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IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT

Mr. Justice Abdul Hameed Dogar, HCJ
Mr. Justice Ch. Ejaz Yousaf
Mr. Justice Muhammad Farrukh Mahmud

COMPLAINT BY MST. YASMEEN MUNNAWAR KHAN

Complainant: In person.

Date of hearing: 20.2.2009.

ORDER

Complainant Mst. Yasmeen Munnawar Khan present in Court submitted an application. Copy of which be sent to the DPO Narowal and report be called with direction to appear in person on 3.3.2009.

Islamabad, the
20th February, 2009.

NOT APPROVED FOR REPORTING.

A. Rehman

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

MR. JUSTICE ABDUL HAMEED DOGAR, HCJ

MR. JUSTICE MOHAMMAD QAIM JAN KHAN

MR. JUSTICE MUHAMMAD FARRUKH MAHMUD

Human Rights Case No.70 of 2009

(Application by Mst. Yasmeen Munawar Khan)

Applicant In person

On Court notice Qazi M.Amin, Addl.AG Punjab
Mr.Muhammad Tariq Chohan, DPO Narowal

Date of Hearing: 03.3.2009

ORDER

District Police Officer, Narowal present in Court is directed to place on record previous history of Muhammad Ashraf Baryar, SI the then SHO Police Station Noor Kot and also period he remained as SHO at the said police station. Adjourned for **17.3.2009**.

ISLAMABAD:

03.3.2009

(Amir Sh.)

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

MR. JUSTICE ABDUL HAMEED DOGAR, HCJ

MR. JUSTICE MOHAMMAD QAIM JAN KHAN

MR. JUSTICE MUHAMMAD FARRUKH MAHMUD

Human Rights Case No.70 of 2009

(Application by Mst. Yasmeen Munawar Khan)

Applicant In person

On Court notice Qazi M.Amin, Addl.AG Punjab
 Mr.Muhammad Tariq Chohan, DPO Narowal

Date of Hearing: 17.3.2009

ORDER

District Police Officer, Narowal has submitted report wherein it is mentioned that an encounter took place in between the parties and FIR was registered against Muhammad Ashraf Baryar, SI the then SHO of Police Station Noor Kot and has also mentioned the period he remained there as SHO. According to him, he is in jail and has been dismissed from service. Application Mst.Yasmeen Munawar Khan lost her legs in an encounter. DPO is directed to produce copy of that FIR which according to him was lodged at Police Station Sargodha Road, Faisalabad. Adjourned for **02.4.2009**.

ISLAMABAD:

17.3.2009

(Amir Sh.)

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Mian Shakirullah Jan
Mr. Justice Raja Fayyaz Ahmed

Human Rights Case No.70 of 2009

(Application by Mst. Yasmeen Munawar Khan)

Complainant: In Person

On Court notice: Qazi Muhammad Amin, Addl. A.G. Pb.
Iftikhar Hussain, DSP (Legal), Narowal

Date of hearing: 2.4.2009

ORDER

Adjourned for tomorrow i.e.3.4.2009.

Islamabad, the
2nd April, 2009
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT: Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Mian Shakerullah Jan.
Mr. Justice Raja Fayyaz Ahmed.

Human Right Case No. 70/2009.

(Application by Mst. Yasmeen Munawar Khan)

For the Complainant: In-person.

On Court Notice: Qazi Muhammad Amin, Addl. A.G.
Mr. Iftikhar Hussain, D.S.P. (Legal),
Narowal.

Date of Hearing: 03.04.2009.

