

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title: Abdul Aziz

CHECK LIST

v/s. 980

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

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

Name: M M Imran

Signature: [Signature]

Dated: 29/10/2024

BEFORE THE WORTHY KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Amended Service Appeal No. 1118 /2024

Abdul Aziz Khan S/O Abdul Ghani R/O Mohallah Shaheed Abad, Bara Gate,
Peshawar

VS

Inspector General of Police Et. Al.

INDEX

<u>S.No</u>	<u>Documents</u>	<u>Flag</u>	<u>Page</u>
01.	Amended Service Appeal		1-5
02.	Order Sheet Dated: 15/10/2024	A	5A
03.	Copy of Appointment Order	A1	6-7
03.	Copy of Promotion Order	B	8-10
05.	Copy of FIR	C	11
06.	Copy of Extracts of Register 19 & Recovery Memo	D&E	12-13C
07.	Copy of CFM, Inquiry By SSP Investigation & FIR No. 50	F, G & H	14-25
08.	Copy of the Charge Sheet & Statement of Allegations	I&J	26-27
09.	Copy of Reply	K	28-30
10.	Copy of Dismissal Order	L	31
11.	Copy of Departmental Appeal	M	32-33
12.	Copy of Impugned Order Dated: 25/09/2024	N	34
13.	Copy of Application for obtaining Inquiry Proceedings	O	35-36A

Through

Appellant

(Mian Muhammad Imran)

Advocate High Court

BC-13-4213

0333-9577770 0333-9274073

①

BEFORE THE WORTHY KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Amended Service Appeal No. 1118 /2024

Khyber Pakhtunkhwa
Service Tribunal

Dinoy No. 17305

Dated 29/10/24

Abdul Aziz Khan (Ex-Sub Inspector) Khyber Pakhtunkhwa Police S/O Abdul Ghani R/O Mohallah Shaheed Abad, Bara Gate, Peshawar

.....Appellant

VS

1. Inspector General of Police (IGP), Khyber Pakhtunkhwa, Peshawar

2. Capital City Police Officer (CCPO), Peshawar

.....Respondents

AMENDED SERVICE APPEAL AGAINST THE IMPUGNED ORDER DATED: 26/03/2024 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE AGAINST WHICH DEPARTMENTAL APPEAL WAS DULY FILED VIDE DATED: 16/04/2024 WHICH REMAINED HEEDLESS & IMPUGNED ORDER DATED: 25/09/2024 COMMUNICATED TO THE APPELLANT ON 29/09/2024 & TO SET-ASIDE THE SAID IMPUGNED ORDER OF DISMISSAL FROM SERVICE AS WELL AS ORDER DATED: 25/09/2024 AND ANY OTHER ORDER, NOT COMMUNICATED TO THE APPELLANT, BUT DETRIMENTAL TO HIS INTEREST AND TO REINSTATE THE APPELLANT WITH ALL BACK-BENEFITS

The Appellant is pleased to beseech before this Honorable Tribunal as under;

That the Appellant, previously instituted Service Appeal wherein he was pleased to challenge the impugned order of his dismissal from service. The appeal was fixed before this Honorable Tribunal in PH and reply was sought from the Respondents. In the meanwhile, during the pendency of the appeal, another impugned order was passed by the worthy Respondent No. 01 under the mandate of 11A vide Dated: 25/09/2024, received by the Appellant on 29/09/2024. As the received new impugned order was required to be challenged hence, a civil miscellaneous application was moved for granting permission to amend the service appeal. The said CM application was allowed on 15/10/2024 and permission was granted to make amendments in the service appeal, hence the amended service appeal. (Copy of the Order Sheet Dated: 15/10/2024 is attached as F/A)

1. That the Appellant got appointed as "Probationer Assistant Sub-Inspector" (PASI) (BPS-09) in the "Khyber Pakhtunkhwa Police" on 19/02/2017 on the recommendation of the "Khyber Pakhtunkhwa Public Service Commission". (Copy of Appointment Order is attached as F/A1)

2

2. That after his appointment, the Appellant started working with profound sedulous approach and completed his basic trainings successfully followed by A, B, C & D courses as well as elite course consisting of 06 months.
3. That thereafter, the Appellant was rendered confirmed and his name was duly incorporated in the E-List. Similarly, he was promoted to the post of "Sub-Inspector" (SI). (Copy of Promotion Order is attached as F/B)
4. That due to his outstanding and pain-staking efforts in the department, the Appellant was posted as "Station House Officer" (SHO), Police Station *Gulberg*, Peshawar.
5. That it is indispensable to bring into the notice of this Honorable Court that being "SHO" of the Police Station *Gulberg* Peshawar, the Appellant registered an FIR No. 1100 Dated: 12/12/2023 U/S 9-D CNSA, 15AA, & 419 & 420 PPC against some unknown persons regarding recovery of *Opium, Heroine & Charas* which was, in fact, found in a vehicle (RIVO-Toyota) standing/parked in the jurisdiction of *Gulberg* Police Station Peshawar. (Copy of FIR is attached as F/C)
6. That after registration of the said FIR, the contraband/property was properly sealed and was handed-over to the "Acting Muharrar" (Rashid Khan) of the Police Station concerned and the samples were duly sent for analysis to FSL. (Copy of Extracts of Register 19 & Recovery Memo is attached as F/D & F/E)
7. That the investigation was entrusted to the Investigation Officer of the investigation wing, who duly conducted and carried out investigation in the aforesaid criminal case.
8. That the stroke of misfortune hit the Appellant when on 16/01/2024, the Respondent No. 02 (CCPO) visited the "Gulberg Police Station, Peshawar" and found the recovered articles in the Police Station under the custody of one "Aziz ur Rehman" (Moharrar) who got posted on 02/01/2024 by replacing "Rashid Khan" (Head Constable/Additional Moharrar). On the very next day, SSP Investigation was directed to conduct inquiry which he was carried out and an FIR No. 50/2024 was registered against the Appellant and two other employees on 29/01/2024 qua changing & replacing of the recovered contrabands based on the said inquiry. It is also indispensable to submit that the trial in the same FIR is still under-way. (Copy of CFM, Inquiry Conducted by SSP Investigation & FIR No. 50 is attached as F/F, F/G & F/H respectively)
9. That later on, the Appellant was served with a "Charge Sheet & Statement of Allegations" on 30/01/2024 and inquiry was initiated which was entrusted to the Superintendent of Police (SP)

Headquarters, Peshawar. (Copy of the Charge Sheet & Statement of Allegations is attached as F/I & F/J)

10. That after receiving the charge sheet & statement of allegations, the Appellant submitted his written defense and claimed to be innocent and rejected all the allegations leveled against him. (Copy of Reply is attached as F/K)
11. That after conduction of inquiry, the Appellant was dismissed from service on 26/03/2024. (Copy of Dismissal Order is attached as F/L)
12. That feeling badly peeved, the Appellant submitted his departmental appeal on 16/04/2024 but despite the lapse of statutory period of 03 months, no heed was paid. (Copy of Departmental Appeal is attached as F/M)
13. That after filing the service appeal, on 25/09/2024, the Respondent No. 01 issued another order under the mandate of Rule 11A, wherein the impugned dismissal order from service Dated: 26/03/2024 was upheld and supported. It is essential to submit that the impugned order Dated: 25/09/2024 was communicated to the Appellant on 29/09/2024. (Copy of the Impugned Order Dated: 25/09/2024 is attached as F/N)
14. That the Appellant now approaches this Honorable Tribunal on the following grounds *inter-alia*;

