

**IN THE SUPREME COURT OF PAKISTAN**  
(Original Jurisdiction)

**PRESENT**

Mr. Justice Iftikhar Muhammad Chaudhry, CJ  
Mr. Justice Tassaduq Hussain Jilani  
Mr. Justice Karamat Nazir Bhandari

**H.R. Case No. 13-L of 2006**  
(Complaint by Sheraz Mahmood Qureshi)

**Attendance:**

Mr. Zahir Khan, father of abductee children  
along with abudctees Nauman and Mohsin.

**On Court Notice**

Mr. Muhammad Saeed Khan, Addl. A.G. NWFP.  
Mr. Habibur Rehman, CCPO/DIG Peshawar.  
Mr. Sher Akbar, S.P. City, Peshawar.  
Mr. Aziz ur Rehman, D&P (Investigation) City  
Peshawar.  
Mr. Karamat Shah, Inspector CIA, Peshawar.  
Mr. Fazal Kareem, Sub Inspector, P.S. Gulbahar  
Peshawar.  
Mr. Muhammad Ali, P.R.O. Governor Secretariat,  
Peshawar.

Date of hearing. 26.07.2006.

**ORDER**

**Iftikhar Muhammad Chaudhry, CJ.-** In this case  
Daily Express dated 26<sup>th</sup> of June, 2006, reported about the abduction  
(kidnapping) of two minor boys in an incident which took place on 24<sup>th</sup> of  
November 2005 when the minor children of Zahir Khan in uniform left for  
school but did not return after school hours. Therefore the parents and other  
relatives started their search but without any success.

2. It is to be noted that preliminary enquiry revealed that both the minors were kidnapped on their way to school. The accused involved in the commission of offence demanded ransom of Rs.50,00,000/- and also threatened the parents and relatives of the children not to involve police otherwise they will be done to death. Poor parents having left with no option, arranged an amount of Rs.48,00,000/- but the culprits declined to hand over the children for one reason or the other.

3. Under the circumstance, it was in the month of December, 2005, a case was registered at Police Station Gulbahar, Peshawar. The whole family remained disturbed as no progress was being made although the police officers / officials did their best. Representations/applications/complaints were sent by the parents and relatives of the abductees to different quarters but without any success. Ultimately, they got issued articles in the newspapers. One of the same appeared in the Daily Express, as noted hereinabove. On having taken note of the fact that under Article 9 of the Constitution of Islamic Republic of Pakistan, it is the question of life and liberty of the minors, suo moto jurisdiction was assumed on the basis of the material furnished in the Daily Express. In response to the same, Advocate General, N.W.F.P. was directed to appear along with the concerned police officers as well as to produce Bahadur Khan, Tehsil Nazim, Samarbagh, Lower Deer because in the article so published in Daily Express, it was mentioned that he was assisting the kidnappers.

4. Mr. Habib ur Rehman, CCPO, Peshawar along with his team appeared in response to the notice on the last date. He also produced Mr. Bahadur Khan. They were directed to effect the recovery of the minors safely in order to ensure guarantee to their life and liberty. The Secretary FATA was also directed to cooperate with the police.

5. Today, Additional Advocate General, NWFP and Mr. Habib ur Rehman, CCPO/DIG, Peshawar being the leader of the team appeared along with other officers namely Mr. Sher Akbar, SP City Peshawar, Mr. Aziz ur Rehman, DSP Investigation City, Peshawar, Mr. Karamat Shah Inspector CIA, Peshawar and Mr. Fazal Kareem, Sub Inspector P.S. Gulbahar Peshawar and produced the minors namely Nauman aged about 10½ years and Mohsin aged 5 years. Both are the students of 4<sup>th</sup> and prep class in Municipal College and School Wazirbagh, Peshawar. They stated that after passing of the order by this Court, they did their best to comply with the same and had not wasted even a single moment knowing well that the order of the Apex Court has to be complied with at any cost.

6. Mr. Habib ur Rehman, CCPO/DIG Peshawar informed that he had constituted teams to achieve the object and also involved the notables of the area and used his personal contacts as well being a police officer and ultimately with the cooperation of his team, some of them present in Court, succeeded in effecting the recovery of the minors who were detained in the area of "Asmar, Jalalabad", Afghanistan. Recovery of the minors was effected yesterday at about 5.00 p.m. He stated that the notables were engaged and they had crossed the border and brought both the minors in pursuance of the efforts which were made by the police and straightway they have come to Lahore for producing the minors in Court and showing the compliance of the order. Therefore, he could not prepare the report. C.C.P.O/D.I.G. is directed to prepare the report and send its copy to the Registrar as well as to the Secretary FATA and the Home Secretary of NWFP.

