

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT

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

HUMAN RIGHT CASE NO.4508 OF 2006.

(Complaint by Khalil Ahmed)

Attendance

Complainant in person.
Ch. Muhammad Hussain, Addl. AG (Pb)
Mr. Amjad Javed Saleemi, DPO Jhang.

Date of hearing : 09-10-2006

ORDER

Mr. Amjad Javed Saleemi, DPO Jhang appeared and stated that two weeks time may be given to him to do the needful.

Request is allowed adjourned to a date in office in the First week of November 2006.

Islamabad
09-10-2006
*MS/**

[Handwritten Signature]
22/10/06

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE MUHAMMAD NAWAZ ABBASI
MR. JUSTICE SAIYED SAEED ASHHAD

HUMAN RIGHTS CASE NO. 4508 OF 2006

(Complaint by Khalid Ahmed)

Complainant: In person

On Court Notice: Mr. Khadim Hussain Qaiser, Addl. A.G
Mr. Javed Amjad Saleemi, DPO, Jhang

Date of Hearing: 3.11.2006

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ORDER

MUHAMMAD NAWAZ ABBASI, J.- Learned Additional A.G Punjab assisted by DPO Jhang, has submitted that detail of the investigation has been given in the report submitted by DPO Jhang but on inquiry from the DPO about recovery of detinue, he without satisfying us about the efforts made for recovery of the detinue has stated that he also interrogated the member of the family of the complainant including the sister of abductee but could not trace out the whereabouts of the abductee. This is sad that the DPO instead of proceeding on proper line of investigation, interrogated the aggrieved family and despite laps of considerable period, has not been able to recover the abductee. It transpires from the report that DPO has neither taken any effective step for recovery of the abductee nor has been vigilant in discharge of his duty and thereby prolonged the investigation with no positive result. However, on his undertaking to recover the detinue and produce her before the Court within a fortnight, the case is adjourned for 17.11.2006 with direction that DPO shall take effective steps for recovery of the detinue and DIG concerned shall also look into the matter and ensure that the abductee is recovered before the next date. The complainant has produced certain documents relating to the inquiry conducted by learned Session Judge Jhang in the matter which are placed on record. Adjourned to 17.11.2006.

Islamabad

3.11.2006

Iftikhar



IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

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

Human Right Case No.4508 of 2006

Complaint by Khalil Ahmad

Attendance

Complainant in person.
Ch. Khadim Hussain, Addl. AG (Pb)
Mr. Amjad Javed Saleemi, DPO Jhang.
Mr. Zulfiqar, Inspector.

Date of hearing: 17.11.2006

ORDER

We have heard learned Additional Advocate General who stated that efforts are being made for effecting recovery of the abductee but to do so some more time is required. It may be noted that some of the persons were arrested who now have been declared innocent. The police may take steps for ensuring their release forthwith and if such application is moved, the concerned Magistrate shall dispose of the same expeditiously without wasting time because detention of the innocent person is always considered to be illegal.

Adjourned to 15.12.2006.

Islamabad, the
17th November, 2006
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Mian Shakirullah Jan
Mr. Justice Saiyed Saeed Ashhad

Human Right Case No.4508 of 2006
(Complaint by Khalil Ahmed)

Complainant: In person

On court notice: Mr. Khadim Hussain Qaiser, Addl. AG. Pb.
Mr. Javed Amjad Saleemi, DPO Jhang

Date of hearing: 15.12.2006

ORDER

Despite of granting sufficient time to the police, no progress has been made. DPO is directed to approach IGP and inform about his failure to comply with the order. I.G.P is directed to supervise the case himself and do the needful before the next date of hearing.

Adjourned to 15th January, 2007.

Islamabad, the
15th December, 2006
Nisar/*

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

H.R. CASE NO. 4508 OF 2006

(Complaint by Khalil Ahmed)

Complainant: In person.

