authorized officer, Naib court and prosecutor shall be directly bound to produce the case property for exhibition during evidence of the prosecution witnesses non-production of the case property for exhibition destroy the very foundation of the prosecution case.

5. Safe custody of case property is must for proving the charge. The authorized officer will be duty bound to enter proper report in the Daily Dairy about responsibility of safe custody of the case property. The name of custodian of property will be included in the list of witnesses and he will depose that the property was in his safe custody.

6. The dispatch of sample to FSL for analysis shall in no case be delayed beyond 72 hours. The name of officer who transmit the sample to FSL shall be cited as witness.

7. The authorized officer shall ensure possession of scale and scaling materials. He will lead evidence to the effect that the balance scale was available.

8. The authorized officer shall brief the witnesses to be examined in the case under Section 161 Cr.P.C and will direct them to keep diary/chart of memory

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12.2023 u/s 9D-CNSA-15AA-419-420 PPC was
investigation staff for investigation. Video recording of place of
vehicle, other goods were taken

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of the proceedings. In the same vein Naib court will confront the witness with his statement outside the court before examination of the witness.

9. The authorized officer will obtain signature/thumb impression of the accused on recovery memo and site plan. He will record the association of the accused in preparation of memo, samples and site plan and the entire investigation process.

10. SSP Investigation shall ensure training and briefing of the authorized officer on scaling and preparation of sample process.

11. Misuse of case property vehicles and misappropriation of seized Narcotics and other materials is an offence under Section 409 PPC read with 5(2) of prevention of Corruption Act, 1947 in addition to disciplinary action.

12. Destruction of the case property shall be made on the direction of Trial Court, Pre-Trial destruction of case property shall be made in presence of Magistrate. He will issue a proper certificate to this effect and will also prepare samples. Prosecution must ensure, that such Magistrates are mentioned as witnesses for trial/challan.

FINDINGS:

After going through the statements of the delinquent officers, circumstances and perusal of available record, it came to surface:-

1. On 12.12.2023 SHO Police Station Gulberg recovered huge quantity of contrabands and informed SP/Cantt and SDPO Cantt. Peshawar.
2. Mr. Haroon Jadoon, the then SDPO, Cantt Peshawar approached to the spot while due to engagement in meeting with SSP/Operations, SP/Cantt directed his Reader HC Azmat Ali to go to the place of occurrence.
3. Under supervision of Haroon Jadoon, all the necessary legal formalities were adopted and the case property was shifted to Police Station Gulberg in original condition for further necessary action.
4. A case FIR No. 1100 dated 12.12.2023 u/s 9D-CNSA/15-AA/419/420 PPC was registered in Police Station Gulberg wherein contrabands i.e. 468.75 kg charas, 152.400 kg opium and 1.3 kg heroin have been recovered while upon re-weighting by the Enquiry Officer during preliminary enquiry, total 436.33 kg charas, 143.485 kg opium and 1315

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On 12.12.2023 contrabands, vehicle, other goods were taken
Investigation staff for investigation. Video recording of place of
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grams heroin found in PS Malkhana in which total difference was recorded i.e. 32.42 kg charas 8.915 kg opium & 15 gram exceed in heroin.

5. The previous FSL opinion vide letter No.265/FSL, dated 04.01.2024 in case FIR No. 1100 dated 12.12.2023 u/s 9D-CSSA/15AA/419/420 PPC PS Gulberg reveals that:-

The samples in question were subjected to physical and chemical test/analysis revealed that the sample is:-

- It was charas in parcel No. 01 to 30, 32 to 61, 63 to 92, 94 to 123, 125 to 154, 156 to 185, 187 to 222, 224 to 258, 260 to 294, 296 to 345, 374 to 386.
- It was opium in parcel No.388 to 424, 426 to 455, 457 to 476, 478 to 497, 499 to 518.
- It was heroin in parcel No. 520.

