

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
(JUDICIAL DEPARTMENT)

W.P no. 1368 of 2021

Jehandad Ali Khan

Versus

The state, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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25.01.2022

Mr. Shams Iqbal, Advocate for the petitioner.
Mr. Asad Ullah Taimoor, learned State counsel.
M. Riaz Noon ASI, police station, Noon.

Reference the earlier order of this Court dated 10.01.2022, learned State counsel along with police officials appearing states that the inquiry report dated 02.12.2019 by the In-charge IAU was not available to the investigation officer at the relevant time. He admits the error and states that this inquiry report should have been placed before the learned *ex-officio* Justice of Peace while taking the decision impugned in this writ petition. Therefore, it stands established that the learned *ex-officio* Justice of Peace did not have an important item of evidence laid before her while deciding the sections 22A/B Cr.PC application in question, when it was the State's responsibility to ensure that the said inquiry report was brought to the attention of the learned *ex-officio* Justice of Peace. It is quite obvious to me that the decision impugned in this case needs to be revisited in light of the said inquiry report.

2 Learned counsel for the petitioner emphasised that a material page of the inquiry report was withheld earlier which he had obtained after great efforts and which ought to be part of the inquiry report when considered by the learned *ex-officio* Justice of Peace. He can draw the attention of the learned *ex-officio* Justice of Peace to that specific page while appearing before her.

3 The matter is hereby remanded to the learned *ex-officio* Justice of Peace to hear the petitioner with specific

attention to the said inquiry report and to pass an order on the petitioner's application under section 22 A/B Cr.P.C. which shall be deemed pending and to pass an order thereon within two weeks from today.

4 This petition is accordingly **disposed of**.

(SARDAR EJAZ ISHAQ KHAN)
JUDGE

Rana.M. Ift