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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, HCJ.
Mr. Justice Muhammad Nawaz Abbasi
Mr. Justice Mian Shakirullah Jan

HUMAN RIGHT CASE NO.4866 OF 2006.

(Complaint by Bhatti Bibi,
murder of son by the Police)

Attendance

Complainant not present.
Mr. Khadim Hussain Qaiser Addl. AG (Pb)
Sardar Saeed Gul Khan, SSP LHR.
Mr. Ali Mohsin, SP Kasur
Mr. M. Riaz Chadhar, DSP
Mr. Zulfiqar Ali, Inspector PS Patoki.

Date of hearing : 05-03-2007.

ORDER

In pursuance of earlier order dated 12-12-2006 a report has been submitted according to which a Criminal case has been registered against the concerned SHO as well as the personals of Elite Force. Now a progress report has also been submitted according to which a criminal case vide FIF No.64/07 dated 8-2-2007 under Section 155/C Police Order 2002 and under Section 193/196 and 201 PPC against the culprits involved in the commission of offence, has been registered. It has also been informed that departmental action has been taken against the culprits as a result whereof the services of concerned SHO have also been dismissed.

In view of above report application stands disposed of. Let the law takes its course independently. However, the case of the culprits

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shall be decided strictly in accordance with law without being
influenced in any manner from the present proceedings.

Islamabad the
5th March 2007.
MS/*

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10/4/07

IN THE SUPREME COURT OF PAKISTAN

(Appellate jurisdiction)

PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, CJ

Mr. Justice Mian Shakirullah Jan

Mr. Justice Saiyed Saeed Ashhad

HUMAN RIGHTS CASE NO.4866 OF 2006

(Complaint by Bhatti Bibi)

Complainant: Not present

On Court Notice: Mr. Khadim Hussain Qaiser, Addl.A.G.
Mr. Ali Mohsin, S.P. (Investigation)

Date of hearing: 12.12.2006

ORDER

In compliance of the order of this Court dated 19.10.2006 reports have been submitted. Concluding para, therefrom, is reproduced below: -

“There is direct and specific evidence on the record for the existence of the fire arms injuries on the back of the deceased as well as his right leg. The last worn shirt of the deceased also bears few holes on the back side. What type of these holes are and how were they caused has not been explained in the investigation held so far by the Investigating Officer. The complainant has also produced her shirt which allegedly was stained with blood coming out of the dead body of the deceased. Record shows that the investigation was one sided and was conducted without joining the present complainant namely, the parents of Muhammad Amin who have strongly pressed into service their grievances and as such are entitled to be joined in the investigation so that broader perspective may be available for investigation and the unanswered questions arising in the investigation may also be dealt with for proper adjudication by the concerned Court.

Consequently, in my humble and most respectful opinion, despite the conclusion drawn under para No.24 above that the death of Muhammad Amin was not caused during detention/illegal custody of the police, the matter needs to be further investigated by a Senior Investigating Officer of the Police in relation to the matters pointed out in para No.27,28 and 29 of this report.”

2. We have perused the record and we agree with the finding of the learned Additional Sessions Judge that without sympathy thorough probe has to be made by investigating agency as without the same it will not be possible to come to the correct conclusion regarding death of Muhammad Amin, therefore, the Inspector General of Police, Punjab is directed to constitute a High Powered Committee for the purpose of conducting investigation of the case thoroughly and submit report within a period of four weeks for our perusal. Adjourned to a date in office in the first week of February,2007.

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Saiyed Saeed Ashhad

Human Right Case No.4866 of 2006

Complaint by Bhatti Bibi

Complainant: Not present

On Court Notice: Mr. Khadim Hussain Qaiser, Addl. A.G.
Mr. Faisal Ali, Additional SP, Kasur

Date of hearing: 15.11.2006

ORDER

It is informed by DPO Kasur vide Memorandum No.33987 dated 14.11.2006 that the order of this Court dated 19.10.2006 has not been complied with so far. Learned Additional Advocate General requests for adjournment.