During preliminary enquiry, samples of the said case property was sent to FSL for re-examination, upon which FSL opined vide No.132/FSL, dated 22.01.2024 in said case revealed:-

- The 128 exhibits were found negative for charas and opium while one parcel was found positive for the presence of methamphetamine (ICE) and heroin traces.
- Stuff of the contents of all the above samples were physically found different from the samples earlier submitted by the I.O of the case FIR No. 1100.

6. The SOP vide No. 321/Reader, dated 01.06.2022 issued from the office of Capital City Police Officer, Peshawar doesn't explain that the recovered contraband should be deposited in PM Malkhana within stipulated period i.e. 72 hours, however in SOP vide No4638/Reader, dated 28.09.2023 issued by SSP/Investigation, Peshawar that SHO and Moharrar are responsible to submit all contrabands in PM Malkhana within 72 hours.

7. Mr. Haroon Jadoon, being SDPO was supervisory officer and all the recovered contrabands were sealed in his presence.

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dated 12.12.2023 u/s 9D-CNSA-15AA/419/420 PPC PS Gulberg
to investigation staff for investigation


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CONCLUSION

Keeping in view the afore mentioned explain position, circumstances and perusal of available record, it transpired that a huge amount of contrabands i.e. 468.75 kg charas, 152.400 kg opium and 1.3 kg heroin were recovered by SHO Police Station Gulberg but upon re-weighing by the Enquiry Officer, during preliminary enquiry, total 436.33 kg charas, 143.485 kg opium and 1315 grams heroin found in PS Malkhana and a reduction was recorded i.e. 32.42 kg charas 8.915 kg opium & 15 gram excess in heroin. Thus, the original case property was replaced with a forged one with sufficient reduction in quantity as well. Custody of all contrabands was under the direct responsibility of Moharrar and SHO, (being custodian of the Police Station). But being supervisory Officer, DSP Haroon Jadoon was required to keep surveillance on the affairs of Police Stations under his command, but he showed negligence and lack of interest toward his responsibilities, which clearly indicated his involvement in embezzling and replacing of huge amount of the contrabands.

Recommendations:-

Allegations levelled in the charge sheet are based on facts. Therefore, it is recommended that Mr. Haroon jadoon the then SDPO Cantt may be awarded Major Punishment, under Police Rules 1975(amended in 2014).


25/03/24.
(IRFAN TARIQ)^{PSP}
Deputy Inspector General of Police,
Information Technology,
Khyber Pakhtunkhwa, Peshawar

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into possession. In this regard case FIR No. 1100 dated 12.12.2023 u/s 9D-CN is registered at PS Gulberg and entrusted to investigation staff for ...
... contrabands, vehicle, other goods



ORDER

This Order will dispose of the Departmental Enquiry initiated against Mr. Haroon Jadoon, DSP, the then SDPO Cantt, (hereinafter referred as an accused office) who was charge sheeted with statement of allegations issued by the Competent Authority under Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014) vide No. S/180/24, dated 07.02.2024, on the following charges:-

- i. While he was posted as SDPO Cantt, a huge quantity of Narcotics was recovered and case FIR No. 1100 dated 12.12.2023 u/s 91D-GNSA/15AA-119-420 PPC PS Gulberg, Peshawar was registered. Moreover, the seized stuff was sealed in parcels in your presence nevertheless you failed to ensure its safe transportation to PS Malkhana and subsequently to Police Malkhana at District Courts (PM Malkhana) within stipulated period i.e. 72 hours.
- ii. SOP vide No. 4638/R, dated 28.09.2023 was issued, which enunciates the criteria of dealing case property but seized stuff was still lying in Police Station after lapse of more than one month hence blatant violation of SOP Ibid.
- iii. Perusal of the former & later FSI report revealed that the original case property has been replaced with fake one with sufficient reduction in quantity as well which shows his direct involvement in pilfering and replacing huge amount of contrabands with fake ones.
- iv. It has been ascertained that the Charas has been sold on Rs. 28000/- per kg, Opium on Rs. 80,000/- per kg and Heroin on 5.lacs per kg.