ORDER

It is informed by Mst. Yasmeen Munawar Khan that in respect of murder of his brother Abbas Khan @ Kala, Mr. Shahid Hussain Choudhary, Additional Sessions Judge, Narowal, conducted an inquiry under the orders of the High Court, the photocopy of the same has been produced by her and concluding para therefrom is reproduced herein below: -

“...There is a clear cut cutting in the same as to the month. It is a human phenomenon that when in panic ordinary matters attain an extra ordinary shape. The cutting itself indicates that after the incident which later took the shape of FIR No. 93/2003 the police party were in a frantic to devise some method to cover their deed thus they entered FIR No. 92/2003 and once they had done so the entry of FIR No. 93/2003 was not far fetched. It is also strange that the police party without any person from the complainant side being with them on their own motion that very day went to search for the culprits of FIR No. 92/2003 which is in negation to normal course adopted by police. On top of all this is the fact that the complainant of case FIR No. 92/2003 filed affidavit which was later produced in the Honourable High Court, Lahore that he had not got lodged any case. Such a statement against the local police in our society is a rare happening and can be done only in do or die circumstances. When all this is kept before the eyes court comes to the conclusion that the likelihood of the version of the petitioner being true and the version of the police being untrue is greater and whatever the police did may have been only an effort to cover what had taken place.

2. When we inquired from learned Additional Advocate General about the steps taken by the Police after about report he had no intimation even about the inquiry held by Additional Sessions Judge and stated that no one has informed him about the same. A perusal of the above report indicates that the Police party who raided the house of Abbas Khan @ Kala seems to be involved in his murder, therefore, we direct that original report of Additional Sessions Judge be procured and in the meanwhile notices to M/s Muhammad Ashraf Khan the then D.S.P., Shakargarh, Muhammad Ashraf Baryar, the then S.H.O., Noor Kot, Masood Nagra, the then S.H.O., P.S. Kot Nainan be issued for the next date of hearing to explain as to why action may not be directed against them.

4. To come up on **04.05.2009**.

ISLAMABAD.

03.04.2009.

(Farrukh)

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, HCJ
MR. JUSTICE RAJA FAYYAZ AHMED
MR. JUSTICE CH. IJAZ AHMED

Human Rights Case No.70 of 2009

(Application by Mst. Yasmeen Munawar Khan)

Complainant: In Person
On Court Notice: Qazi Muhammad Amin, Addl. A.G. (Pb)
Mr. Zulfiqar Khalid Maluka, ASC
Mr. Iftikhar Hussain D.S.P (Legal), Narowal
Ashraf Khan, DSP (Rtd)
Ashraf Baryar, then SHO
Masood Nagra, then SHO

Date of Hearing: 04.05.2009

ORDER

Learned Additional Advocate General stated that case vide FIR No.93/03 of cross version has been revived and meanwhile inquiry has been initiated by the RPO Gujranwala, fixing responsibility upon the officials who failed to bring into notice of this Court; report of judicial inquiry dated 16.3.2004.

2. Be that as it may, as the case has been revived, therefore, police is directed to act strictly in accordance with law and submit report on 6.5.2009.

Islamabad, the
4th May, 2009
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, HCJ
MR. JUSTICE RAJA FAYYAZ AHMED
MR. JUSTICE CH. IJAZ AHMED

Human Rights Case No.70 of 2009

(Application by Mst. Yasmeen Munawar Khan)

Complainant: In Person
On Court Notice: Qazi Muhammad Amin, Addl. A.G. (Pb)
Mr. Zulfiqar Khalid Maluka, ASC
Mr. Iftikhar Hussain D.S.P (Legal), Narowal
{ Ashraf Khan, DSP (Rtd)
Ashraf Baryar, then SHO
Masood Nagra, then SHO }

Date of Hearing: 06.05.2009

ORDER

Learned Additional Advocate General appeared alongwith DPO, Narowal and stated that in pursuance of the judicial inquiry report one accused/police officer namely Sultan Masood Nagra, former SHO, Kot Naina has been arrested and efforts are being made to cause arrest of remaining officers namely Ashraf Khan, DSP (R), Muhammad Ashraf Baryar, then SHO, PS Noor Kot, who had joined police party, in which Abbas Khan @ Kala lost his life. He stated that some time be given to them to do the needful.

Adjourned to 18th May, 2009.

