

ORDER SHEET

**IN THE LAHORE HIGH COURT,
BAHAWALPUR BENCH, BAHAWALPUR.**

JUDICIAL DEPARTMENT

W. P. No.1780 of 2024

Muhammad Saleem Vs. Regional Police Officer and five others.

S.No. of order/ proceeding	Date of order/ proceeding.	Order with signatures of Judge, and that of parties or counsel, where necessary.
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04.04.2024 Mr. Naeem Akhtar Gujjar, Advocate for the petitioner.
Hafiza Mehnaz Nadeem Abbasi, Assistant Advocate General, Punjab with Shahid Inspector.
Mr. Muhammad Sharif Bhatti, Advocate for the respondent No.6.

Through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the following prayer has been made:

“it is, therefore, humbly prayed that by accepting this writ petition, the impugned order dated 06.03.2024 passed by respondent No.1 may kindly be declared illegal, against the law & facts, perverse, arbitrary, fanciful and the same may very kindly be set aside.”

2. The brief facts of the case leading up to the filing of instant petition are that the case F.I.R No. 2748 of 2023 was registered at the Police Station City Lodhran, in respect of an offence under section 489F P.P.C. on the information of Muhammad Usman, the respondent No.6 and during the course of investigation of the case, an application was submitted by Muhammad Ramzan, the father of Muhammad Usman, for the change of the investigation before the District Standing Board, Lodhran, however, that application was declined after Muhammad Ramzan, the father of Muhammad Usman (respondent N.6), submitted an affidavit that they did not want to get the case investigated any further from the local

police. After the meeting of the District Standing Board, Lodhran, was held on 17.02.2024, the change of the investigation of the case F.I.R No. 2748 of 2023, was not recommended. Subsequently, Muhammad Usman, moved an application to the Regional Police Officer, Multan seeking the change of the investigation of the case F.I.R No.2748 of 2023 and after receiving the said application, the matter was placed before the Regional Standing Board, which after its meeting on 02.03.2024, recommended that the investigation of the case be indeed transferred. The instant petition has been filed against the order dated 06.03.2024, as passed by the Regional Police Officer, Multan, whereby the investigation of the case F.I.R No.2748 of 2023, registered at Police Station City, Lodhran, District Lodhran, was ordered to be changed in the light of the recommendation of the Regional Standing Board.

3. The learned counsel for the petitioner, *inter alia*, contended that the order dated 06.03.2024 passed by the Regional Police Officer Multan (respondent No.1) whereby the investigation of the case F.I.R No.2748 of 2023 registered at Police Station City Lodhran, District Lodhran has been changed, was liable to be set-aside being against the facts and the law; that the proper course for ordering the change of investigation was not followed prior to the passing of the impugned order.

4. The learned Assistant Advocate General, Punjab as well as the learned counsel appearing on behalf of the respondent No.6, have submitted that the order passed by the Regional Police Officer, Multan, was based upon facts and law applicable, therefore, no interference in the same was warranted.

5. I have heard the learned counsel for the petitioner, the learned Assistant Advocate General, Punjab, the learned counsel appearing on behalf of the respondent No.6 and have perused the record with their able assistance.

6. The procedure for the change of the investigation has been clearly narrated in the Article 18(A) of the Police Order, 2002, wherein it has been provided that the District Police Officer, after obtaining opinion of the District Standing Board and for reasons to be recorded in writing may transfer the investigation of a case to any other investigation officer and if the District Police Officer has decided an application for transfer of the case, the Regional Police Officer may, within seven working days of the filing of an application, after obtaining opinion of the Regional Standing Board and for reasons to be recorded in writing, transfer investigation of a case also. For ready reference the provisions of the Article 18(A) of the Police Order, 2002, Amendment Act, 2013 are reproduced as under:

"18A. Transfer of investigation.— (1) Within seven working days of the filing of an application, the Head of District Police may, after obtaining opinion of the District Standing Board and for reasons to be recorded in writing, transfer investigation of a case from the investigation officer to any other investigation officer or a team of investigation officers of a rank equal to or higher than the rank of the previous investigation officer.

(2) If the Head of District Police has decided an application for transfer of investigation, the Regional Police Officer may, within seven working days of the filing of an application, after obtaining opinion of the Regional Standing Board and for reasons to be recorded in writing, transfer investigation of a case from the investigation officer or a team of investigation officers to any other investigation officer or a team of investigation officers of a rank equal to or higher than the rank of the previous investigation officer or officers.

(3) If a Regional Police Officer has decided an application for transfer of an investigation, the Provincial Police Officer may, within thirty days of filing of an application, after obtaining opinion of a Standing Review Board, transfer investigation of a case to an investigation officer or a team of investigation officers of

a rank equal to or higher than the rank of the previous investigation officer or officers.

(4) A case under investigation with a District Investigation Branch may only be transferred to another officer or a team of officers of the District Investigation Branch, Regional Investigation Branch or Provincial Investigation Branch.