2. DIG-IT CPO was appointed as enquiry officer and the accused officer was closed to CPO and was issued Charge Sheet alongwith Statement of Allegations. He was heard in person and was given full opportunity to defend himself but failed to show any plausible reason in his favor.

3. The Enquiry Officer submitted his findings which confirmed the allegations leveled against the accused officer beyond any iota of doubt and was recommended for major punishment. The accused officer was issued Final Show Cause Notice vide No. S/663/24, dated 25.03.2024 to which he did not reply.

4. In the light of finding of the Enquiry Officer, Mr. Haroon Jadoon DSP, the then SDPO Cantt (now close to CPO) is held guilty of the charges leveled against him.

5. Therefore, I Additional IGP HQrs: Khyber Pakhtunkhwa, being Competent Authority, and in the light of recommendations of Enquiry Officer, is satisfied that the charges against him stand proved as such and in exercise of powers vested under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014), impose upon him major penalty of "Dismissal from Service" with immediate effect.

Order announced.

Awal Khan

(AWAL KHAN) PSP,
Additional Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa.

No. S/ 760-72 /2024, dated Peshawar the 05 / 04 /2024.

Copy of above is forwarded for information and necessary action to the:-

1. Capital City Police Officer, Peshawar.
2. Deputy Inspector General of Police, Headquarters, CPO Peshawar.
3. Deputy Inspector General of Police, Internal Accountability Branch CPO.
4. Deputy Inspector General of Police, Information Technology, CPO Peshawar.
5. PSO to IGP/Khyber Pakhtunkhwa, Peshawar.
6. Registrar, CPO Peshawar.
7. Office Supdt. CP Branch CPO Peshawar.

ATTESTED

BEFORE THE INSPECTOR GENERAL OF POLICE, KHYBER PAKHTUNKHWA,
PESHAWAR

Subject: Departmental Appeal against the order of dismissal issued the Additional Inspector General of Police KPK Peshawar and Re-Instatement in Service.

Respected Sir,

The Petitioner submit as under:-

1. That appellant has joined the KP Police in the capacity of constable and after a long journey of dedicated service lastly promoted to the rank of DSP and was posted as SDPO Cantt, Peshawar.
2. That during posting as SDPO Cantt, petitioner was proceeded against departmentally on a frivolous charges in the light of a fact finding enquiry besides a criminal case vide FIR no.50/2024 u/s 409,419,420 201 PPC r/w 118 c d police Act 2017 PS Gulberg was also registered against appellant and a few others.
3. That during investigation of the criminal case, appellant joined the investigation process and despite the police custody there was no evidence against appellant, but astonishingly that case was sent for trial by the local police against all the accused but consequent upon receipt of final report, prosecution branch after going through the entire case file recommended the name of appellant for discharge from the criminal case as their was no role in the entire case nor their was any evidence against petitioner, hence appellant has been discharged from the criminal case by the trial court, vide order dated 4th May 2024 which has vindicated my position and proved my innocence.
4. That during departmental enquiry, appellant had rebutted all the allegations with solid proofs beside no one recorded statement against appellant but despite this, appellant was recommended by the inquiry officer therefore final show cause notice was issued. In order to ascertain the factual position as to how appellant has been found guilty therefore requested for supply of enquiry report enabling petitioner to respond the Final show cause notice but instead of supplying enquiry report, the appellant has been dismissed from service without providing any opportunity of personal hearing which is against the principle of natural justice.
5. That the dismissal order of the petitioner is not only a violation of administrative law but against the principle of natural justice.
6. That petitioner's previous long spotless service has not been taken into account before awarding major punishment of dismissal from service.
7. That now in the light of discharge order from the trial court there is no case against petitioner, so it is requested to consider my departmental appeal on the following grounds/points:

GROUNDS

- A. The criminal case against appellant has been discharged due to lack of evidence, which proves my innocence.
- B. The departmental enquiry findings were based on inconclusive evidence and were biased.
- C. Petitioner has a clean service record, and this alleged incident was an isolated allegation that was not proven.
- D. That petitioner has served the police department with dedication and honesty for so many years, and the dismissal order is a harsh punishment that has caused petitioner and his family undue hardship.
- E. That neither petitioner was recovery officer nor marginal witness of the narcotics case on the basis of which the whole case was built up.

