

Additional Advocate General Punjab,
Supreme Court Building, Constitution Avenue,
Islamabad
Ph: 051-9208184, 051-9217824 Fax: 051-9208925



NO. 177-Addl. A.G/SC/ISB

DATED: 22.03.2024

SUPREME COURT MATTER /TOP PRIORITY / MOST URGENT

To,

The Additional Inspector General of Police,
Punjab Lahore.

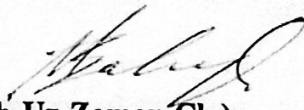
The District Police officer,
Sargodha.

SUBJECT: - CIVIL PETITION NO. 473/L/2021
Muhammad Imran Baig VS The AIG of Police Punjab Lahore etc).

Sir,

This is to bring to your notice that the above captioned case is fixed for hearing on 26.03.2024 before Bench III at Serial 07 in the Hon'ble Supreme Court of Pakistan at Islamabad.

You are thereby required to depute a responsible officer,(not below the rank of BS-17) well conversant with the facts of the case to appear in the office of the undersigned with a brief report along-with the relevant record pertaining to the case on 25.03.2024, at 11:00 AM, and also to attend the court on the date fixed.


(Baleegh-Uz-Zaman Ch.)
Additional Advocate General Punjab,
Supreme Court Building, Islamabad

Note:-

It may be noted that certificate of attendance for purposes of TA/DA or necessary official correspondence will be issued only to an officer, not below the rank of BS-17 whose appearance is required in the office of the undersigned.
The officials accompanying said officer for purposes of his Assistance/facilitation will not be issued the attendance certificate.

PUNJAB SERVICE TRIBUNAL, LAHORE

ORDER SHEET

C.M.No.1872/2020

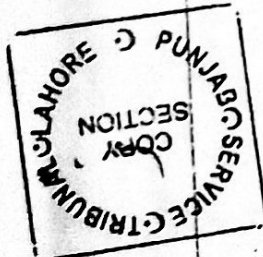
APPELLANT/
PETITIONER

APPEAL NO. 3990/2018 200

Muhammad Imran Baig
Versus

The AIG of Police, Punjab, Lahore etc. **RESPONDENT**

Serial No. of order of proceeding	Date of order of proceeding	Order with signature of Chairman, Members and that of parties or counsel, where necessary.
1	2	3
	11.1.2021	<p>PRESENT</p> <ol style="list-style-type: none">1. Syed Hamid Raza Bukhari, Advocate, Counsel for the appellant.2. Masood Karim, D.A.3. Muhammad Aslam, Head Constable, DR. <p>Learned Counsel for the appellant filed instant C.M application for transfer of titled appeal from the court of ex-learned Member-I (Muhammad Abdullah Shahid) to any other Bench of this Tribunal.</p> <p>2. In view of grounds mentioned in the titled C.M application, the titled appeal is therefore withdrawn from the court of ex-learned Member-I and to be heard by this Bench. Learned Counsel for the appellant shows his readiness to advance arguments. Let him do so.</p> <p>Main Appeal</p> <p>3. Briefly, appellant was proceeded against under the Punjab Police (E&D) Rules, 1975 through show cause notice dated 27.8.2013 issued by the DPO, Sargodha on the following acts of omissions and commissions:-</p> <p>"While posted at PS Satellite Town, Sargodha, he failed to perform his official duty properly that case FIR no.120/13 u/s 155/E, 156/A-B-C Police Order 2002 and 342/452 PPC PS Satellite Town was registered against him and Driver Constable Fazal Abbas No.1635</p>



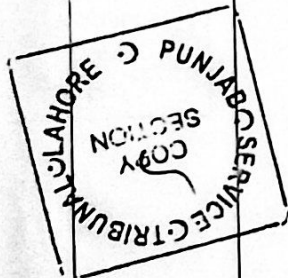
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Facts in brief of the matter are that Mst. Amara Athar the then ASP/SDPO City Circle, Sargodha vide her preliminary enquiry report No.179/RC, dated 9.4.2013 intimated that one Mst. Samreen presented an application to T/ASI Imran Baig alleging therein that accused Aman Ullah abducted and took her in a house at Madina Town, where she was sexually assaulted and roughed up. On complaint, T/ASI Muhammad Imran Baig alongwith Driver Constable Fazala Abbas No.1635 and officials of Muhafiz Squad Constable Muhammad Asif No.2212, Constable Waqar Ahmad No.2174 and Constable Ali Mohsin No.2006 conducted raid at the said house and arrested accused later on indentified as Rafu Gul s/o Nasir Khan resident of Queta. Aman Ullah resident of Queta and Khurram Jawad s/o Ch. Fazal r/o Sargodha. The police recovered 05 mobiles phones, 20 Cheque, cash Rs.30,000/- and illegal weapons including a pistol, a Kalashnikov and a large number of bullets from their possession and sent them to Police Station lock up.

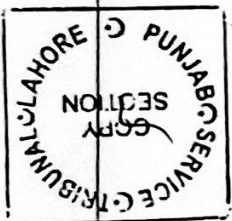
Later on, he pressurized Mst. Samreen to withdraw case against accused and managed to take Rs.10,20,000/- from accused Raffu Gul s/o Nasir Khan. He also took an affidavit No.8052, dated 24.03.2013 from the accused mentioning therein that he would not proceed any legal action against then. He also took another affidavit No.6046 from Mst. Samreen mentioned therein that she has compounded with accused and is not willing to take action against assaulter.