GROUNDS:

- A. That the impugned dismissal order Dated: 26/03/2024 as well as impugned order Dated: 25/09/2024 is against the law, rules and also tantamount to violate the fundamental rights of the Appellant.
- B. That it is a fact that to conduct inquiry is a delicate phenomenon where each and every facet is required to be seen and considered i.e. show-cause notice, charge sheet statement of allegation, opportunity to cross examine the witnesses, final show-cause etc. In the instant case, the inquiry has altogether been conducted in absolute disregard given to the mentioned pre-requisites. Thus, the so-called inquiry proceedings are tainted with illegalities and gross irregularities.
- C. That in order to dig out facts and circumstances, it is *sine qua non* to carry out a full fledged detailed regular inquiry but not formal one. In the instant case, no regular comprehensive

inquiry has been conducted, which is no doubt, against the mandate of law and rules. Apart from it, in the matters, which result in punitive punishment/major punishment, regular inquiry is indispensable.


- D. That even the Appellant has not been given the inquiry findings and proceedings despite the fact that he also applied to obtain the same. (Copy of the Application is attached as F/O)
- E. That it is legit to bring into the notice of this Honorable Tribunal that the impugned punishment awarded to the Appellant is certainly grave and severe which is not commensurate with the allegations leveled against the Appellant. Hence, the Appellant being at such *green* stage of his career, faced dismissal which has sabotaged his entire career and life.
- F. That all the allegations leveled in the "statement of allegations" carry no weight at all because neither the Appellant was entrusted to conduct investigation in the aforesaid Case FIR No. 1100 because being a complainant in the said case, he cannot investigate as the judicial cliché goes right that "no one can be a judge in his own cause or on his own". Similarly, the case property was evidently handed-over to the then "Additional Moharrar", which was his whole and sole duty/responsibility. Furthermore, even after assuming charge by the regular "Moharrar" in place of the "Additional Moharrar", the said articles were duly handed-over to him. Besides, selling and replacing the contraband has never been carried out by the Appellant which is even crystalline from the record. As per Police Rules, the duty and responsibility of the SHO as well as the Moharrar has been elaborated in detail, and by giving a bird's eye view, the custodian of any recovered articles, after receiving by the "Moharrar", he has to enter the same in the relevant registers and to place it in the relevant place/*Malkhana*. Regarding the SOP, the same has not been properly and thoroughly circulated. Thus, the Appellant is innocent and illegally been dismissed from his service.
- G. That it is also an established probity that to conduct inquiry via serving questionnaires is against the norms meant for inquiry proceedings. Hence, all the process is tainted with illegality and spitefulness.
- H. That in fact, nothing has been extracted regarding involvement of the Appellant in any sort of '*contra legam*' act but still he has been '*put at the altar*' without any cogent reason and justification. It is no doubt, not appealable to a prudent mind that a police officer when recovers such a huge quantity of narcotics and informs his high ups regarding the same, and

even unwraps all the contraband in front of them, how he would dare to intermingle/sell/replace the said contraband even knowing all the ramifications? Still such allegations have been leveled which are nothing but *beating about the bushes*. The Appellant has complied with all the protocols, rules and regulations.


- I. That in fact, both the impugned orders Dated: 16/03/2024 and 25/09/2024 are against the mandate of law and rules and have been passed which resulted in violation of the fundamental rights of the Appellant, hence, both the impugned orders are required to be set-aside and the Appellant is entitled to be reinstated into service with all back-benefits.
- J. That any other ground can be raised at the time of arguments.

PRAYER:

In light of the foregoing submissions, it is therefore, most humbly prayed that on acceptance of the instant amended service appeal, the impugned dismissal order Dated: 26/03/2024 as well as impugned order Dated: 25/09/2024 and any other order, not communicated to the Appellant but detrimental, may kindly be set-aside and the Appellant may kindly be reinstated into service with all back-benefits.


 Appellant


Through



(Mian Muhammad Imran)
 Advocate High Court
 BC-13-4213
 0333-9577770 033309274073

Affidavit:

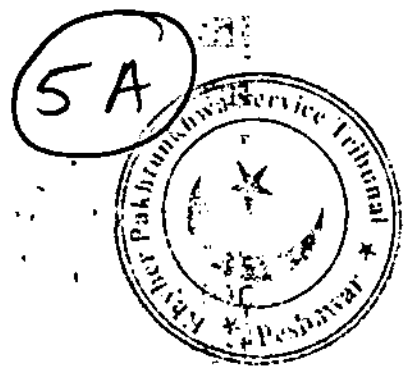
It is stated on oath the contents are true and correct and nothing has been concealed.


 Deponent

ATTESTED

 Hafez Muhammad Sadiq Qarrani
 Oath
 Commissioner
 Advocate High Court Peshawar
 29-10-24

S.A # 1118/2024 Abdul Aziz Khan
vs
Police Deptt



1118/24

15.10.2024

01. Appellant present in person. Mr. Arshad Azam, Assistant AG Suleman Khan, S.I (Legal) for the respondents present.

02. Appellant stated that his revision petition was rejected vide order dated 25.09.2024 and he wanted to impugn the said order in the memo of appeal for which he submitted an application, through office, for amendment in the appeal. Application is allowed. Appellant is directed to submit amended memo of appeal within seven days alongwith TCS expenses, thereafter, notice be issued to the respondents through TCS. To come up for reply/comments on amended memo of appeal on 12.11.2024 before the S.B. PP given to the parties.

ATTESTED
Khyber Pakhtunkhwa Service Tribunal Peshawar
29-10-24

(Fareeha Paul)
Member (E)

Abdul Aziz Khan
Arshad Azam
Suleman Khan

Khyber Pakhtunkhwa Service Tribunal Peshawar	
Application No.	372
Name of Applicant	Mr. Samadullah
Number of Words	1-7
Copying Fee	8/-
Agent Ordinary	8/-
Time & Sign of Copy	10/11
Date of Completion of Copy	20/10/24
Date of Copy	29-10-24

App order



(A)

OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

(6)

Telephone No. 921-9210641 Fax No. 921-9212597

POLICE ORDER:

CCP, PESHAWAR.

**EDUCIFICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE PART-II,
ORDERS BY THE CAPITAL CITY POLICE OFFICER, KHYBER PAKHTUNKHWA, PESHAWAR.**

EDUCIFICATION

Dated 19/2/2017.

