

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

MR. JUSTICE ABDUL HAMEED DOGAR, C.J.
MR. JUSTICE IJAZ UL HASSAN
MR. JUSTICE CH. EJAZ YOUSAF

H.R. CASE NO. 09 OF 2009

*(News Clipping published in Daily Khabrain,
Islamabad, dated 04.01.2009)*

For the complainant	Rizwan Qamar, Maternal Uncle of deceased
On Court Notice	Ms. Afshan Ghazanfar, AAG Punjab Mr. Dar Ali Khattak, SSP (Inv.) Gujranwala
Date of hearing	14.01.2009

ORDER

In pursuance to suo moto action taken on press clipping published in Daily Khabrain, Islamabad, dated 04.01.2009, a report has been submitted by Senior Superintendent of Police, Investigation, Gujranwala, wherein he has mentioned that FIR No.2 of 2009 was lodged under section 302/365/148/149 PPC on 2nd January, 2009 at P.S. Sabzi Mandi, Gujranwala, on the complaint of Saqib Ali, in which 10 police officials, namely, ASI Ehsan Ullah No.170/GWL, Constable Shārafat Ali No.78, Constable Ghulam Mustafa No.4171, Constable Adnan Abbas No.3581, Constable Muhammad Fayyaz No.4071, Constable Usman Ali No.3676, Constable Qasim Abbas No.3849, Constable Shahid Khalid No.2978, Constable Shaukat Ali No.3933 and Constable Naveed Ahmad No.332 are nominated as accused. The complainant has stated in the FIR that Muhammad Kashif, deceased, was forcibly taken out of his house and was taken to the police station where he was severely tortured and beaten and ultimately he expired in police custody.

2. In the report, however, it has been mentioned that deceased Kashif was firstly taken to the Civil Hospital, Gujranwala, from where he was referred to General Hospital, Lahore, where he expired on 2nd January, 2009. It is pertinent to note that the deceased was examined at General Hospital Lahore, where Head Injury was noted and it was also found that deceased was suffering from loss of conscious and massive intracerebral bleeding with extensive limb ventricles. However, postmortem was conducted by Medical Board comprising:-

- i. Dr. Ali Muhammad, M.S. Civil Hospital, Gujranwala
- ii. Dr. Riasat Ali, D.O. Health, Gujranwala
- iii. Dr. Saleem Ullah, Surgeon, Civil Hospital, Gujranwala
- iv. Dr. Cap. Nisar Ahmad, DMLO, Civil Hospital, Gujranwala

They have not shown any Head Injury but mentioned that there was no mark of external violence seen from head to toe except clotted blood in both nostrils. There seems to be apparent negligence in the investigation and also conduct of postmortem by the Medical Board as such we direct D.I.G. Gujranwala to entrust the investigation to an impartial and honest Police Officer. He is also directed to take appropriate action with regard to arrest of the above named police officials/accused.

3. Since material facts have been hidend by Mr. Dar Ali Khattak, SSP (Investigation), Gujranwala, in his report, therefore, copy of this order be sent to the Secretary Establishment for taking appropriate action against him.

4. The matter is adjourned to 26th January, 2009. All the members of the Medical Board, who have conducted postmortem are also directed to be present on the next date of hearing.

5. Rizwan Qamar, maternal uncle of deceased, states that a case has been registered against more than 100 persons on the allegation that they had blocked the road. I.O. of that case is also directed to be present on the next date of hearing along with record of the said case.

Islamabad
14.01.2009
(Zulfiqar)

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

MR. JUSTICE ABDUL HAMEED DOGAR, HCJ
MR. JUSTICE CH.EJAZ YOUSAF
MR. JUSTICE MUHAMMAD FARRUKH MAHMUD

Human Rights Case No.09 of 2009

*(Action on press clipping published in daily
Khabrain, Islamabad dated 04.1.2009)*

On Court notice Khawaja Haris Ahmed, AG Punjab
 Ms.Afshan Ghazanfar, AAG Punjab
 Mr.Dar Ali Khattak, SSP (Investigation), Gujranwala
 Dr.Ali Muhammad, MS Civil Hospital, Gujranwala
 Dr.Riasat Ali, DO Health, Gujranwala
 Dr.Saleem Ullah, Surgeon, Civil Hospital, Gujranwala
 Dr.Cap.Nisar Ahmed, DMLO, Civil Hospital, Gujranwala

Complainant Mr.Rizwan Qamar

Date of Hearing: 26.01.2009

ORDER

After going through the material brought on record, we feel it appropriate to direct Secretary (Health), Government of Punjab, Lahore to constitute Special Board consisting of following:-