After agreement between the parties, he informed Inspector Mamoon Ali the then SHO PS Satellite Town about the proceedings and returned all the articles and illegal weapons to accused and released them without any legal action. According to the report of ASP/SDPO City Circle, Sargodha, he and Driver Constable Naveed



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		<p>Ahmad No.1925 transgressed his official power and took bribe of Rs.10,20,000/- from the accused in consideration for agreement between the parties instead of taking legal action by registering the criminal case against the accused. The then ASP/SDPO City Circle, Sargodha recommended to initiate strict departmental action against him on his above said misconduct.</p> <p>He, Driver Constable Fazal Abbas No.1635 and Driver Constable Naveed Ahmad No.1925 were placed under suspension and closed to District Police Lines, Sargodha. Inspector Mamoon Ali No.S/ 328, SHO PS Satellite Town, Sargodha was also suspended for negligence and lack of interest in official duties.</p> <p>DSP/SDPO, Sadar Circle, Sarogdha was directed to conduct regular departmental enquiry into the matter vide order dated 24.4.2013 and report. The enquiry officer vide his findings dated 23.8.2013 held him guilty of the charges leveled against him in the charge sheet/statement of allegations".</p> <p>Appellant submitted a detailed reply rebutting the charges leveled.</p> <p>The competent authority/DPO, Sargodha after going through the inquiry report, awarded major penalty of removal from service to the appellant vide order dated 7.9.2013.</p> <p>Against the said order, appellant filed departmental appeal before the RPO, Sargodha which was rejected vide order dated 6.12.2013. His revision petition before the Inspector General of Police, Punjab, Lahore was decided on 3.9.2014 whereby appellant was reinstated into service temporarily and the case was remanded back for denovo proceeding against the appellant.</p> <p>4. In respect of the same, ASP, Sargodha was appointed as inquiry officer who after conducting inquiry submitted his report on 16.2.2015, held appellant not guilty of the charges.</p>



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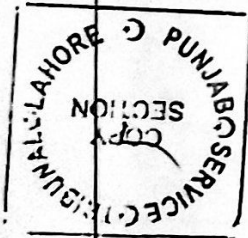
RPO, Sargodha while agreeing with the recommendations of the inquiry officer vide order dated 25.5.2015 reinstated appellant into service from the date of removal from service and the intervening period was treated as leave of the kind due.

5. Appellant's co-accused namely Constable Fazal Abbas No.1635 was also dismissed from service and who after availing the departmental remedies filed service appeal No.3297/2014 before this Tribunal which was dismissed vide judgment/order dated 28.3.2017.

Aggrieved of the judgment of this Tribunal, he (co-accused Constable Fazal Abbas No.1635) filed Civil Petition No.1161-L of 2017 before the Hon'ble Supreme Court of Pakistan which was dismissed vide order dated 8.10.2018 with the following manner:-

"Report has been submitted by the Inspector General of Police, Punjab, by way of CMA No.8545 of 2013, which shows that one of the co-accused namely T/ASI Imran Baig has been removed from service. Resultantly, as there were three accused in the offence and all of them have been removed/dismissed from service. Imran Baig T/ASI has also been now removed from service and one Naveed, Constable, having not filed any appeal against his dismissal and the present case of Fazal Abbas being on the same party as against other co-accused; thus, the present petition is also dismissed and leave refused as we also find that there is no point of public important in terms of Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973 is involved".

6. Keeping in view the order of the Hon'ble Supreme Court of Pakistan, the Inspector General of Police, Punjab, Lahore re-examined the case of appellant and vide order dated 5.10.2018 imposed major penalty of removal from service upon the appellant, the operative para of the order dated 5.10.2018 is



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reproduced as under:-

"6. Therefore, after careful consideration of all facts and circumstances of the case, the undersigned has reached at the conclusion that the order dated 03.09.2014 passed by the then Addl: IGP/Punjab, whereby T/ASI Imran Baig was temporarily reinstated in service and he was remanded back to RPO Sargodha for de novo enquiry was wrong. In view of the above, the earlier order of Additional IGP, Punjab dated 03.09.2014 is hereby rescinded vide powers conferred upon the undersigned under section 21 of General Clauses Act, 1897. As a result thereof, subsequent order dated 25.05.2015 passed by the RPO/Sargodha has lost its validity. The revision petition filed by T/ASI Imran Baig is also rejected for the reasons mentioned above. He stands removed from service".

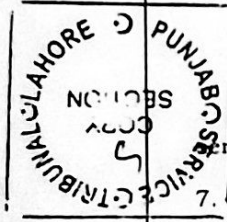
Aggrieved of the said order, appellant filed instant service appeal before this Tribunal on 25.10.2018.

Taking into consideration the above mentioned facts, it reveals that the judgment of the Hon'ble Supreme Court of Pakistan passed in the case of the co-accused of the appellant Constable Fazal Abbas No.1635 who firstly filed service appeal No.3297/2014 which was dismissed by this Tribunal vide judgment/order dated 28.3.2017, and thereafter the said judgment of this Tribunal was upheld by the Hon'ble Supreme Court of Pakistan, the case of the appellant is at par with above mentioned Constable Fazal Abbas No.1635, hence the titled appeal is **dismissed** as appellant deserves the same treatment.

[Signature]
CHAIRMAN

CERTIFIED TO BE A TRUE COPY
Registrar
Punjab Service Tribunal
Lahore.

[Signature]
17/02/20



Shahzad/*