No. _____ SEC-4, **APPOINTMENT AS PROBATIONER ASSISTANT SUB-INSPECTOR:-**
Consequent upon recommendation of Khyber Pakhtunkhwa, Public Service Commission Peshawar vide letter No. KPK/PSC-EXAM-2016/002330, dated 01-02-2017, Govt. of Khyber Pakhtunkhwa Home & IAs Department letter No. SO (Public) 1100/D-72/2014/No-1-VL dated 05-02-2017 and approved by the Inspector General of Police Khyber Pakhtunkhwa, Peshawar vide letter No. 891-97/E-III, dated 13-02-2017, the following candidates are hereby appointed as PASIs(BPS-09) against the 25% allotted shares for direct recruitment, and 10% allotted shares for female in Capital City Police, Peshawar on a three year probationer period subject to Medical Fitness, Verification of Antecedent and verification of documents/credentials from the concerned Board/University under the relevant rules and in stated manner:-

They are allotted CCP, Peshawar Numbers noted against each:-

S.No.	Name & father names	CCP, Number
1.	Syed Ali Abbas s/o Syed Shafiq Hussain Shah	150/P
2.	Afaq Ahmad s/o Yousof	151/P
3.	Arbab Taj Haider s/o Arbab Hayat Ullah	153/P
4.	Ajmal Hayat s/o Saadul Khan	154/P
5.	Amir Khan s/o Farooq-ud-Din	155/P
6.	Muhammad Akif Anjum s/o Muhammad Ibrar Anjum	156/P
7.	Faheem Shah s/o Ajmal Shah	157/P
8.	Abdul Aziz s/o Abdul Ghani	158/P
9.	Muhammad Iqbal s/o Bakht Gul	159/P
10.	Imdadullah Akram s/o Muhammad Akram	160/P
11.	Aqib Khan s/o Khan Muhammad	161/P
12.	Asad Ullah s/o Barkat Ali Sher	162/P
13.	Muhammad Usman Khan s/o Muhammad Zahir Khan	163/P
14.	Azharul Majid s/o Khadim Sidiq	164/P
15.	Shehzad Ali Khan s/o Akbar Ali Khan	165/P
16.	Muhammad Subhan Ullah s/o Khan Badshah	166/P
17.	Muhammad Hayat s/o Siraj ul Haq	167/P
18.	Amir Khan s/o Khawar Khan	168/P
19.	Faiz Anwar s/o Momin Khan	169/P
20.	Muhammad Saddam Riaz s/o Muhammad Riaz	170/P
21.	Rozwan Ullah s/o Muhtasib Muhammad	171/P
22.	Tariq Ullah s/o Shahbaz Khan	172/P

Signature

App. Order

9

23.	Muhammad Bilal s/o Faez Sultan	173/P
24.	Sohrab Latif s/o Latif Khan	174/P
25.	Azhar Ali Khan s/o Usman Ali	175/P
26.	Muhammad Ishtiaq s/o Muhammad Rafiq	176/P
27.	Ozair Khan s/o Zahir-ud-Abideen	177/P
28.	Syed Ali Inam s/o Syed Inam Shah	178/P
29.	Mohammad Waheed s/o Riaz Waheed	179/P
30.	Wasir Latif s/o Muhammad Latif	180/P
31.	Alia Nawab d/o Nawab Ali Khan	181/P

CAPITAL CITY POLICE OFFICER,
PESHAWAR

3394-3405
JEC-K

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

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar w/r to his memo: No. 891-97/E-III, dated 13-02-2017.
2. Addl. Inspector General of Police Investigation, Khyber Pakhtunkhwa, Peshawar with 2 spare copies for publications in the KPK Police Gazette Part-II.
3. Deputy Inspector General of Police Hqrs: Khyber Pakhtunkhwa, Peshawar
4. Director Examination KPK Public Service Commission.
5. Section Officer (Police) Govt: KPK, Home & TAs Department Peshawar.
6. SSP/Operation, Peshawar.
7. SSP/Investigation, Peshawar.
8. SP/Hqrs: Peshawar.
9. EC-II, Their applications alongwith other relevant documents are sent herewith for placing in their Character Roll/Service Roll.
10. PO, AS & Faizi Nizam.
11. Officials concerned.

Emei (31 Feb 2017)

[Handwritten signature]

PAS app notification/ disk top

POLICE DEPTT:

CCP, PESHAWAR

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE PART-II
ORDERS BY THE CAPITAL CITY POLICE OFFICER KHYBER PAKHTUNKHWA
PESHAWAR.

NOTIFICATION

Dated 16/01/2024

No. 1163 /EC-I, PROMOTION TO THE RANK OF SIs:- As per the recommendations of Departmental Promotion Committee meeting, held on 29-12-2023, duly approved by the competent authority, the following "E" list Assistant Sub-Inspectors of Capital City Police Peshawar are hereby promoted to the rank of Sub-Inspector BPS-14 on regular basis in light of Standing Order No. 03/2022 and CPO letters No. CPO/CPI/63 & 64, dated 13.02.2023, against the vacant posts with immediate effect. They shall remain on probation for two years in terms of Police Rules 13-18.

S.No.	Rank, Name & No	Present Posting	Decision
1.	ASI Muhammad Javed No. 360/P	CCP, Peshawar	Promoted to the rank of SI on regular basis.
2.	ASI Tariq Jamal No.149/P	CCP, Peshawar	-do-
3.	ASI Syed Ali Abbas No. 150/P	CCP, Peshawar	-do-
4.	ASI Arbab Taj Haider No. 153/P	CCP, Peshawar	-do-
5.	ASI Ajmal Hayat No. 154/P	CCP, Peshawar	-do-
6.	ASI Muhammad Akif Anjum No. 156/P	CCP, Peshawar	-do-
7.	ASI Faheem Shah No. 157/P	CCP, Peshawar	-do-
8.	ASI Abdul Aziz No. 158/P	CCP, Peshawar	-do-
9.	ASI Mudassir Iqbal No. 159/P	CCP, Peshawar	-do-
10.	ASI Aqib Khan No. 161/P	CCP, Peshawar	-do-
11.	ASI Asad Ullah No. 162/P	CCP, Peshawar	-do-
12.	ASI Muhammad Usman Khan No. 163/P	CCP, Peshawar	-do-
13.	ASI Andarsh Majmar No. 164/P	CCP, Peshawar	-do-
14.	ASI Mudasir Hayat No. 167/P	CCP, Peshawar	-do-
15.	ASI Muhammad Saddam Riaz No. 170/P	CCP, Peshawar	-do-
16.	ASI Rizvan Ullah No. 171/P	CCP, Peshawar	-do-
17.	ASI Tariq Ullah No. 172/P	CCP, Peshawar	-do-
18.	ASI Muhammad Bilal No. 173/P	CCP, Peshawar	-do-
19.	ASI Salman Latif No. 174/P	Elite Force	-do-
20.	ASI Asghar Ali Khan No. 175/P	CCP, Peshawar	-do-
21.	ASI Muhammad Ishlaq No. 176/P	IT Branch CPO	-do-
22.	ASI Ozair Khan No. 177/P	PTS Shakas	-do-
23.	ASI Fazal-e-Maula No. 391/P	CCP, Peshawar	-do-
24.	ASI Ihsan Shah No 392/P	CCP, Peshawar	-do-
25.	ASI Rizvan Ullah No.393/P	CCP, Peshawar	-do-
26.	ASI Muhammad Nacem No.394/P	CPC Peshawar	-do-