1. Dr.Ghulam Shabbir, Surgeon Medico Legal, Punjab
2. Professor Tariq Jamil Mian, Head of Neuro Surgery, Mayo Hospital, Lahore,
3. Dr.Mian Abdur Rashid, Head of Forensic Department, Post Graduate Medical Institute, Lahore
4. Professor Khalid Aziz, Head of Forensic Department, Mayo Hostial, Lahore
5. Professor Safdar Ali Malik, Head of Radiology, Fatima Jinnah Medical College, Ganga Ram Hospital, Lahore
6. Dr.Muhammad Azhar, Professor of Cardiology, Punjab Institute of Cardiology, Lahore

to ascertain injuries and the cause of death after going through the medical certificate, post mortem report etc. The report should reach before next date of hearing. Adjourned for **10.2.2009**. All persons present in instant case are directed to appear on the next date of hearing.

ISLAMABAD:
26.01.2009
(Amir Sh.)

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

HUMAN RIGHT CASE NO.09 OF 2009

(Action on press clipping published in daily
Khabrain, Islamabad dated 04.01.2009.)

On Court Notice: Qazi M. Amin, Addl. A.G.
Mr. Dar Ali Khattak, SSP (Investigation), Gujranwala
Dr. Ali Muhammad, MS Civil Hospital, Gujranwala
Dr. Riasat Ali D.O, Health, Gujranwala
Dr. Saleem Ullah, Surgeon, Civil Hospital,
Gujranwala.
Dr. Cap. Nisar Ahmed, DMLO, Civil Hospital,
Gujranwala

For complainant: Mr. Rizwan Qamar

Date of hearing: 10.2.2009.

ORDER.

In pursuance of earlier order dated 26.01.2009 of this Court, report has been submitted by Special Medical Board, wherein it has been opined that no evidence of external injury was found on the body of deceased. The report is not satisfactory as in the certificates issued by the Senior Registrar, Department of Neuro Surgery Unit No.2 L.G.H, Lahore, head injury was noted and it was also found that deceased was suffering from loss of conscious and massive intracerebral bleeding with extensive limb ventricles.

2. Mr. Rizwan Qamar maternal uncle of the deceased, present in Court is also dissatisfied with the opinion of the Special Medical Board and requests for second opinion by some independent medical board. Let the documents submitted by Rizwan Qamar today in Court and the report of the Special Medical Board and other related documents be sent to Executive Director PIMS, Islamabad for constitution of three member Special Medical

Board for consideration. The opinion in this regard be submitted within 15 days positively, thereafter the case be relisted after notice to all concerned.

Islamabad, the
10.02.2009.

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.

Mr. Justice Ch. Ijaz Ahmed

Mr. Justice Mahmood Akhtar Shahid Siddiqui

HUMAN RIGHT CASE NO. 9 OF 2009.

(News Clipping published in Daily Khabrain,
Islamabad dated 4.1.2009).

In attendance:

Complainant: Rizwan Ahmed (uncle of the deceased)

On court notice: Ch.Khadim Hussain Qaiser, Addl. AG Pb.
Dr. Capt. (R) Ghulam Shabbir, Surgeon
Medicolegal (on behalf of Secy Health Punjab)
Dr.Ali Muhammad, M.S. Civil Hospital Gujranwala
Dr.Riyasat Ali, D.O. Health Gujranwala
Dr.Saleemullah Surgeon, Civil Hospital, Gujranwala
Dr.Capt.Nisar Ahmed DMLO Gujranwala

Capt. (R) Muhammad Shoaib, SSP Gujranwala
Mr.Dar Ali Khattak, DPO Mandi Bahauddin
Mr.Awais Ahmed, SP (City) /IO Gujranwala

Date of hearing: 06.07.2009

ORDER

Learned Additional Advocate General, Punjab has placed on record reports of medical board perusal whereof indicate that death of the deceased was result of Masive Spontaneous Brain Haemorrhage. Copies of the reports have been handed over to the complainant who requests for time to produce an expert as, according to his version, to conceal the death of Kashif, the police had adopted different devices otherwise he had not died natural death because he was in the custody of police from where he was taken to Hospital. Adjourned to 15.7.2009.

Islamabad, the
6th July, 2009
A.Rehman/*

18

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, C.J.
MR. JUSTICE MUHAMMAD SAIR ALI
MR. JUSTICE JAWWAD S. KHAWAJA

Human Rights Case No.9 of 2009

(News Clipping published in Daily
Khabrain, Islamabad dt.4.1.2009)

In attendance:

Complainant: Rizwan Ahmed (uncle of the decd)

On Court Notice: Ch. Khadim Hussain Qaiser, Addl. A.G.
Dr. Capt.(R) Ghulam Shabbir, Surgeon
Medicolegal (on behalf of Secy. Health Pb)
Dr. Ali Muhammad, M.S. Civil Hospital,
Gujranwala
Dr. Riasat Ali, D.O. Health Gujranwala
Dr. Saleemullah Surgeon
Dr. Capt. Nisar Ahmed DMLO

Cap. (R) Muhammad Shoaib, SSP
Gujranwal
Mr. Dar Ali Khattak,, DPO Mandi Bahuddin
Mr. Awais Ahmed, SP (City) I/O Gujranwala

Date of hearing: 15-07-2009

ORDER

We have considered the reports submitted by Medical Board, according to which it is not a case of unnatural death, therefore, no further action is called for. As such, H.R case is disposed of, leaving complainant to avail appropriate remedy before the competent forum. The instant case shall not influence the proceedings which the complainant wants to initiate on his own.