(5) For the purpose of this Article—

- (a) ‘District Standing Board’ means the District Standing Board constituted by the Head of District Police consisting of a Superintendent of Police as chairperson and two officers not below the rank of Deputy Superintendent of Police as members; 7 Inserted by the Punjab Police Order (Amendment) Act 2013 (XXI of 2013).*
- (b) ‘Regional Standing Board’ means the Regional Standing Board constituted by the Regional Police Officer consisting of a Superintendent of Police as chairperson and two Superintendents of Police as members;*
- (c) ‘Standing Review Board’ means the Standing Review Board constituted by the Provincial Police Officer consisting of a Deputy Inspector General of Police as chairperson and two officers not below the rank of Superintendent of Police as members; and*
- (d) reference to Head of District Police and Regional Police Officer in the case of Capital City District shall be construed to mean the Head of District Investigation Branch of the Capital City and the Capital City Police Officer, respectively.”*

In the present case, it was after the order of the District Police Officer, Lodhran, refusing to recommend the transfer of the investigation of the case F.I.R No.2748 of 2023, registered at Police Station City, Lodhran, District Lodhran that the respondent No.6 moved an application before the Regional Police Officer, Multan seeking the transfer of the investigation of the case. The said application of the respondent No.6 was placed before the Regional Standing Board and the Regional

Standing Board, in its meeting held on 02.03.2024, recommended the change of the investigation of the case and in the light of that recommendation , the Regional Police Officer, Multan, passed the impugned order dated 06.03.2024, whereby the investigation of the case was transferred and entrusted to the Regional Investigation Branch (RIB), Multan. The learned counsel for the petitioner has submitted that the earlier application submitted by Muhammad Ramzan, the father of Muhammad Usman (respondent No.6) to the District Police Officer, Lodhran, seeking the change of the investigation, was dismissed for the fact Muhammad Ramzan, the father of Muhammad Usman (respondent No.6) himself has submitted an application for the withdrawal of the said application, therefore, no second application for the transfer of the case could have been validly filed by Muhammad Usman (respondent No.6). In this regard, it is observed that the provisions of the Article 18(A) of the Police Order, 2002, Amendment Act, 2013 only speak of the authority of the Regional Police Officer to receive an application for the change of the investigation and place it before the Regional Standing Board, after the District Police Officer has decided an earlier application for change of the investigation and does not speak that what reasons should be there that the District Police Officer had decided the application before another application can be validly filed before the Regional Police Officer, seeking the transfer of the investigation. The provisions of the Article 18(A) of the Police Order, 2002, provide that after the District Police Officer has decided the application, the Regional Police Officer may, within seven working days of the filing of an application, after obtaining opinion of the Regional Standing Board and for reasons to be recorded in writing, transfer investigation of a case to another Investigating Officer. One of the cardinal rules of interpretation of statute is that the grammatical and ordinary sense of the words used by the Legislature in expressing its

intention is to be adhered to. If literal adherence to the words of any enactment appears to produce an absurdity or an injustice, it will be the duty of a Court, so interpreting, to consider the state of the law at the time the Act was passed with the view to ascertaining whether the language of the enactment is capable of another fair interpretation or whether it may not be desirable to put upon the language used, a restrictive meaning. The first rule of construing any enactment is to give the words their natural meaning and it is only if no reasonable result can be arrived at by giving the words their natural meaning that some other interpretation is permissible. The first and the safest principle of interpretation of statutes is to remain within the language of law and not going beyond the intendment. The language of the Article 18(A) of the Police Order, 2002 is very clear in its meaning therefore there is no need to read any words into the Article 18(A) of the Police Order, 2002. No particular reasons for the refusal of the application for the transfer of the investigation of the case by the District Police Officer, before an application can be submitted to the Regional Police Officer, have been mentioned in the Article 18(A) of the Police Order, 2002 and had the legislation intended to restrict the submission of an application to the Regional Police Officer, in a certain case after its dismissal by the District Police Officer, then the legislation would have used those words. The very fact that the legislation has not mentioned in the Article 18(A) of the Police Order, 2002 any particular reason for the refusal of the application for the transfer of the investigation of the case by the District Police Officer, the absence or presence of which reason for deciding an application by the District Police Officer would regulate the filing of an application of change of investigation before the Regional Police Officer, reflects that it had no intention to do so. As there was no legal bar restricting the filing of an application by the respondent No6 before the Regional Police Officer, Multan seeking the

transfer of the case F.I.R No.2748 of 2023, registered at Police Station City, Lodhran, District Lodhran after the order of the District Police Officer, Lodhran, refusing to recommend the transfer of the investigation of the case F.I.R No.2748 of 2023, registered at Police Station City, Lodhran, District Lodhran and as the Regional Police Officer proceeded in accordance with the law after receiving the application as submitted by the respondent No.6 ,no exception can be taken to the order dated 06.03.2024, as passed by the Regional Police Officer, Multan, whereby the investigation of the case F.I.R No.2748 of 2023, registered at Police Station City, Lodhran, District Lodhran, was ordered to be changed in the light of the recommendation of the Regional Standing Board.

7. In view of the above discussion, this petition being meritless, is dismissed.

**(SADIQ MAHMUD KHURRAM)
JUDGE**

APPROVED FOR REPORTING

JUDGE

Rashid