On Court Notice: Mr. Khadim Hussain Qaiser, Addl. A.G. Punjab
Mr. Amjad Javed Saleemi, DPO, Jhang
Mr. Saeed Akhtar, DSP
Mr. Muhammad Yasir, SHO
Mrs. Hania Khalil (Mrs. Hina Tariq)
With her husband (Tariq Hussain).

Date of hearing: 15.01.2007.

ORDER.

Mr. Amjad Javed Saleemi, DPO Jhang has appeared alongwith the abductee and stated that Hania Khalil (Hina Tariq) wife of Tariq Hussain has been traced from Jaccobabad where she was living alongwith her husband. Khalil Sarwar, father of the lady stated that police in order to save the actual culprits involved in the case has adopted the device of the marriage of Hania Khalil (Hina Tariq) with Muhammad Tariq, otherwise according to him her age is 11 years and three months. Previously there was no clue but it is not understandable that how abruptly, the police has succeeded in effecting her recovery from Jacobabad. There are serious allegations of the parties against each other.

2. The bona-fide of the investigation conducted by Amjad Javed Saleemi, DPO is doubtful, therefore, under these circumstances, we consider it appropriate to direct I.G. (PPO) to constitute a Team of high ranking officers not below the rank of 19 who shall thoroughly look into the matter and after probe shall submit their report through I.G.P to the Court. In this behalf it may be noted that the bail application was dismissed by the District & Sessions Judge, Jhang who had also made certain observations against the conduct of the police, therefore, the investigation team shall also take the same into consideration. Father of Hania Khalil (Hina Tariq) stated that she may be sent to Darul Aman but as she is grown

up, therefore, the request so made is declined. However, she is allowed to live alongwith her husband with her free will but Amjad Javed Saleemi, DPO shall be responsible to produce her before the investigating team whenever required.
Adjourned to 16th February, 2007.

Islamabad, the
15.01.2007.
MAZ

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 RIGHT CASE NO.4508 OF 2006

(Complaint by Khalil Ahmed)

For the Complainant: In person with Hania

On Court Notice: Ch. Khadim Hussain Qaiser, Addl.A.G.(Punjab)
Mr. Amjad Javed Saleemi, DPO
Mr. Rehmat Ali Khan, Advocate

Date of hearing: 16.02.2007

ORDER

In pursuance of order dated 15.01.2007 report has been submitted by I.G.P./P.P.O (Punjab). Mst. Hania also appeared and stated that she was forcibly taken to Jaccobabad by a gang consisting of six males and three females and then she was compelled to contract marriage with the criminal person. This miserable story was narrated to various persons but no one was hearing her and no correct reports were being submitted before this Court. She also pointed out that during inquiry by the Police at Faisalabad she narrated these facts to Mr. Talat Mehmood Tariq, CPO Faisalabad but he also did not record the correct facts. In such view of the matter and having gone through the record we are of the opinion that her stand seems to be correct, therefore, for arriving at a positive conclusion we deem it appropriate to direct the District & Session Judge, Jhang to conduct an inquiry himself and submit report fixing liability upon the officers or persons who are involved in this case including the police officers who failed to conduct the investigation of the case properly. I.G.P/P.P.O., Punjab is directed to provide protection to the abductee as well as to her family. The District & Session Judge, Jhang is directed to submit his report on or before 16th March,2007. Mst. Hania has requested to be allowed to stay with her father. Her request is allowed.

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT

MR. JUSTICE JAVED IQBAL, HACJ
MR. JUSTICE ABDUL HAMEED DOGAR
MR. JUSTICE MIAN SHAKIRULLAH JAN

Human Right Case No.4508 of 2006
(Complaint by Khalil Ahmed)

For the complainant:	In person with Mst. Hania Khalil
On Court Notice.	Mr. Khadim Hussain Qaisar Addl. A.G. Pb.
For accused:	Ch. Naseer Ahmad ASC.
Date of hearing:	16.3.2007.