Islamabad, the
6th May, 2009
Nisar/*

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Raja Fayyaz Ahmed
Mr. Justice Ch. Ijaz Ahmed

HUMAN RIGHTS CASE NO.70 OF 2009

(Application by Mst. Yasmeen Munawar Khan)

Attendance

For the applicants : In person.
On Court Notice : Qazi Muhammad Amin, Addl. AG (Pb)
Mr. Iftikhar Hussain, DSP (Legal) Narowal
Date of hearing : 18.05.2009

ORDER

Learned Addl. AG (Pb) states that two accused persons have been arrested and efforts are being made for causing arrest of Ashraf Baryar, the then SHO, PS Noor Kot. It is to be noted that on the last date of hearing i.e. 6.5.2009, the office has inadvertently marked the attendance of Ashraf Khan, DSP (Retd), Ashraf Baryar, the then SHO and Masood Nagra, the then SHO. It is also evident from the order as it was stated that Sultan Masood Nagra, former SHO, Kot Naina has been arrested and efforts are being made to cause arrest of remaining officers namely Ashraf Khan, DSP (R) and Muhammad Ashraf Baryar, the then SHO. Therefore, their names be placed under circle as they were not present before this Court on 6.5.2009.

Adjourned to **29th May 2009.**

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Raja Fayyaz Ahmed
Mr. Justice Ch. Ijaz Ahmed

Human Right Case No. 70 of 2009
(Application by Mst. Yasmeen Munawar Khan)

Applicant: In person
On Court notice: Qazi M. Amin, Addl. A.G. Punjab
Muhammad Javed, S.P. (Investigation) Narowal
Date of hearing: 29.05.2009

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, CJ.- It is informed by the learned Additional Advocate General, Punjab, that despite of best efforts Muhammad Ashraf Baryar, the then SHO has not been traced. However, a new S.P. has been appointed who has taken all necessary steps to do the needful. In view of the fact that police machinery is activated, some of the accused have been arrested and efforts are being made for the arrest of remaining one, the case shall proceed in accordance with law. Therefore, no action is called for. Human Rights Case No. 70/2009 is disposed of. The S.P. (Investigation) is directed to submit weekly report in respect of arrest of Muhammad Ashraf Baryar. The accused arrested in this case shall be at liberty to approach the competent court having jurisdiction for their bail and if such application is made, that shall be decided independently without prejudice by the order of this Court.

Islamabad, the
29th May, 2009
A.Rehman/*

بعدالت جناب چیف جسٹس صاحب سپریم کورٹ آف پاکستان

(1)

محکمہ عدالت
20/2/09
20/2/09

HRC. 110-70

DA (118)

Received today at 14:45
20/2/09

JA.

درخواست برائے ریٹے جانے نوٹس بابت عدم اندراج مقدمہ قتل مسیحی عباس خان عرف کالا دقتوں کے لیے اور حقیقی سائلہ جس کو محمد اشرف برادر اہل پنجاب (جسکی بابت از خود نوٹس آجیناب عدالت حضور میں زیر سماعت ہیں جس میں ڈی ایس پی شکر گڑھ امراس کے ماتحت جیل ایس ایچ اوز بطور ملزمان شامل ہیں) نے جعلی پولیس مقابلے میں مخالف فریق سے عسکاری رقم بطور معاوضہ / رشوت وصول کر کے دن دسپارٹے مورخہ 03/07 کو قتل کر دیا تھا اور جس کی داد رسمی کیلئے پولیس ضلع نارووال نے انہیں اصدار احکامات عدالت عالیہ تاحال مقدمہ بہ خلاف محمد اشرف برادر اہل پنجاب اور دیگران درج ذیل گزرا ہے