Page 1 of 3

9

27.	ASI Sajjad Anwar No.397/P	Special Branch	Promoted to the rank of SI on regular basis.
28.	ASI Ali Badshah No.398/P	CCP, Peshawar	-do-
29.	ASI Tahir Khan No. 403/P	CCP, Peshawar	-do-
30.	ASI Yahya Jan No.404/P	Special Branch	-do-
31.	ASI Ali Haider No.406/P	City Traffic Pesh:	-do-
32.	ASI Habib Shah No.408/P	CCP, Peshawar	-do-
33.	ASI Ishliaq Ahmed No. 410/P	On loan NAB	-do-
34.	ASI Rahim Ullah No. 412/P	CCP, Peshawar	-do-
35.	ASI BakhtKaram No.413/P	City Traffic Pesh:	-do-
36.	ASI Mashood Ahmed No. 415/P	City Traffic Pesh:	-do-
37.	ASI Pir Wali Shah No.419/P	CCP, Peshawar	-do-
38.	ASI Zulficar Ali Shah No.420/P	CCP, Peshawar	-do-
39.	ASI Muhammad Imran No.422/P	CCP, Peshawar	-do-
40.	ASI Mujeeb-ur-Rehman No.423/P	City Traffic Pesh:	-do-
41.	ASI Taj Nabi No. 424/P	City Traffic Pesh:	-do-
42.	ASI Akhtar Gul No. 426/P	Elite Force	-do-
43.	ASI Muhammad Ibrahim 427/P	City Traffic Pesh:	-do-
44.	ASI Farooq Shah No.431/P	CCP, Peshawar	-do-
45.	ASI Khalid Usman No. 13/P	CCP, Peshawar	-do-
46.	ASI Sohrab Khan No. 14/P	CCP, Peshawar	-do-
47.	ASI Muhammad Arshid No. 15/P	CCP, Peshawar	-do-
48.	ASI Asad Khan No. 16/P	CCP, Peshawar	-do-
49.	ASI Azmat Khan No. 09/P	CCP, Peshawar	-do-
50.	ASI Shah Saud No. 216/P	Legal Branch CPO	-do-
51.	ASI Irshad Umar No. 227/P	CCP, Peshawar	-do-
52.	ASI Shahzaib No. 21/P	CCP, Peshawar	-do-
53.	ASI Muhammad Riaz No. 22/P	CCP, Peshawar	-do-
54.	ASI Mir Hassan Shah No. 24/P	CCP, Peshawar	-do-
55.	ASI NaeemUllah No. 25/P	CCP, Peshawar	-do-

CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 1164-82 /EC-I, dated Peshawar the 16/01/2024.

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

1. Additional Inspectors General of Police,
Investigation, Special Branch & Elite Force, Peshawar.
2. Deputy Inspectors General of Police,
HQrs, I.T & Legal, Khyber Pakhtunkhwa, at CPO Peshawar

Page 2 of 3

10

3. Commandant. CPC, Peshawar.
4. Senior Superintendents of Police,
Operations, Investigation & Coordination CCP, Peshawar
5. Chief Traffic Officer, Peshawar.
6. District Police Officers, Khyber.
7. SsP/IIQrs., & Legal CCP, Peshawar.
8. Office Supdt: CCP, Peshawar
9. Pay officer CCP, Peshawar with a request to circulate to Accountants of
all Police Stations for further necessary action.
10. PA to CCPO, EC-II & AS CCP Peshawar.

Handwritten signature

Handwritten signature
CAPITAL CITY POLICE OFFICER,
PESHAWAR

فرد و قدر صمد
 شدت عدت 1100 مورخ 12/23
 نام ملزم / ملزمان نام معلوم
 قانسہ 15AA-DCNSA 419-4120
 قانسہ کلکتہ کیلکٹ

دو روپے جو امان ذیل سے دتہ عنوان بالا میں بتا رہی Revo کی تکراری لینے پر فیلڈ سیٹ سے
 یا عدد جو ریاں برآمد کر کے چیک کرنے پر جس سے نکلے۔ صہیں سے پوری نمبر 1 سے 30 عدد ہیکٹ
 جس سے برآمد کر کے وزن کرنے پر ایک ہیکٹ 12500 گرام نکلے۔ یعنی 37500 گرام جس
 نکلے۔ صہیں سے ہر ایک ہیکٹ سے 5/5 گرام جس سے بعض نمبر 1 تا 1 پارسل 30
 حکم لکھایا گیا 37350 گرام جس سے 31، اسی طرح دو نمبر پوری سے 30 ہیکٹ جس
 برآمد ہو کر ہر ایک ہیکٹ 12500 گرام یعنی کل 37500 گرام نکلے۔ یعنی جس سے ہر ایک
 ہیکٹ سے 5/5 گرام جس سے بعض نمبر 1 تا 32 پارسل 30 حکم لکھایا
 37350 گرام پارسل نمبر 62 میں بند کر کے۔ پوری نمبر 3 سے 30 ہیکٹ جس سے برآمد کر کے
 ہر ایک ہیکٹ 12500 گرام یعنی کل جس سے 37500 گرام صہیں سے ہر ایک ہیکٹ سے 5/5 گرام
 جس سے بعض نمبر 1 تا 63 پارسل نمبر 92 حکم لکھایا گیا 37350 گرام جس
 پارسل نمبر 93 میں اسی طرح پوری نمبر 4 سے 30 ہیکٹ جس سے برآمد ہو کر ہر ایک ہیکٹ
 12500 یعنی کل جس سے 37500 گرام نکلے۔ صہیں سے 5/5 گرام جس سے ہر ایک ہیکٹ سے
 بعض نمبر 1 تا 94 پارسل 123 حکم لکھایا گیا 37350 گرام جس سے پارسل نمبر
 124 میں اسی طرح پوری نمبر 6 سے 30 ہیکٹ جس سے برآمد ہو کر ہر ایک ہیکٹ 12500
 گرام یعنی کل جس سے 37500 گرام نکلے۔ صہیں سے ہر ایک ہیکٹ سے 5/5 گرام جس
 بعض نمبر 1 تا 125 پارسل 154 میں ختم لکھایا گیا 37350 گرام جس
 پارسل نمبر 155 میں اسی طرح پوری نمبر 6 سے 30 ہیکٹ برآمد ہو کر ہر ایک ہیکٹ
 12500 گرام جس سے یعنی کل جس سے 37500 گرام نکلے۔ صہیں سے ہر ایک ہیکٹ سے 5/5
 گرام جس سے بعض نمبر 1 تا 156 پارسل 185 میں حکم لکھایا
 37350 گرام جس سے پارسل نمبر 186 میں۔ نمبر 3 عدد جو رپوں سے صہیں
 ایک پوری سے 35/35 ہیکٹ جس سے برآمد ہو کر ہر ایک ہیکٹ وزن کرنے پر
 12500 گرام یعنی کل 131250 گرام جس سے نکلے۔ صہیں پوری نمبر 6 کے ہر ایک
 ہیکٹ سے 5/5 گرام جس سے بعض نمبر 1 تا 187 پارسل
 222 حکم لکھایا گیا 43575 گرام جس سے پارسل نمبر 223۔ اسی طرح پوری نمبر 8
 کے 35 ہیکٹوں سے ہر ایک ہیکٹ سے 5/5 گرام بعض نمبر 1 تا 187 پارسل
 تا پارسل 228 حکم لکھایا جس سے 43575 گرام پارسل نمبر 229 میں