ORDER

Pursuant to order dated.16.2.2007 a report of learned Sessions Judge is yet awaited. Matter adjourned. To be fixed on 26.3.2007. It is hereby directed that Yasir SHO Police Station Chanabnagar, Asghar Ali I.O., Talat Mehmood Tariq, Javed Amjad Saleemi, DPO Jhang, Syed Akhtar DSP and Amjad Hussain Shah S.I shall remain present on the next date of hearing.

Islamabad
March 16, 2007
Iqbal Naseer

In the Supreme Court of Pakistan
(Original Jurisdiction)

Present:

Mr. Justice Rana Bhagwandas, ACJ
Mr. Justice Nasir-ul-Mulk

Human Rights Case No.4508 of 2006

Complainant: Khalil Ahmed in person alongwith Hania Khalil

On Court Notice: Chaudry Muhammad Hussain,
Additional Advocate General, Punjab
Mr. Talat Mehmood,
Addl. Inspector General Police, Punjab
Mr. Amjad Saleem, D.P.O, Jhang.
Mr. Saeed Akhtar, DSP
Mr. Yasir, SHO, P.S Chanabnagar.
Mr. Amjad Hussain, S.I, P.S Chanabnagar.

For accused: Chaudhry Naseer Ahmed, ASC

Date of hearing: 26.3.2007

Order

Requisite report has not been received from learned District & Sessions Judge though Chaudhry Naseer Ahmed, learned ASC states at the Bar that report has been dispatched on 12.3.2007. Let reminder be issued to the District & Sessions Judge, Jhang to expedite submission of his report in order to enable this Court to dispose of the case strictly according to law. Police Officers present in Court need not to attend the Court on next date of hearing. To come up on 2.4.2007

Islamabad
26th March, 2007
Sadaqat

THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

7

PRESENT

Mr. Justice Rana Bhagwandas, HACJ
Mr. Justice Tassaduq Hussain Jilani
Mr. Justice Nasir-ul-Mulk

HUMAN RIGHT CASE NO. 4508 OF 2006
(Complaint by Khalil Ahmed)

For the complainant: Complainant in person along with Hania Khalil.
On Court notice Ch Muhammad Hussain, Addl. Advocate General Punjab.
For the accused: Ch Naseer Ahmad, ASC.
Dates of hearing 02.04.2007

ORDER

Rana Bhagwandas, ACJ.- Detailed enquiry report has been received from Sessions Judge, Jhang highlighting entire background of the complainant and tentative findings about the act of alleged abduction and marriage of Hania Khalil with disabled person, Tariq Hussain with her consent. The report further tends to show that she was 16½ years of age and not 12/13 years as alleged by the complainant. Now, since the case after investigation has been sent up before a Court of law it would not be in the fitness of things to proceed further with this complaint which stands disposed of. The trial Court shall proceed with the case strictly according to law without being influenced by the proceedings before this Court.

بخدمت جناب چیف جسٹس صاحب کچھوٹ پاکستان اسلامیہ جمہوریہ پاکستان

درخواست بمراد برآمدگی مغویہ بابت مقدمہ نمبر 177 مورخہ 11 20-04-2006 حدود زنا آرڈیننس

SECY TO HC

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تھانہ چناب نگر تحصیل چنیوٹ ضلع جھنگ

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جناب عالی

گزارش میری بیٹی خانمہ غلیل بھمر ساڑھے بارہ سال مورخہ 06-04-2006 کو اغواء ہوئی جب ملزمان کا علم ہوا تو میں نے اپنی بیٹی کی واپسی کا مطالبہ کیا کہ زیادہ بدنامی نہ ہو۔ آخر ملزم کے انکار پر درخواست برائے مقدمہ DSP صاحب سرکل چناب نگر گذاری گئی۔ سائل کی درخواست پر مقدمہ درج نہ کیا گیا بلکہ نئی درخواست لکھوائی گئی (جولف ہذا ہے) مقدمہ ہذا کی تفتیش امجد حسین شاہ SI نے کی جس میں نامزد ملزم FIR ملزم خالد خالد خان گناہ گار قرار پایا۔ اور ملزم اعتراف جرم کر چکا ہے۔