جناب عالی سائلہ حسب ذیل عرض گزار ہے

1) یہ کہ مورخہ 03/07/07 کو ڈی ایس پی شکر گڑھ محمد اشرف خان اور محمد اشرف برادر اہل پنجاب اور نور کورٹ کی سربراہی میں زائد از 25 کس پولیس ملازمین نے مخالف فریق کے عسکاری رقم معاوضہ کے طور پر وصول کر کے ہماری حقیقی عیاشی عباس خان ان کالا کو دن دسپارٹے بلا اجازت حقانہ نور کورٹ لیجانے کے بہانے راستے میں اہل علاقہ کی آنکھوں کے سامنے پیدر پی سے قتل کر دیا جسکی بابت درخواست اندراج مقدمہ عدالت عالیہ پولیس افسران کو اور اپنی درخواست طے عدالت عالیہ سپریم کورٹ میں دائر کی گئیں۔

2) یہ کہ حسب و الحکم عدالت عالیہ ضلع اڈیشنل سیشن جج صاحب نارووال نے جوڈیشنل انکوائری کی جس میں پولیس افسران و ملازمین کو گنہگار قرار دیا گیا مگر یہ امر بنا ہیٹ حالوں میں ہے کہ سائلہ کی درخواستوں اور عدالت عالیہ کے احکامات کے باوجود پولیس ضلع نارووال محمد اشرف برادر جیسے بدکردار رشوت خور پولیس آفیسر جسکی خلاف آجیناب کی عدالت میں کارروائی بھی زیر سماعت ہے کے خلاف مقدمہ قتل درج کرنے سے انکاری ہے اور مزید یہ کہ اشرف برادر کی پشت پناہی میں

مخالف فریق نے سائلہ اور اسکے فریبی رشتہ داروں کے گھروں کو لوٹنے کے لیے
یے - جملہ قیمتی اشیاء اور مال پولیسی لوٹ لے گئے ہیں۔ اور تمام قریبی رشتہ
کو نقل مکانی پر مجبور کر دیا گیا ہے۔ نالوا آج تک میرا معافی کے منتظر کا مقدمہ درج
نہیں ہمارے گھر لوٹ جانے اور سمار کئے جانے کی باہت مقدمہ خارج ہوا بلکہ سائلہ
اور دیگر اہل خانہ کو شدید خطرہ و خوف جان لاحق رہا ہے۔

(3) یہ کہ اب جبکہ سائلہ کو بڑا سہرا صدماتِ مسلم ہو چکے کہ عالی جناب نے اشرف بھرا بھرا لو
کے خلاف از خود نوٹس لینے ہوئے جو ڈائمنڈ انگوٹری و دیگر حسب ضابطہ کارروائی
محکمہ میں ملنے کے احکامات صادر فرمائے ہیں تو سائلہ کی سہرا کی آمد کی نظر آن
سائلہ جو اشرف بھرا جیسے شوہر پولیس افسران کے ظلم و نشانہ بنی اور سائلہ کی ایک
نانگ ضابطہ ہو گئی سائلہ کو اپنے جوان سال معافی کے منتظر کے بعد عدالتوں میں تھکان
میں کہیں انصاف نہ ملا تو سائلہ نے ایک عدالت کا دروازہ کھٹکھٹا کر طے کیا اور
درخواست عذر پیش کرنے کی بہت کی کہ آپ جیسے عاجل حجاج صاحب سے سائلہ کو بھی
انصاف ملنے کی باہت قوی یقین ہے۔

محالات بالا استدعا ہے کہ درخواست سائلہ پر بھی عادلانہ نگاہ ڈالی جا کر
گنتھکاران کے خلاف حسب ضابطہ مقدمات درج کئے جانے کے احکامات
صادر فرمائیں جائیں۔ تاکہ حجبہ سہرا کو انصاف مل سکے

حرفہ - 19-02-2009

یاسمین منور خان دسترخوش منور خان ذات پٹھان سکند بارہ منگا
محض شکر گراہ ضلع نارووال یاسمین خان

نوٹ - اشرف بھرا کے خلاف زیر سماعت کاروائی عدالت ہذا