ATTESTED

F. That petitioner has fulfilled his legal obligation as supervisory officer in the whole scenario and not committed any mis conduct.

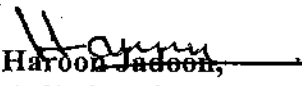
G. That safe custody of case property i.e. narcotics as per rules and SOP is the responsibility of Moharar of the concerned police station.

PRAYERS.

In view of the discharge order in the criminal case, I humbly request you to consider my appeal for exoneration and reinstatement. I am confident that a fair review of my case will clear my name and reputation, and I will be able to continue serving the kp police with honor and dignity.

I shall be thankful to you for considering my appeal.

Sincerely yours


Haroon Jadoon,
Ex-DSP SDPO Cantt
6.5.2024

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order will dispose of the Review Petition preferred by **Ex-DSP Haroon Jadoon** (hereinafter referred as an accused officer) under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014). The accused officer was dismissed from service vide Addl: IGP/Khyber Pakhtunkhwa order No. S/760-72/24, dated 05.04.2024 on the following allegations:

1. He was posted as SDPO Cantt, a huge quantity of Narcotics was recovered and case FIR No. 1100 dated 12.12.2023 u/s 9D-CNSA/15AA-419-420 PPC PS Gulberg, Peshawar was registered. Moreover, the seized stuff was sealed in parcels in his presence nevertheless you failed to ensure its safe transportation to PS Malkhana and subsequently to Police Malkhana at District Courts (PM Malkhana) within stipulated period i.e. 72 hours.
2. SOP vide No. 4638/R, dated 28.09.2023 was issued, which enunciates the criteria of dealing case property but seized stuff was still lying in Police Station after lapse of more than one month hence blatant violation of SOP Ibid.
3. Perusal of the former & later FSL report revealed that the original case property has been replaced with fake one with sufficient reduction in quantity as well which showed his direct involvement in pilfering and replacing huge amount of contrabands with fake ones.
4. It has been ascertained that the Charas has been sold on Rs. 28000/- per kg, Opium on Rs. 80,000/- per kg and Heroin on 5 lacs per kg.

Preliminary Enquiry was conducted by SSP Investigation CCP, Peshawar. He was issued Charge Sheet & Statement of Allegations. DIG-II was nominated as Enquiry Officer. He was also issued Final Show Cause Notice. Consequently, he was dismissed from service.

His review petition was discussed in the Review Board held on 23.07.2024, wherein the accused officer was present and heard in detail nevertheless denied allegations leveled against him.

The Board by taking lenient view **accepted** his revision petition by **modifying** the major punishment of dismissal from service **into** major punishment of reduction in rank i.e. from his substantive rank of DSP to substantive rank of Inspector. He is **reinstated** into service with immediate effect. The out of service period is treated as leave without pay.

-Sd-

(AWAL KHAN) PSP

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

No. S/ 2105-11 /24, dated Peshawar, the 19-08- /2024.

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar.
2. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
3. PAs to Addl: IGP/HQrs. DIG/HQrs. AIG/Establishment and AIG Legal CPO KP, Peshawar.
4. Office Sudpts: I-I and Secret Branch, CPO Peshawar.