(F)

13/A

قررت بتاريخ 2023

رقم	موضوع	رقم	تاريخ
413/19	بقرار 30	15AA-205	1067-12-2023
416/19	229	9CCNSA-206	1074-12-2023
419/19	80	11ACNSA-208	1086-12-2023
420/19	55304	15AA-209	1088-12-2023
421/19	02	11ACNSA-209	1091-12-2023
422/19	30	15AA-209	1092-12-2023
426/19	AS091	15AA-211	1098-12-2023
425/19	152.4	9DCNSA-15AA-419	420-12-2023

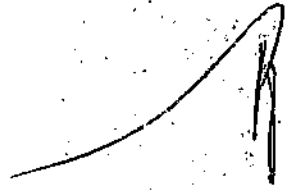
بقرار 30

Handwritten signature

07B

02-01-2024

Handwritten signature



3500 ربا 123
 540 P.S. 12-12-23
 12-12-23
 540 P.S. 12-12-23



Handwritten text in Urdu script, appearing to be a list or notes. The text is somewhat blurry and difficult to read precisely, but it seems to contain several lines of text, possibly related to a financial or administrative record.

13-2

پولیس مانیٹرنگ سسٹم



14

6

تاریخ روخت
02-01-2024 10:30

نام اطلاع
راشد خان AMHC

آڈور پورٹ نمبر از جسٹس سلسلہ وار نمبر
21 / 10

پولیس سیشن
گبرگ
رپورٹ

بلغ
پتار
نومیت

نظام رپورٹ

اس درجہ ایک برطانیہ فہرست مال مقدمات رجسٹر نمبر 19 جو کہ من IHC کے ساتھ موجود تھے تمام مال مقدمات مقدمہ علت 1100 مورخہ 12.12.2023 جرم
9DCNSA.15AA.419.420، علت 1067 جرم 15AA، علت 1074-229 گرام ہیروئن علت 1086 جرم 11ACNSA-89-11 گرام آکس
15AA جرم 1088، علت 1091 جرم 15AA، علت 1092 جرم 15AA، علت 1098 جرم 15AA درست طور پر حوالہ محمد عزیز خان MASI
کر کے فہرست پر دستخط کیا گیا۔ تاکہ سندس رپورٹ اختیار اور رج کی گئی۔



(H)

(15)

**OFFICE OF THE
CAPITAL CITY POLICE OFFICER
PESHAWAR**

Phone No. 091-9210989 Fax: No. 091-9212597

ORDER

On 12/12/2023 a Black Double Cabin Revo-Toyota vehicle was found standing in the jurisdiction of Police Station Gulberg, Peshawar. On search large quantity of Opium and Charas were recovered from the said vehicle. A case FIR No. 1100 dated 12/12/2023 u/s 9D-CNSA/15-AA/419/420 Police Station Gulberg has been registered against the unknown accused. The case property was shifted to Police Station for sampling for FSL and has to be immediately deposited in the Kacheri Malkhana made for the case property (narcotics only) as per 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.

You are hereby directed to conduct an enquiry to determine the facts regarding the replacement of the case property, non adherence to the SOPs, FSL reports etc and the investigation conducted in the case so far. You are further directed to fix responsibility and report within 05 days positively.

[Signature]
CAPITAL CITY POLICE OFFICER
PESHAWAR

No. 126 /PA/CCP, dated Peshawar the 17 /01/2024.

Copy to the:-

1. SSP/Investigation, Peshawar for compliance and report.

Encl: 05 Pg:

**CAPITAL CITY POLICE PESHAWAR
OFFICE OF THE**

SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR

No. 328 /PA

Dated Peshawar the 18/01 /2024.

16

The Senior Superintendent of Police,
Operations, Peshawar.

Dy. No: 267 R
18/01/2024
SSP Operations, Peshawar

Subject: APPEARANCE BEFORE ENQUIRY OFFICER.

It is submitted that enquiry regarding misplacement of case property in case FIR No. 1100 dated 12.12.2023 in/s 91D-CNSA/15-AA-419-420 PPC PS Gullberg is under process in this office. In connection with statements of the following officers are required:

1. Mr. Waqas Rafiq SP Cantt CCP, Peshawar.
2. Mr. Haroon Jackson SDPO Cantt CCP, Peshawar.

Therefore, it is requested that the above-mentioned officers may be directed to appear before the undersigned by tomorrow i.e. 19.01.2024 at 02:00 PM to proceed further into the matter, please.

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

No. _____ /PA.

Copy of above is forwarded to the:

- Worthy Capital City Police officer, Peshawar.

SP Cantt/SDPO Cantt
For: Action pl.

Seen
SP Cantt
APR

Taww
Senior Superintendent of Police,
(Operations), Peshawar

OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR

430 PA

Dated Peshawar the 24/1/2024

17

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-15AA-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 FSI, and has to be immediately deposit in the Kachhi Malkhana made for the case property (Narcotics only) as per the SOPs/instructions issued vide No. 121 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 HIC 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 FSI, samples and closing of parcels. The details are given below:

Narcotics	Packets	In kg	For FSI.
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 Cantt and RDS 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

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

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

18

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 Jadoun 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 charrs, 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)

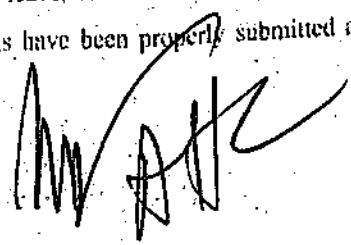
He stated that on 25.12.2023, took the charge as Moharrir PS Gulberg and case FIR No: 1100 dated 12.12.2023 w/s 9D-CNSA-15AA-419-420 PPC was registered at PS Gulberg before his posting. He further stated that the case property was under the custody of Addl: Moharrir Rashid. Thereafter, on 02.01.2024, 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 Jadoun 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 memorandum 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 contraband articles having no stamp and the said bags have been properly submitted at Malkhana. He



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

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

19

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 Urmur. In this connection a proper case vide FIR No. 46 dated 21.05.2017 w/s-7-ATA/05-Exp/427/353/324 was also registered at PS Urmur. 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 IHC 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 (DD report closed), while FIR No. 1100/2023 was registered at 16:00 hrs.

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

He stated that he was out from station with ASI Shafi Ullah for cutting 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 w/s-9D CNSA/15-AA/419/420 PPC PS Gulberg, case involves i.e. 468.75 kg charas, 152.400 kg opium and 1300 gram heroin by weight have been received while presently upon re-weighting for the purpose of re-sampling total 136.53 kg charas 1435 kg opium and 1515 gram heroin found present in PS Malkhana. In which total weight recorded is 3747 kg in charas, 8.915 kg in opium and 15 gram exceeded in heroin.

**OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE INVESTIGATION PESHAWAR**

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

(20)

2. The previous FSL Opinion vide letter No. 265/FSL dated 04.01.2024 in case FIR No. 1100 dated 12.12.2023 w/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 w/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 w/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. Moreover, 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.

