

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

12

PRESENT

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ
MR. JUSTICE MUHAMMAD NAWAZ ABBASI

HUMAN RIGHTS CASE NO. 5085 OF 2006

(Complaint by Noor Jamal)

Attendance

Complainant: In person
A/w Aimna Bibi (mother in law)
And two kids

On Court Notice: Ch. Muhammad Hussain, Addl. AG (Pb)
Mr. Tauqir Hayat, SP (Saddar)
Mr. Tasawar Hussain, ASI/IO

Date of hearing: 20.10.2006

ORDER

DPO Faisalabad has appeared in person and also submitted a report wherein he stated that Mst. Zainab Bibi detenue has herself disappeared from her ordinary residence as she has filed a suit for dissolution against her husband. He stated that even previously at one occasion she left the house and was brought back through respectable of the community.

In view thereof no further action is called for in the application and same stands disposed of.

After the order is dictated Mst. Zainab a lady constable No. 948 attached with this Court informed the Court Assistant that Noor Jamal petitioner alongwith a lady and two children is present out side the Court and she was directed to bring them before the Court. Noor Jamal petitioner on appearance stated that the lady with him is his mother-in-law and two minors aged about 4 and 5 years are kids of Mst. Zainab Bibi (detenue). He stated that Police is fully aware of the whereabouts of Mst. Zainab Bibi and the place of her confinement but due to the influence of political heads of the area being used by the culprits no efforts has been made by the police to recover the detenue. He has also informed us that the culprits were taken into custody by Tasawar Hussain, SI/IO and after we have identified them, the Investigating Officer due to the political influence and consideration let them escort free.

In view of the statement of Noor Jamal and Aimna Bibi, Tauqir Hayat, SP Saddar Faisalabad who had left the Court was recalled and inquired as to why he has not produced the petitioner and mother of detenue with her kids

before the court who were brought by him from Faisalabad, he without giving satisfactorily answer stated that he has no knowledge that Noor Jamal along with Mst. Aaman Bibi and two minors were present outside the court. The SP on our question that who has given him the copy of the plaint in the suit for dissolution of marriage filed by Mst. Zainab against her husband he looked towards ASI and stated that this document was available at the police station.

Noor Jamal, petitioner has informed us that suit in question has already been dismissed for non-prosecution on 17th July, 2006 and that the persons who have abducted Mst. Zainab Bibi were witnesses in the suit. In view of the facts disclosed by the petitioner we have found the conduct of Tauqir Hayat, SP highly condemnable because he being a responsible officer was expected to place correct petitioner before the Court, whereas he having traveled from Faisalabad to Islamabad on Government expenses to attend this case and assist the court has rendered no assistance rather acted in a manner which may protect the interest of person who allegedly committed a cognizable offence. We therefore, direct IGP, Punjab to look into the matter himself and inform the Court about the action to be contemplated against the above named officer. Meanwhile, SP Saddar shall affect the recovery of the detinue and produce her in Court on the next date of hearing failing which strict action shall be taken against him. Noor Jamal and Aamna Bibi are directed to attend the court on the next date of hearing.

Adjourned to 30th October 2006.

Islamabad
20.10.2006
MS/*

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.

Mr. Justice Muhammad Nawaz Abbasi

Mr. Justice Saiyed Saeed Ashhad

Human Right Case No.5085 of 2006

(Complaint by Noor Jamal)

Attendance:

Complainant: In person a/w Aimna Bibi (mother in law)

On Court Notice: Mr. Khadim Hussain Qaiser, Addl. A.G.
 Mr. Tauqiar Hayat, SP (Sadar)
 Mr. Mansoor Ahmad, DSP
 Mr. Khuda Bukhsh, SHO
 Mr. Tasawar Hussain ASI/IO
 With Mst. Zainab Bibi, (abductee)

Date of hearing: 30.10.2006

ORDER

On the last date of hearing i.e.20.10.2006 petition was disposed of in view of the statement of DPO Faisalabad (SP Saddar, Tauqir Hayat) that Mst. Zainab Bibi herself disappeared from her residence as she had filed suit for dissolution of marriage against her husband. But when we were dictating the order Mst. Zainab Lady Constable attached with Court informed ~~the~~ Court Associate that Noor Jamal complainant alongwith a lady ~~was~~ present outside the Court and she was directed to bring them before the Court. Noor Jamal stated that lady with him is his mother-in-law and two minors aged 4 and 5 years are kids of Mst. Zainab Bibi (detenue). He stated that police is fully aware of the whereabouts of Mst. Zainab Bibi and the place of her confinement but due to the influence of political heads of the area being used by the culprits no effort has been made by the police to recover the detenue. He has also informed us that the culprits were taken into custody by Tassawar Hussain, SI/IO and after we have identified them, the Investigating Officer due to political influence let them ~~escort~~ free.

2. In view of such version of Noor Jamal, Tauqir Hayat SP Saddar was again called and inquired from him as to why he has not produced the petitioner and mother of detenue with her kids before the Court. He without giving satisfactory answer stated that he has no knowledge that Noor Jamal alongwith Mst. Aaman Bibi and two minors

were present outside the Court. DSP on our query further stated that copy of the plaint which has been given in the suit for dissolution of the marriage filed by Mst. Zainab against her husband was available in police station. In view of the conduct of both the officers, following observations were made:

"In view of the facts disclosed by the petitioner we have found the conduct of Tauqir Hayat SP highly condemnable because he being a responsible officer was expected to place correct petitioner before the Court, whereas he having traveled from Faisalabad to Islamabad on Government expenses to attend this case and assist the court has rendered no assistance rather acted in a manner which may protect the interest of person who allegedly committed a cognizable offence. We therefore, direct IGP, Punjab to look into the matter himself and inform the Court about the action to be contemplated against the above named officer. Meanwhile, SP Saddar shall affect the recovery of the detinue and produce her in Court on the next date of hearing failing which strict action shall be taken against him."