(SONIA SHAMROZ KHAN)
PSP

AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

ATTESTED

SOP برائے PM مالخانہ ضلع پشہری

منشیات، اسلحہ و ایمونیشن، متفرق اشیاء، مال مقدمہ گاڑیاں

1. جب کوئی مقدمہ بغرض ادخال مالخانہ لایا جاتا ہے تو مال مقدمہ کی تصاویر لیئے جائیں اور ویڈیو ریکارڈنگ کریں تاکہ ہر وقت ضرورت نام آئے۔ نیز تفتیشی انسپکشن میں مقدمہ کی تصویر اور ریکارڈنگ کریگا۔
2. روزمرہ کی بنیاد پر داخل شدہ مال مقدمہ کی فہرست کی تفصیل دفتر جناب ایس ایس پی صاحب انوسٹی گیشن کو ارسال کی جائے۔
3. مقدمہ پر مقدمہ کی تفصیل FIR مقدمہ علت، تاریخ، جرم، تھانہ، برطابق رجسٹر نمبر 19 تھانہ کا حوالہ لکھنا جائیگا۔
4. وصولی کی اوقات، وزن، پارسل ہائے کی تفصیل نمبرات اور تعداد، اقسام اسلحہ کی ساخت اور انسداد داخل کنندہ کی تفصیل مکمل لکھی جائیگی۔
5. پارسل ہائے مقدمہ کے اندراج کے فوراً بعد داخل مالخانہ کیا جائیگا۔
6. PM مالخانہ کے اہل کار 48 گھنٹے کے بعد کسی قسم کی مقدمہ داخل نہیں کریں گا تاخیر کی صورت میں متعلقہ محرر تھانہ ذمہ دار ہوگا۔ 72 گھنٹے گزرنے کے بعد مقدمہ کو مالخانہ میں نہیں لیا جائے گا۔ تاخیر سے جمع کرنے پر مقدمہ بذریعہ دفتر جناب ایس ایس پی صاحب انوسٹی گیشن داخل مالخانہ ہوگی اور باقاعدہ محرر اور SHO سے وضاحت طلبی ہوگی۔
7. سالانہ تفصیل کے حساب سے ریکارڈ کی تکمیل اور اشیاء کو ترتیب سے رکھیں گے۔ مال مقدمہ کی عدالت میں پیشی کے متعلقہ تھانہ کی BDFC ذمہ دار ہوگا کہ وہ مقدمہ متعلقہ عدالت میں پیش کریں۔
8. جب کوئی پولیس انسپکشن مقدمہ میں کسی کی گاڑی قبضہ پولیس کریگا تو 48 گھنٹے میں مذکورہ گاڑی کی انوسٹری فارم بمعدہ تصاویر اندرون بیرون PM مالخانہ کو ہمراہ FIR / روزنامہ رپورٹ ارسال کریں گے گاڑی محرر تھانہ کی نگرانی میں تھانہ میں ہوگی اور وہ اسی کا ذمہ دار ہوگا۔ تاہم واپسی کی صورت میں عدالت مذکورہ کے احکام PM مالخانہ کو ارسال کرے گا۔
9. بارود تھانہ مالخانہ میں رکھا جائیگا تفتیشی انسپکشن کی ذمہ داری ہوگی کہ ایک ہفتہ کے اندر اندر عدالت مجاز سے تلفی کا اجازت لے کر بزریہ BDU تلفی عمل میں لائی جا کر BDU سے سرٹیفیکیٹ لے کر شامل مشل و متعلقہ رجسٹرات کرے گا
10. مال مقدمہ کی تلفی جلد از جلد کی جائیگی اور انچارج مالخانہ ذمہ دار ہوگا کہ متعلقہ عرصہ میں قانونی تقاضے پورے کر کے تلف کیا جائیگا۔
11. جملہ سٹاف باوردی مالخانہ میں موجود رہیگا۔

نوٹ: PM مالخانہ ضلع پشہری جناب ڈسٹرکٹ اینڈ سیشن جج صاحب پشاور کے حکم پر قائم کی گئی ہے۔ جس میں سریدست رواں سال کے منشیات سے متعلق مال مقدمات فوری طور پر داخل ہونگے۔

Wanni
محمد اشفاق (ایس پی)
ایس ایس پی انوسٹی گیشن
ضلع پشاور

ATTESTED

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VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No /2024

Haroon Jadoon

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Deptt

(RESPONDENT)
(DEFENDANT)

I/We Haroon Jadoon.

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. / /202

Haroon
CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

msf
WALEED ADNAN

jes
UMAR FAROOQ MOHMAND

KHANZAD GUL

&

ABID ALI SHAH
ADVOCATES

OFFICE:
Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)