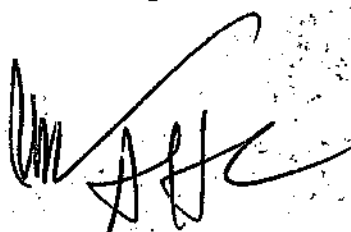
Therefore, keeping in view above, the role of each Police officer/official involved in the replacement/embezzlement of case property in case FIR No. 1100 dated 12.12.2023 w/s 9D-CNSA/15AA-419-420 PPC PS Gulberg, Peshawar are specified as below:

HAROON JAFAR ON 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.

SLABDUL AZIZ ILMAN SHO PS GULBERG

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





Subject:- STANDARD - OPERATING PROCEDURE (SOP) FOR LAWFUL HANDLING OF NARCOTICS CASES AND ANCILLARY MATTERS.

AIM:-

The rising tendency in offences of Narcotics, acquittal of criminals involved in offences of Narcotics on technical and procedural lacunae in recovery, seizure, search and arrest, necessitate and warrants Chalking out of SOP for the arrest of criminal under head Narcotics and effective prosecution of the accused charged in the offences of Narcotics.

Objectives:-

The SOP is promulgated with for achieving the following objectives and goals:-

- To curb the menace of Narcotics.
- To ensure lawful arrest, recovery, seizure, search in Narcotics cases.
- To improve the standard of investigation and prosecution in Narcotics cases.

Guide lines

The following guidelines are issued for lawful handling of Narcotics cases. The Police officers shall be duty bound to follow the law governing the subject matter and the SOP in true spirit and prospective. The breach of guide line will render the defaulter officer for disciplinary and criminal action.

- 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. PAKhyber 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 officer below the rank of sub-inspector is unable to manage the services of authorized officer than he will proceed under prohibition Order 1979.
- Test 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.
- The authorized officer will record all the details of recovery, seizure, arrest and search to ensure transparency and fairness of the proceedings.
- 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.
- 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 Diary about responsibility of safe custody of the case property. The name of custodian of property shall be included in the list of witnesses and he will depose that the property was in his safe custody.
- The time of sample to FSL for analysis shall in no case be delayed beyond 72 hours. name of officer who transmit the sample to FSL shall be cited as witness.
- The authorized officer shall ensure possession of scale and scaling (تولید) in every case. He will lead evidence to the effect that the balance scale was available

50

[Handwritten signature]

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 of the proceedings. In the same vein Nalb' 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 sealing 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.

23

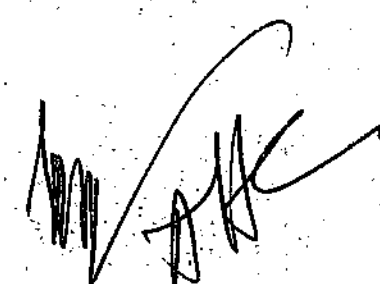
(MUHAMMAD IJAZ KHAN)PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No. 321 /Reader,

Dated Peshawar the 01/16 /2022

Copies to the:-

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
2. Senior Superintendents of Police, Operations & Investigation, CCP Peshawar.
3. Commandant CPC, Peshawar.
4. District Police Officer, Khyber
5. Divisional SsP, CCP Peshawar
6. All SDPOs, CCP Peshawar



50

Handwritten signature and scribbles.

Handwritten text: "مترجمی" (Interpreter)

Handwritten text: "تاریخ: ۱۳۹۳/۰۹/۲۴"

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

Handwritten text: "موضوع: ..."

24



J

OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR
Phone No. 091-9210989 Fax: No. 091-9212597

CHARGE SHEET

26

1. Whereas I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary & expedient.
2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rules 3 of the aforesaid Rules.
3. Now therefore, as required by Police Rules 6 (1) of the said Rules, I Syed Ashfaq Anwar, Capital City Police Officer, Peshawar, hereby charge you SI Abdul Aziz No. 158/P, SHO Police Station Gulberg, Peshawar under Rule 5 (4) of the Police Rules 1975 on the allegations mentioned in the enclosed Summary of Allegations:-
4. And I hereby direct you further under Rules 6 (1) of the said Rules to put a written defense within 07 days of the receipt of this Charge Sheet as to why the proposed action should not be taken against you and also stating at the same time whether you desire to be heard in person.
5. And in case your reply is not received within the stipulated time period, it shall be presumed that you have no defense to offer and ex-parte action will be taken against you.
6. Statement of Allegation is enclosed.

CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 76-E/PA/O. dated Peshawar the 30/01/2024.

Copy of the above is forwarded to the Enquiry Officer for initiating proceeding against the above named officer.



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9210989 Fax: No. 091-9212597

SUMMARY OF ALLEGATIONS

27

I, Syed Ashfaq Anwar, Capital City Police Officer, Peshawar as Competent authority, am of the opinion that SI Abdul Aziz has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

STATEMENT OF ALLEGATIONS

- Shana
- i) On 12/12/2023 a Black Double Cabin Revo-Toyota vehicle was found standing in the jurisdiction of Police Station Gulberg, Peshawar. On search huge quantity of Opium, Charas and heroin were recovered from the said vehicle. A case FIR No. 1100 dated 12/12/2023 w/s 9D-CNSA/15-AW/419/470 Police Station Gulberg was registered against the unknown accuseds. You were specifically directed by the undersigned to unearthed the whole network of the smugglers and arrest the culprits. The case property was shifted to Police Station for sampling for FSL and has to be immediately deposited in the Kacheri Malkhana made for the case property (narcotics only) as per 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 was still lying in the Police Station when the undersigned inspected it on 16.01.2024. Reportedly, the case property has been replaced.
 - ii) SSP/Investigation Peshawar enquired the matter vide No. 430/PA, dated 24.01.2024 in which you were found guilty for replacement and selling of the case property, non adherence to the SOPs and poor investigation conducted in the case so far.
 - iii) Your act of replacing and selling the case property is ignoble and brought a bad name for the department.
 - iv) Your act, being a member of police force, is highly objectionable and comes within the ambit of corruption according to Police Rules.

This misconduct is highly objectionable renders him liable for disciplinary proceedings under Police Rules 1975.

For the purpose of scrutinizing the conduct of mentioned accused officer with reference to the above allegations, SP/HQrs, Peshawar is hereby nominated as enquiry officer to initiate enquiry and report within 07 days positively.

The Enquiry Officer shall in accordance with the provision of the Police Rules (1975) provide reasonable opportunity of hearing to the accused officer and make recommendations that officer guilty of the charges or otherwise.

PA
- Serve upon him
- Call for record and witnesses
27/11

CAPITAL CITY POLICE OFFICER,
PESHAWAR

CS

Dated: 04th February, 2024

28

To,
The Capital City Police Officer,
Office of the Capital City Police Officer,
Peshawar.