ملزم ایک گروہ کارکن ہے جس میں مرد عورتیں اور نوجوان لڑکیاں شامل ہیں جو نوجوان لڑکیوں کو درغلاء پھسلا کر اغواء کر لیتے ہیں۔ اور بلیک میل کر کے دھندہ کروایا جاتا ہے اور فروخت کر دیا جاتا ہے اور ملزم کو بااثر اہل اثر و لوگوں کی پشت پناہی حاصل ہے۔ جسکی وجہ سے ملزم گرفتاری سے بچتا رہا ہے۔

آخر مورخہ 02-06-2006 کو ضمانت خارج ہونے کے ڈر سے درخواست عبوری ضمانت واپس لیکر ایک کھیل کھیلا اور پولیس کے پاس سے گذر گیا ASI صاحب نے ملزم گرفتار نہ کیا۔ بلکہ پوچھنے پر کہا کہ DSP صاحب کا حکم ہے کہ گرفتار نہ کیا جائے۔ DSP صاحب کی جانبداری کی تصدیق اس وقت ہوگئی جب ملزم روبرو DSP صاحب اقرار جرم کرنے کے باوجود گرفتار نہ کیا گیا اور الٹا مورخہ 04-06-2006 کو مجھ مدعی کو ہی قسم نیاں کے چکر میں ڈالا ملزم مورخہ 02-06-2006 تا 10-06-2006 تک بغیر کسی ضمانت کے پھرتا رہا اور ملک سے باہر فرار ہونے کے چکر میں تھا۔

مورخہ 05-06-2006 کو میں نے DPO صاحب جھنگ کی خدمت میں میاں بیوی نے حاضر ہو کر تبدیلی تفتیش اور برآمدگی مغویہ DSP صاحب کی جانبداری کے خلاف درخواست پیش کی بچی کی والدہ روتی ہوئی واپس آگئی اس کا دکھ بھی نہ کسی نے سنا مورخہ 09-06-2006 کو میں نے رانا اعجاز احمد صاحب Advisor To C.M. for Law and Human Rights punjab کی خدمت میں حاضر ہو کر اپنی بے بسی کا رونا رویا تو مجھ بے کس پر ترس کھاتے ہوئے ایک چھٹی DPO صاحب جھنگ اور ایک چھٹی DSP صاحب چناب نگر کے نام لکھی DPO صاحب کے حکم پر فوری طور ملزم گرفتار تو کر لیا لیکن ایک مہمان کی حیثیت سے مقامی پولیس مکمل طور پر جانبداری کا مظاہرہ کر رہی ہے۔ دس دن کے ریمانڈ میں اُس کو ہاتھ تک نہ لگایا۔ مورخہ 16-06-2006 کو میں نے برآمدگی مغویہ کیلئے ایڈیشنل آئی جی فیصل آباد رجمن کو درخواست دی لیکن کچھ نہ بنا اور مجھے بالکل انصاف نہ مل رہا ہے آج میری بیٹی کو اغواء ہوئے 72 دن ہو گئے ہیں اور ریمانڈ کے 10 دن گذر گئے ہیں لیکن ملزم کو ہاتھ تک نہیں لگایا اور سب میری بے بسی کا مذاق اڑا رہے ہیں۔ اور ساتھ دھمکیاں بھی دے رہے ہیں مجھے اور میرے خاندان کو جان کا خطرہ ہے۔

عالیجاہ

اندریں حالات میری استدعا ہے کہ میری بیٹی کی برآمدگی کیلئے فوری حکم صادر فرمایا جائے، تاکہ اس مجبور اور بے کس سائل کو انصاف مل سکے اور میری بیٹی برآمد ہو سکے اور ملزمان کو کوڑی سزا مل سکے۔ آپ کی عین کوازش ہوگی

رضی
صبر علیہ
18-6-06

خلیل احمد سرور ولد احمد دین مرحوم قوم راجپوت بھٹی
ساکن نصیر آباد حلقہ سلطان چناب نگر تحصیل چنیوٹ ضلع جھنگ