Islamabad, the
15th July, 2009
Nisar/*

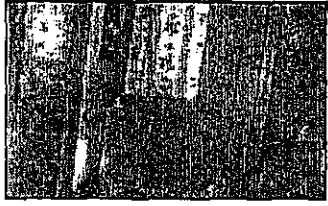
1/4-1-09

روزنامہ سہیل اسلام آباد
04-01-2009

HRC No-9/2009

گوجرانوالہ انسپکشن کے ہاتھوں نوجوان قتل کی تباہ کن بائبل اور لاء کی سرکٹ بائبل کی منتظر گواہی

سی آئی اے کے انسپکٹر خرم گل نے کاشف کو گرفتار کر کے تشدد سے مار ڈالا مقدمہ درج ہونے کے باوجود ہلکار آزاد کوا حقین کو دھمکیاں
ورٹاء سینکڑوں افراد کے ہمراہ سرکٹ بائبل بھیج گئے شدید نعرہ بازی پولیس نے مظاہرین کو انصاف کی فراہمی کی یقین دہانی کرا کے منتشر کروا



گوجرانوالہ (سی پورٹ) میں یوروٹاے این این سی آئی اے پولیس کے ہاتھوں نوجوان کاشف عرف گوشہ کے درجہ نے سرکٹ بائبل کے باہر زبردست احتجاجی مظاہرہ کیا۔ تشکیلات کے مطابق سرکٹ بائبل گوجرانوالہ میں دفائی وزیر خزانہ شوہر اشرف کاتوا صوبائی وزیر جیل خانہ جات عبدالغفور چودھری وزیر مملکت برائے سوامالت اشتیاز صفور و ذراغ کی آڈیر سی آئی اے سینکڑوں بائبل انسپکٹر خرم گل



سی آئی اے پولیس کے ہاتھوں ہلاک ہوئی لے کاشف کی نعش۔

سی آئی اے پولیس کی جانب سے توڑا گیا گھر کا دروازہ۔

کے ہاتھوں نوجوان کاشف عرف گوشہ کے درجہ نے سینکڑوں افراد کے ہمراہ احتجاجی مظاہرہ کیا اور پولیس کے خلاف نعرے بازی کی۔ مظاہرین نے سٹیشن سے ٹھٹھو کرتے ہوئے تباہ کن طرہوں کو کرنا توڑنا کیا تو ہم لوگ پھرتا پھرتا کر آگ لگائیں گے جس کی ذمہ داری پولیس پر عائد ہوگی۔ ایس بی سی رائے باہر اظہار حید نے مظاہرین کو یقین دہانی کرا دی کہ آپ لوگ ڈی آئی جی آفس بھیج جائیں ڈی آئی جی خود آپ کی بات سنی گئے۔ مظاہرین کا کہنا تھا کہ ہر ذرا لیل سینکڑوں بائبل آئی اے سٹاف کے انسپکٹر خرم گل نے سوبان چوری سے ڈرامہ میں بھ کاشف شیم جس کی آٹھ ماہ نکل ہی شادی ہوئی تھی کو گرفتار کیا تھا جو کہ سی آئی اے ٹانف کے شدید تشدد کے باعث ہلاک ہو گیا۔ پولیس نے مارچ کو چھانے کیلئے واقعہ کو غلط رنگ دینے کی کوشش کی اور یہ ڈرامہ دیکھا کہ کاشف کی موت برین ہیمرج کے باعث ہوئی ہے تاہم شہریوں اور دروازہ کے شدید احتجاج پر سبزی منڈی پولیس نے انسپکٹر خرم گل سمیت 9 اہلکاروں کے خلاف اغرار نکل کا مقدمہ درج کیا لیکن طرمان تامل آلود پھر رہے ہیں۔ ہمیں مسلسل دھمکیاں دی جا رہی ہیں۔ مظاہرین کو پولیس حکام نے یقین دلایا کہ ان کے ساتھ انصاف ہوگا۔

1/4-1-09

DyNo. 08/PRO/2009-SCP
Date: 09-01-09

09.01.09

Director (HR)

09/1/09

34