

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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21.01.2022	Mr. Shams Iqbal Khattak, Advocate for the petitioner. Mr. Asad Ullah Taimoor, learned State counsel. Habib Dar- Inspector, Police Station Sector I-9. Rafee Ullah Sub-inspector, Police Station Kohsar. Muhammad Riaz Noon, Assistant Sub-Inspector, Police Station Abpara.
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Matter partially heard. Now to come up for appropriate orders on 25.01.2022.

(SARDAR EJAZ ISHAQ KHAN)
JUDGE

Imran

Learned State counsel along with police officials appearing states that the inquiry report was not available to the investigation officer at the relevant time. Admits the error and states that this inquiry report should have been placed before the learned Justice of Peace while taking the impugned decision. Therefore, stance established that the learned Justice of Peace did not avail the benefit of an important item of evidence in deicing the sections 22A/22B Cr.PC application before it when it was State's responsibility to ensure that the said inquiry report was brought to the attention of the learned Justice of Peace. It is quite obvious to me that the decision impugned in this case needs to be revisited in the light of said inquiry report.

2 Learned counsel for the petitioner emphasis that a material page of State's inquiry report when missing earlier and he had obtained it after great efforts which ought to be part of the inquiry report when considered by the Justice of Peace and he can ensure that while appearing before the Justice of Peace on this matter being reconsidered by him.