

6-2

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

CASE NO.: WRIT PETITION NO.2271/2012

MUHAMMAD SHAKEEL

APPELLANT
PETITIONER

VERSUS

ABID ZULFIQAR, ETC.

RESPONDENT
DEFENDANT

Appeal/revision against the decree or order (as the case may be) of _____

SERIAL NO. OF ORDER OF PROCEEDINGS	DATE OR ORDER OF PROCEEDINGS	Order with signatures of judge, and that of parties or counsel, where necessary.
1	2	3

16.10.2012 Mr. Rashad-ul-Musawar, Advocate for
petitioner alongwith petitioner.
Mr. M. Shahid Kamal Khan, Advocate for
respondent along with respondent No.1.
Mr. Javed Iqbal, learned standing counsel.
Liaqat Ali, S.I, Javed Iqbal, ASI.

Petitioner invoked the constitutional
jurisdiction of this court by way of filing
instant writ petition with the following prayer:-

*"Whereof it is respectfully prayed that the orders
of both the learned lower courts may kindly be
set aside and the Vehicle may graciously be
handed over to the petitioner. Further it is
prayed that strict action may kindly be initiated
against the corrupt SHO and IO of Police Station
Kohsar for the gross professional misconduct.
Any other relief that appears just and
appropriate may also be awarded to the
petitioner with costs."*

2. Since the instant petition emerged out
of the proceedings commenced from action
incorporated vide rupt number 28, dated
23.02.2012, therefore, contents of same are

Before dilating upon the issue, it would be in the fitness of things, to reproduce the provision of Section 550 from the statute of Cr.PC.

550. Powers to Police to seize property suspected to be stolen:- *Any police officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence. Such police officer, if subordinate to the officer in charge of a police station, shall forthwith report the seizure to that officer.*

Authority exercised by Sub-Inspector, Liaqat Ali, on face of it, appeared not only to be arbitrary, motivated, unprecedented but result of irrelevant considerations. This court astonished to note that in ICT, Police Officials contribute or facilitate the commission of offence, instant matter is no exception. A man of ordinary prudence can understand the reason of taking the vehicle into possession, under section 550 Cr.PC and it's delivery to complainant of case FIR No.510. It is painful to observe that learned courts below while passing the impugned orders of "Superdari" failed to note the mannerism in which vehicle was brought to the police station. It tantamounts to encourage the commission of offence and defeating the due process of law. Complainant of the case of FIR No.510 dated

17.10.2011, infact **“hired”** the services of Sub-Inspector, Liaqat Ali, with the object to snatch the vehicle at the gun point, in uniform. I believe that said police official achieved the target on the behest of top archalan of ICT Police. This observation is being substantiated from the inquiry report submitted on behalf of IG Police ICT. It is beyond comprehension that officials of ICT police, can call any action as lawful, which on face of it speaking loudly about its illegality and regarding which even this court had observed.

It is the case of the complainant of FIR No.510, himself that he exchanged the vehicle and also received cheques of Rs.9,50,000/-. For all practical intent and purposes, it was a concluded agreement and if there was any violation, the complainant was supposed to approach the court of competent jurisdiction but unfortunately complainant, instead of proceeding on legal premises, opted to violent and shameful act of entering into deal with police official' who as observed proceeded in the matter as “ruffian” instead of custodian of law. Such type of police officials are not entitled to wear the uniform of police who play havoc with the process of law. It is worthy to

10-9

mention that, infact vehicle in question was taken into possession by the police official from showroom of petitioner which act is illegal, without jurisdiction, unprecedented and offensive to his rights. Therefore, the orders passed by the courts below are set aside/quashed. Respondent/superdar of the vehicle has been directed to hand over the custody of vehicle to S.I, Liaqat Ali who has further been directed to deliver it to the petitioner with a consequence as if vehicle was never taken into possession u/s 550 Cr.PC. However, this is without prejudice to the rights of the either of the parties which they may enforce through court of competent jurisdiction.

Copy of this judgment may also be sent to Secretary, Ministry of Interior and I.G Police, ICT.

(SHAUKAT AZIZ SIDDIQUI)
JUDGE

Approved for Reporting.

"Waqar Ahmed"

Blue slip added