

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

**Writ Petition No. 146 of 2020**

Wasiq Nazir  
**Vs**  
Superintendent Central Jail Adiala, Rawalpindi etc

Date of Hearing:	15.07.2020
Petitioner By:	None.
State By:	Mr. Zohaib Hassan Gondal, State Counsel.

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**Ghulam Azam Qambrani, J:** This writ petition has been filed with the following prayer:-

*"It is most respectfully prayed that the instant petition may please be accepted and the act of the respondents 1 & 2 may graciously be declared illegal, unlawful, unconstitutional without any lawful justification and against the fundamental rights of the petitioner guaranteed by the Constitution of Islamic Republic of Pakistan in the interest of justice.*

*"It is further prayed that respondent No.1 may graciously be directed to immediately shift the petitioner from High Security Barracks (HSB) to Normal Death Cell in Central Jail, Rawalpindi and the said respondent may please also be directed to get medically check-up the petitioner through the Medical Board of PIMS, Islamabad and for proper treatment of the petitioner in the interest of justice.*

*Any other relief which this Hon'ble Court deems fit and proper may also be granted to the petitioner."*

2. Brief facts of the case are that the petitioner was tried by the Court of learned Addl. Sessions Judge-III (East), Islamabad, in case F.I.R No.504/2010 dated 17.10.2010, offence under Sections 302 & 34 PPC, registered at Police Station Shahzad Town, Islamabad, and was convicted under Section 302 (b) PPC as Tazir and sentenced to death with compensation of Rs. 50,000/-, in default whereof, to further undergo six months simple imprisonment. Reference for confirmation of death sentence awarded to the petitioner was to sent to this Court, which was

numbered as Murder Reference No. 08/2015, which is still pending adjudication. Being aggrieved, the petitioner filed Criminal Appeal No.77/2015. The respondent No.1 after awarding of conviction and sentence shifted the petitioner to Death Cell.

3. It is stated in the petition that the petitioner was in normal death cell but respondent No.1 illegally and unlawfully now has shifted to High Security Barracks (HSb) due to which the petitioner has become psycho patient; that respondent No.1 in connivance with respondent No.2, is forcibly giving medicines of their choice; that his health is becoming bad day by day due to non-availability of proper medicines for the disease of the petitioner. Further stated that act of respondents 1 & 2 is totally illegal, unlawful and without jurisdiction and requested to shift him to Benazir Bhutto Hospital, Rawalpindi for his medical treatment through a medical board and also requested that a direction be issued to respondent No.1 to immediately shift him from High Security Barracks to Normal Death Cell in Central Jail, Rawalpindi.

4. A report was called from the respondents, the same has been received. According to the said report, it is submitted by the Superintendent Central Jail, Rawalpindi that conduct of the petitioner during confinement in the jail has been observed to be extremely unsatisfactory. He remained involved in unlawful and objectionable activities. Further submitted that he has been warned several times to mend his conduct and behaviour, but there was no improvement. The report further reveals that the petitioner was also examined by the Medical Officer of the Jail who furnished the following report:-

*"It is submitted that the un-confirmed condemned prisoner Wasiq Nazir s/o Nazir was examined by me today on 02.03.2020, he has history of decreased sleep for which appropriate symptomatic treatment was provided. However, at present the above said un-confirmed condemned prisoner is vitally stable and well orientated in time, place and person.*

.	BP=	120/80 mmHg
.	Pulse=	72/min
.	Temp=	98 F
.	Respiratory Rate=	15/min

. Chest= Clear  
. CVS= Heart Sounds Normal

*All vital signs are normal and his health condition is satisfactory at the moment."*

5. In view of what has been discussed above, this petition having no force is hereby dismissed.

~~(Ghulam Azam Qambrani)~~  
Judge

Announced in Open Court, on this 16<sup>th</sup> day of July, 2020.

Judge

S.Akhtar