4. It so happened that order could not be conveyed to I.G.P Punjab on account of Eid Holidays. However, today SP Tauqir Hayat has produced Mst.Zainab from Patuki where she was working in the house of one Zamindar, Mumtaz Bhatti. According to S.P she was recovered on the pointation of Khizar Hayat. Abductee present in Court stated that she apprehends danger to her life therefore, she would like to stay in Darul Aman instead of joining her husband.

5. Be that as it may, as she is sui-juris therefore, she can stay there. Let the ^{investigation of the} case be carried out by an independent officer other than Tauqir Hayat SP and Tassarwar ASI. Copy of the earlier order, reference of which has been made above, be sent to I.G.P for conducting inquiry against both the officers in accordance with law for the facts noted herein above.

Human Case stands disposed of.

Islamabad, the
30th October, 2006

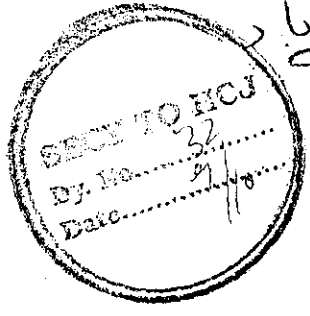
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10/11/06

① لہذا لکھنؤ چوہدری افتخار حسین صاحب جی کے نام سے

نازل کیا تو وہ قریباً منسل آیا

5085



درخواست برائے حکم فرمائے جانے کے لئے
مخفیہ زینب بی بی اور صاحبہ

1145 جو نمبر 25/06 25 بم 16 اعلیٰ درجہ آرڈیننس کا نڈ لیا تو اس

بنیاد عالی! مسائل حسب ذیل معارض ہیں

نمبر 25 جو نمبر 25/06 نوٹس دیوں کو پورا کرنے کی صورت کے ذریعے منظور کیا
میں نے متعلقہ پولیس کو اطلاع دی مگر کوئی سہولت نہ ہوئی بیجا تھی طور پر بھی اور

پولیس سے بھی مقدمہ درج نہ کیا
مگر یہ کہ میں نے ڈسٹرکٹ اینڈ سیشن جج کے پاس لکھ کر درخواست دی کہ پولیس کو بھیج دی جائے
صافی پولیس سے تعلقہ طرح تفصیلی اور ہم اس پر دو دیگر ان کے زیر پرکھ رہے
درج نہ کیا جیکے سیشن نے دوبارہ عدالت عالیہ میں پٹ دی اور عدالت عالیہ
کے سیشن نے اس پر ایچ او کو طلب کر کے حکم دیا کہ انوائس کریں اور ٹیکسٹ اور ملزمان
کے خلاف مقدمہ درج کریں

اس کے بعد عدالت عالیہ نے ایسی رٹ پر ڈی پی او - منسل آباد کو بھی انوائس کے لئے آرڈر
دیا جس پر ایچ او نے انوائس کے بعد ملزمان کو جج سیکرٹریا کے مقدمہ درج
کیا اور SP صاحب نے انوائس کر کے لکھنؤ جی آئی سی لکھنؤ حسین ASI کو ملزمان کو گرفتار
کرنے کا حکم دیا اور کیا گیا عورت برآمد کریں

مگر یہ کہ سید ارمان ملزمان کے پاس سے جوابدہ گان نے SP صاحبہ کو بھی
صل کر ملزمان کو چھوڑ دیا اور عورت برآمد نہ کی جے بلکہ لکھنؤ ASI
دھمکیاں دیا ہے مگر چھوڑے چھوڑے در بدر ہو رہے ہیں

بجارت باہر اس دعا عدالت آختور معاملہ کا خود
نوٹس لینے سے غریب کو انصاف دلانے کے
لیئے عمل رواجی اور سائنس کی بیوی کو بھی برآمد
کر کے عدالت آختور میں طلب فرمائے

نور جمال ولد محمد ذریعہ مسلم شیخ سید علی 409 کھنڈ سائبر اسلام

فیصلہ میں آباد
خانہ کھنڈ سائبر اسلام



ابتدائی اطلاعی رپورٹ نسبت بزم قابل دست آمدنی پولیس رپورٹ شدہ زخمیہ نمبر 154 کی تاریخ 11/4/55

1	تاریخ وقت رپورٹ	مقام (پولیس اسٹیشن) کے نام	6	تفصیلات رپورٹ کی تاریخ و وقت	
2	نام و کنیت اطلاع دہندہ و مستبوث	[Handwritten details]			
3	مختصر کیفیت جرم (موقوفہ) و مال المریکہ کو کیا گیا ہے	[Handwritten details]			
4	جائے وقوعہ و تامل و تفتیشات اور مدت	[Handwritten details]			
5	کارروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہوا تو اس کی وجہ بیان کی جاوے۔	[Handwritten details]			

(ابتدائی اطلاع نیچے درج کرو)

دستخط / [Signature]

نوٹ: اطلاع کے لیے اطلاع دہندہ کا دستخط یا ہر مانتان اگر شاہد بنا پانچ ایک کے ساتھ سرکاری کاتب (ابتدائی اطلاع) کے دستخط اور تصدیق ہونی چاہیے۔
 [The rest of the page contains dense handwritten Urdu text, likely a detailed report or notes related to the case. It includes names, dates, and specific details of the investigation and reporting process. The handwriting is somewhat illegible due to the cursive style and some fading.]

[Handwritten signature and text at the bottom of the page]