SUBJECT: REPLY UNDER RULE 6 (1) (b) OF THE POLICE RULES, 1973 TO THE CHARGE SHEET SERVED ON THE UNDERSIGNED VIDE LETTER NO. 06-12/A/CCP, DATED 30-01-2024

Respected Sir,

In reference to charge sheet vide letter no. 06-12/A/CCP, dated 30/01/2024, the applicant / undersigned most respectfully submits as under:

On 12/12/2023 at 11:00 am, while performing my duties as SHO Gulberg, Peshawar, I received an information on my mobile phone regarding the fact that a vehicle i.e., black Revo was parked near Asif Baght Park since last night. Upon such information I rushed to the place where such vehicle was parked and found truth in said information. In the meanwhile, the undersigned also conveyed the information to Mr. Waqas Rafiq (SP Cantt) and Mr. Haroon Jadoon (SDPO Cantt). Moreover, I also made some photos and video recording of the said vehicle and sent the same via whatsapp to SP Cantt along with location of the said place. Consequently, the SP Cantt sent his reader Azmat to the place of occurrence. Subsequently, the SDPO and BDU staff also arrived the spot of occurrence. Thereafter, the car was inspected by BDU staff initially, which stood non-consequential.

After getting it clear from BDU staff, the car was searched, in presence of SDPO Cantt and Reader to SP Cantt and surprisingly it lead to the recovery of contrabands, i.e., chars, opium and heroin. The recovered articles were weighted on spot through digital scale and thereafter sealed into parcels. After complying all the legal and codal formalities, the recovered vehicle and contrabands were shifted from the spot to the police station concerned, i.e., Gulberg Police Station, resulting into registration of FIR No. 1100 dated 12-12-2023. It would not be out of place to mention here that all the above-stated proceedings took place in presence of SDPO and Reader to SP Cantt.

After coming to Police Station concerned, the Additional Moharrar Rashid, who was on duty as Moharrar, was directed by the undersigned to lock the case property in Malkhana (Storeroom) with further direction to make entry in the relevant register i.e., Register 19. The additional Moharrar was further directed to strictly supervise / monitor the case property and the articles related therewith.

On transfer of Moharrar Aziz, he was again directed to take care of the case property and deposit the same in PM malkhana (Storeroom). Surprisingly, out of nowhere, after considerable time, the undersigned was informed that the case property, confiscated in FIR no. 1100 dated 12-12-2023, has been changed by someone and the property lying in malkhana (Storeroom) of the Police Station is not original.

That it is important to mention here that, being S.H.O of the Police Station and complainant of the FIR no. 1100 dated 12-12-2023 of PS Gulberg, Peshawar, the undersigned fulfilled his duties by sending / shifting the sealed case property along with

Handwritten signature and stamp of the undersigned, including the name "Chand" and "S.H.O".

Handwritten signature of the undersigned.

its samples and vehicle to the Police Station concerned and directed the concerned officials to make entries in the relevant register and to store it in the relevant malkhana (Store room).

29

Legally, the undersigned performed his duty by shifting the case property to the police station and handed over it to the concerned officials and thereafter it was the responsibility of the custodian to have secured it and should have kept it safe. For the purposes of reference, the relevant guideline, i.e., Guideline No. 5, is reproduced below.

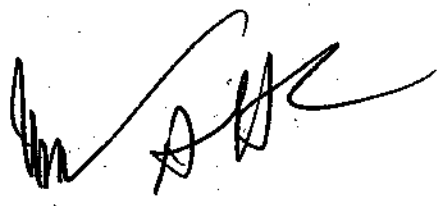
"5. Safe Custody of case property is must for proving the charge. The authorized officer will be duty bound to enter proper report in the Daily Diary about responsibility of safe custody of the case property. The name of custodian of property will be included in the list of witnesses and he will depose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

Applying the above guide line over the instant matter, the undersigned safely shifted the case property from the place of occurrence to the police station concerned. Thereafter, the concerned official, on duty at that time, i.e., Additional Moharrar, was directed to make entry of the case property, its samples, and the vehicle in the relevant register, which was duly complied, with further directions to keep the case property in malkhana (Store room) under his supervision because he will later on depose that the case property was in his safe custody.

On transfer of Moharrar Aziz, the charge of malkhana was handed over to him and he was also directed to keep the case properties safe under his supervision.

There was no responsibility of the undersigned to check it each and every time the case property in the malkhana because it was the responsibility of the concerned officials to keep it safe and secured. Moreover, it was not the duty of the undersigned, under the law, to investigate the matter rather it was the investigating officer to unearth the real facts of the case and to arrest the smugglers / accused involved in Case FIR no. 1100 dated 12-12-2023, therefore, the question of faulty investigation on part of the undersigned cannot be attributed to him.

That the inquiry in field is one sided and a wrong responsibility has been fixed against the undersigned because it doesn't prove the involvement of the undersigned in the alleged offence in any way. The SSP, Investigation, Peshawar, in his initial inquiry vide No. 430/PA dated 24-01-2024 has failed to trace out as to whom the alleged contrabands / case property was sold out and who received the sale consideration of the said articles. The findings of the inquiry officer in the inquiry is based on speculations and assumptions. The FIR has been registered against the undersigned illegally, without providing any opportunity for explanation and it doesn't prove the undersigned guilty. The undersigned can neither be served with such a notice nor any action can be taken against him under the law unless he is found guilty by the competent court of law.



PRAYER:

It is, therefore, most respectfully prayed that keeping in view the above facts and circumstances of the case, the charge sheet issued and inquiry initiated against the undersigned may kindly be withdrawn and the undersigned may kindly be allowed to perform his duties in according with law.

Any other relief, not specifically prayed, may also be granted in favour of the undersigned.

INTERIM PRAYER:

In the present set of circumstances, the inquiry initiated and the charge sheet issued against the undersigned may kindly be suspended till the decision of the criminal case registered against the undersigned in the shape of FIR no. 50 dated 29-01-2024 in Police Station Gulberg, Peshawar.

APPLICANT

ABDUL AZIZ KHAN

Former Station House Officer,
Gulberg, Peshawar



30



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9210989 Fax: No. 091-9212597

31

ORDER

This order will dispose of the departmental enquiry against SI Abdul Aziz No. 158/P, the then SHO Police Station Gulberg, Peshawar who was proceeded against departmentally on the following charges:-

- i) On 12/12/2023 a Black Double Cabin Revo-Toyota vehicle was found standing in the jurisdiction of Police Station Gulberg, Peshawar. On search huge quantity of Opium, Charas and heroin were recovered from the said vehicle. A case FIR No. 1100 dated 12/12/2023 u/s 9D-CNSA/15-AA/419/420 Police Station Gulberg was registered against the unknown accused. He was specifically directed to unearthed the whole network of the smugglers and arrest the culprits. The case property was shifted to Police Station for sampling for FSL and has to be immediately deposited in the Kacheri Malkhana made for the case property (narcotics only) as per 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 was still lying in the Police Station when the Competent Authority inspected it on 16.01.2024. Reportedly, the case property has been replaced.
- ii) SSP/Investigation, Peshawar enquired the matter vide No. 430/PA, dated 24.01.2024 in which he was found guilty for replacement and selling of the case property, non adherence to the SOPs and poor investigation conducted in the case so far.
- iii) His act of replacing and selling the case property is ignoble and brought a bad name for the department. Being a member of police force, his act is highly objectionable and comes within the ambit of corruption according to Police Rules.