Adjourned to a date in office in the 2nd week of December, 2006.

Islamabad, the
15th November, 2006
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Muhammad Nawaz Abbasi

HUMAN RIGHTS CASE No. 4866 of 2006.

Complaint by Mst. Bhatti Bibi regarding Murder

In attendance:

Complainant, not present
Ch. Muhammad Hussain, Adl. AG
Mr. Ali Mohsan, SP Kasur

Date of hearing: 19.10.2006

ORDER

Learned Adl. AG Punjab has filed a report prepared by Mr. Ali Mohsan, S.P. Kasur. The version given therein and the explanation offered by the S.P. is not satisfactory. Consequently, learned District and Sessions Judge, Kasur, is directed to probe into the matter and submit report within four weeks. Adjourned.

Islamabad, the
19th October, 2006.
Iftikhar/*

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بخدمت جناب چیف جسٹس صاحب پاکستان اسلام آباد

جناب عالی!

گذارش ہے کہ سائلہ چک نمبر L-42/12 چیچہ وطنی کی رہائشی ہے اور محنت مزدوری کرتی ہے ایک بیٹا محمد امین ولد فیض محمد جو کہ چار ماہ سے لاہور میں محنت مزدوری کرتا تھا جس کی عمر 18 سال تھی مورخہ B-2006 کو لاہور سے چیچہ وطنی اپنے گھر آ رہا تھا کہ تھانہ سٹی چوک ضلع قصور کی پولیس نے زبردستی ونگن سے اتار لیا اور بلاوجہ مجھ تشدد کیا اور رات بھر بے تہاشا تشدد کرتے رہے۔ پولیس تشدد کی بناء پر محمد امین ہلاک ہو گیا تو پولیس نے اس بات کو چھپا لیے پولیس مقابلہ کا جھوٹا ڈرامہ رچایا اور مرے ہوئے کو فائر مار دیے۔

اس کے بعد سب انسپکٹر اور دیگر پولیس تھانہ سٹی چوک نے ہمیں دھمکیاں دیں کہ اگر کوئی کارروائی کی تمہیں بھی جھوٹے پولیس مقابلہ میں مار دیں گے اور خود ہی پولیس نے ہمارے بیٹے کو چک نمبر L-42/12 چیچہ وطنی دفن کر دیا اب بھی پولیس ہمیں آئے دن دھمکیاں دیتے ہیں کہ اگر کوئی کارروائی کی تو تم سے نمٹ لیں گے اور جھوٹے مقدمے دیں گے۔

سائلہ کے بیٹے کو ناحق قتل کیا گیا ہے۔ سائلہ کے ساتھ زیادتی ہوئی ہے۔ مہربانی فرما کر اس انکوائری فرمائی جائے۔ اس میں ملوث پولیس اہلکاران کے خلاف حسب ضابطہ سخت سے سخت کارروائی عمل میں لائی جائے۔ سائلہ غریب عورت ہے سائلہ کے ساتھ انصاف فرمایا جائے۔ انصاف پروری ہوگی۔

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بھٹی بی بی زوجہ فیض احمد قوم مسلم شیخ سکنہ چک نمبر L-42/12 تحصیل چیچہ وطنی ضلع ساہیوال



کاپی نو:

- ۱- جناب چیف جسٹس صاحب ہائی کورٹ لاہور
- ۲- جناب خالد مقبول صاحب گورنر پنجاب لاہور
- ۳- جناب ہوم سیکرٹری صاحب پنجاب لاہور
- ۴- جناب ڈسٹرکٹ اینڈ سیشن جج صاحب ضلع قصور
- ۵- جناب انسپکٹر جنرل آف پولیس، پنجاب لاہور
- ۶- جناب ڈسٹرکٹ پولیس آفیسر صاحب ضلع قصور