7. It is the duty of all executive authorities and judicial authorities throughout Pakistan to act in aid of Supreme Court under Article 190 of the Constitution, therefore, in discharge of such duty, the police

department of NWFP under the command of Mr. Habib-ur-Rehman, CCPO Peshawar had not only complied with the order but had shown great respect for enforcement of the Constitution knowing well that it is the right of both the minor children to live freely. The task accomplished by them would furnish a precedent for all other executive authorities for the purpose of complying the order of the Apex Court. The object which has been achieved by them was apparently very difficult, as according to their information, the minor boys were not kept in Pakistan but had been shifted to Afghanistan. Therefore, they have performed a job which otherwise had become impossible. Mr. Habib ur Rehman, CCPO along with his team who have been named hereinbefore, deserve encouragement and appreciation for performing the duty by using their professional skills and involving all other resources.

8. We are of the considered opinion that this is the job of a good police officer/officers to establish rule of law who has/have respect not only for the law and the Constitution but for the implementation of the orders passed by the Supreme Court. We would recommend to the Provincial Government to recognize their services in an appropriate manner as deemed fit under the rules and regulations. Copy of this order be sent to the Chief Secretary, NWFP with direction that he would further make recommendations/endorsements under his own handwriting along with this order to the Secretary Establishment for the purpose of keeping the same on record of the police officers. Similarly those police officers who belonged to the Provincial Cadre, their services would also be recognized by the Chief Secretary by placing copy of the same on their service record as well and according to rules on the subject.

9. Let copies of this order be sent to the Interior Secretaries and I.Gs of Police of all the four Provinces as also to the I.G.P. of Islamabad for information of all the executive authorities.

10. Zahir Khan father of the minors is present along with other relatives and stated that the custody of both the minors has been handed over to him. It appears that there is some business rivalry of Zahir Khan, therefore he deserves to be provided protection by the police department of NWFP according to requirement of law. Since the task has been accomplished successfully, therefore, no further action is called for. Petition stands disposed of accordingly.

✓ CHIEF JUSTICE

Lahore  
26.07.2006  
khuram

  
31/7/06

**APPROVED FOR REPORTING**

**IN THE SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

**PRESENT:**

**Mr. Justice Iftikhar Muhammad Chaudhry, CJ**

**Mr. Justice Tassaduq Hussain Jilani**

**Mr. Justice Karamat Nazir Bhandari**

**Human Rights Case No.13-L/2006**

(Complaint by Sheraz Mahmood Qureshi)

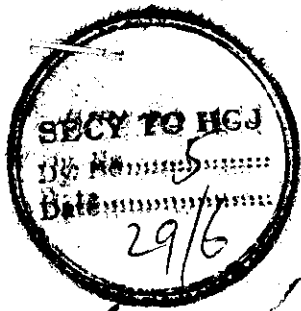
On Court notice.                      Mr. Muhammad Saeed Khan,  
Addl. AG, N.W.F.P.  
Mr. Habibur Rehman, CCP, Peshawar.  
Mr. Sher Akbar, S.P. City, Peshawar.  
Mr. Karamat Shah, I.O., Peshawar.  
Mr. Bahadar Khan, Tehsil Nazim,  
Samar Bagh, Lower Dir.  
Date of hearing                      18.7.2006

**ORDER**

Learned Additional Advocate General appeared along with Mr. Habib-ur-Rehman, D.I., G. Bahadar Khan, Tehsil Nazim is also present and pleaded that he is innocent. We are not concerned with the same because in the complaint which has been supported by an article, published in the newspaper, <sup>d</sup> Allegation of harboring the accused person have been leveled against him. However, D.I.G. stated that some time be given to him to effect the recovery of the abducted children. He also stated that Secretary, FATA be also directed to cooperate with police in accomplishing the task.

2.                      Order accordingly. Adjourned to **26.7.2006.**

Lahore  
18<sup>th</sup> July, 2006.  
Nisar



عزیزت مآب چوہدری صاحبہ

Put up this  
Case in court

السلام علیکم

آپ کا وجود عدلیہ میں تازہ ہوا کا حوصلہ  
آپ سے آتے سے بعد پورے ملک کے مظلوم، بے کس عدالتوں میں  
امید کی ایک نئی کرن نے کودٹ لیا ہے۔

اللہ کریم آپ کی جان، مال، عزت، آبرو کا محافظ ہو آمین  
روزنامہ ایکسپریس 26 جون 2006ء کا ایک ترانہ

خواتین کے لیے  
ہوتے سے ناطے ایک انسانی ہمدری سے تخت آپ کی ضرورت  
ہے۔

روزنامہ جنگ 24 جنوری 2006ء کا ایک صفحہ  
کھیلنے ارسال ہے۔

سپری آپ سے درد مندانہ درخواست ہے کہ روزنامہ ایکسپریس  
میں وطن عزیز سے نایاب ناز کا لم لگوار جاوید چوہدری سے کالم ضرور فرصت  
کے لمحات میں شہا کریں۔

تذکرہ منساؤں سے سائو

ڈاکٹر محمود قریشی  
مالیہ سیکرٹری

محترم جناب۔ افتخار چوہدری صاحبہ  
صیغہ جسٹس آف پاکستان

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