2. He was issued Charge Sheet and Summary of Allegations vide this office No. 06-E/PA/CCP, dated 30.01.2024. SP/HQrs: Peshawar was appointed as Enquiry Officer to scrutinize the conduct of the accused officer. The Enquiry Officer after conducting departmental enquiry submitted his findings in which the accused officer was found guilty.

3. Upon perusal of the relevant record and recommendation of the Enquiry Officer I, being competent authority hereby award him the major punishment of "dismissal from service" with immediate effect.

"Order is announced"

CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 1223-33 /PA dated Peshawar the 26 / 03/2024

Copies for information and necessary action to the:-

1. SSP/Operations, Peshawar
2. Ssp/HQr: & Cantt: Peshawar.

Impugned order

[Handwritten signature]

To: The Worthy Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL UNDER RULE 11 OF KP POLICE RULES, 1975 (AMENDMENT 2014) FOR RE-INSTATEMENT IN SERVICE.

32

Respectfully Sheweth:

Most respectfully, the appellant puts forth the following points for your kind consideration.

1. I, Abdul Aziz Khan, Ex-SHO of Gulberg Police Station, CCP Peshawar, am writing to appeal against the dismissal order passed by CCPO Peshawar, issued against me (Attached as F/A). I humbly request your attention and intervention in reviewing the decision made by the competent authority i.e. CCPO Peshawar.
2. On 12/12/2023, while diligently carrying out my duties, I received information about a suspicious vehicle parked near Asif Baghi Park. Acting promptly, I mobilized the necessary authorities, including SP Cantt and SDPO Cantt, to inspect the vehicle. The subsequent search led to the discovery of contrabands, including charas, opium, and heroin, in the vehicle.
3. Following protocol, I ensured that all legal and codal formalities were adhered to, and the case property was shifted to Gulberg Police Station for further processing. I diligently fulfilled my duties by promptly transferring the case property to the police station and directing the concerned officials to secure it in the relevant malkhana (Storeroom).
4. Furthermore, the inquiry conducted against me appears to be one-sided and lacks concrete evidence to prove my involvement in any wrongdoing. The findings of the initial inquiry failed to trace the alleged contrabands' sale and the individuals responsible for it. Moreover, I was not provided with an opportunity to explain my side of the story before the initiation of the inquiry.

In light of the above circumstances, I earnestly request your esteemed office to withdraw the dismissal order against me and reinstate the applicant with all back benefits.

I trust in your wisdom and impartiality to ensure justice prevails in this matter. Your timely intervention and fair consideration of my appeal will be highly appreciated.

Thank you for your attention to this urgent matter.

Date: 04.04.2024

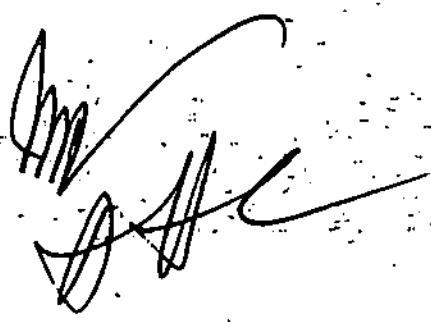
Yours obediently,

Ex-SI Abdul Aziz No.158/P
03139173830

13591/5B

18.04.2024

69



(3)

Apparatus
Draw



(33)

order in
11A application

34



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-SI Abdul Aziz No. P/158 (hereinafter referred to as petitioner).

CCPO/Peshawar dismissed the petitioner on the charges that he while posted as SHO PS Gulberg, Peshawar:

"On 12.12.2023, a Black Double Cabin Revvo-Toyota vehicle was found standing in the jurisdiction of PS Gulberg, Peshawar. On search huge quantity of Opium, Charas and heroin were recovered from the said vehicle. A case FIR No. 1100, dated 12.12.2023 u/s 9D-CNSA/15-AA/419/420 PS Gulberg was registered against the unknown accused. He was specifically directed to unearthed the whole network of the smugglers and arrest the culprits. The case property was shifted to PS for sampling for FSI and has to be immediately deposited in the Kacheri Malkhana made for the case property (narcotics only) as per 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 was still lying in the PS when the Competent Authority inspected it on 16.01.2024. Reportedly, the case property has been replaced."

The Appellate Authority i.e. CCPO/Peshawar awarded the applicant major punishment of "dismissal from service" vide order Endst: No. 1223-33/PA, dated 26.03.2024.

A meeting of Appellate Board was held on 28.08.2024 in CPO under the chairmanship of DIG Headquarters. Ex-SI Abdul Aziz No. P/158 was present and heard in person in detail.

He is involved in serious misconduct and was found to have replaced case property (narcotics recovered in a case). Therefore, his appeal is being rejected.

Sd/-
AWAL KHAN, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 2475-79/24, dated Peshawar, the 25-09-2024.

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar. One Service Book & Enquiry File (original) containing pages 142 received vide letter No. 8818/P/C-II, dated 20.05.2024 is returned for your office record.
2. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
3. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
4. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. Office Supdt: B-III, CPO Peshawar.

Attested
AHC

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

[Handwritten signature]

[Faint handwritten text, possibly a name]

[Several lines of very faint handwritten text, mostly illegible]

35

[Handwritten mark]

[Small handwritten mark]

[Handwritten mark]

App for findings

Handwritten signature and scribbles.

0389173830
Handwritten text below the number.

Handwritten text below the number.

Handwritten text in the middle section, including the name "Dr. Jomassat".

Handwritten text at the bottom, including the circled number 36.


Handwritten text at the bottom left.

Handwritten text at the bottom right, possibly "Belle copy".

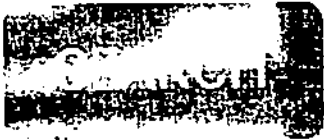
Track Complaint Status

171

35

 CNIC Number / شناختی کارڈ نمبر *

17301-97/0847-5






RTI

#	Complaint No.	Name	Date of Complaint	Public Body	Status	Approval
---	---------------	------	-------------------	-------------	--------	----------

1	11557	Abdul aziz	25-07-2024	Capital City Police Office (CCPO), Peshawar	Open	Pending Approval
---	-------	------------	------------	---	------	------------------

364

36

		
ایلوکیٹ: بار کونسل ایسوسی ایشن نمبر: BC-13-4213 رابطہ نمبر: 03339577770	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	

بدلت جناب:

منجانب: Abdul Aziz بنام 99P Peshawar	دعویٰ: علت نمبر: مورخہ: جرم: تھانہ:
بابت تحریر آگے	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام کسٹومرز سیکلے مہاں محمد عمران (انڈر وکٹ) کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو براضی نامہ کرنے و تقرر ثالث فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سلسلہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب مقدمہ کے لیے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں اور اس کا نام لکھ دیا تاکہ سند رہے

المرقوم: 2108/2024
 Accept

بدلت جناب: واہ شہد الع

مقام کے لیے منظور ہے۔

Mian Muhammad Imran
 Atte

17301-1557138-7
 0333957770

Abdul Aziz s/o Abdul Ghani R/o Mohallah Shakesdatsad Nandeh Payan
 Bara Road Peshawar.

تاریخ: 21/08/2024