

**IN THE SUPREME COURT OF PAKISTAN**  
(Original Jurisdiction)

**PRESENT:**

**MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, C.J.**

**MR. JUSTICE GHULAM RABBANI**

**MR. JUSTICE KHALIL-UR-REHMAN RAMDAY**

**Suo Moto Case No. 14 Of 2010**

*(Action taken on news regarding  
murder of two young brothers by a  
mob in Sialkot in presence of Police)*

On Court Notice	Kh. Haris Ahmad, Advocate General Pb. Ch. Khadim Hussain Qaiser, Addl. AG Pb. a/w Mr. Mushtaq Ahmed Sukhera, Addl. IGP, Maj. (R) Mubasharullah, Principal PTS Mr. Abdur Razzaq Cheema, S.P./PPO Malik Tassadaq Hayat, SP, Spl. Br. Gujranwala Malik Fayyaz Ahmed, DSP Sambrial Mr. Bilal Ahmed Kamyana, DPO Sialkot Mr. Nasir Qureshi, S.P. (Investigation)
On Court's Call	Hafiz Imran, District Reporter Sialkot, Dunya News
Date of hearing	01.09.2010

**ORDER**

Mr. Kazim Ali Malik, D.G. Anti Corruption Establishment, Government of Punjab, who was directed to conduct inquiry in the incident of brutal murder in reckless manner of two young boys Mughees Sajjad and Munib Sajjad, has submitted a report. A thorough inquiry has been conducted and he formulated questions in the light of the available material and attending circumstances of the case. After deliberation based on evidence recorded during process of inquiry question-wise opinion expressed by him is as follows:

**Question – I**

**Whether Shaukat Ali Bhatti, complainant put  
forward unadulterated version while lodging  
FIR No. 437/2010?**

**Answer:**

For the aforesaid reasons I feel no difficulty in concluding that Shaukat Ali, complainant and the police reshaped the incident. In case Mughees and Muneeb were armed with pistols with which they fired at Bill, deceased and his companions then what was the necessity to fabricate the recovery of pistols against them.

**Question – II**

**Whether Zarrar Butt, complainant of cross case could justify presence of his nephews, Mughees Sajjad and Muneeb Sajjad at the spot at relevant time?**

**Answer:**

This issue can only be resolved by analyzing and scrutinizing the evidence of both the sides with the yard stick of trial court.

**Question – III**

**Whether Mughees Sajjad and Muneeb Sajjad the two deceased brothers were robbers and criminals?**

**Answer:**

I am not in a position to certify that Mughees Sajjad (18) and his brother Muneeb Sajjad (15) possessed angelic character. They might have committed some wrongs during their life time intentionally, unintentionally, innocently or even foolishly without realizing the enormity of their wrongs but in the given circumstances it can be safely said that they were not robbers/dacoits/hardened criminals, particularly when not a single case of mobile snatching or any other crime had ever been registered or reported against them during their life time.

**Question – IV**

**Whether the Sialkot police failed to discharge legal obligations and contributed towards the second part of the incident in which Mughees Sajjad and Muneeb Sajjad had been killed publically on highway?**

**Answer:**

I am of the considered view that all the police officers and officials present at the spot contributed towards the killings of two brothers. Whether the presence of the police officials at the spot like silent spectators amounts to an overt act on their part or an abetment of the offence is left to the judgment of the trial Court.

**Question – V.**

**Whether Shehen Shah Bukhari, SI/first investigator of the incident and Dr. Mohammad Farooq, post mortem examiner destroyed and suppressed medical evidence about the murder of two brothers?**

**Answer:**

Shehen Shah Bukhari, SI/Investigator and the postmortem examiner concealed and suppressed the brutal violence and recorded their respective reports as if both the deceased persons suffered a few injuries. The doctor and the investigator are liable to face the legal consequences for having destroyed and suppressed medical evidence in support of the charge of murder on two counts. I propose that both the dead bodies of Mughees and Muneeb may be exhumed and re-examined by a board of senior doctors well versed in

medical jurisprudence and enjoying good repute, failing which ocular account furnished by eye witnesses would remain uncorroborated.

**Question – VI**      **Whether the rescue workers attached with rescue station located at the spot did not perform their duty qua the incident under inquiry?**

**Answer:**      The rescue workers initially discharged their duty honestly and passed on information of the incident to the police promptly. Later on, they mortgaged their legal functions and duties to the crowd and the local police.

2.            The above report was received in a sealed cover which has been opened in front of Advocate General, Punjab, and conclusion drawn by Mr. Kazim Ali Malik, author of the report has been reproduced hereinabove. As the case relating to the incident of murders of two brothers in Sialkot seems to be of its own nature which is evident from the contents of the report and other material, while exercising restraint, the question of involvement or otherwise of the accused persons we leave this issue for further investigation by the police. Copy of the report has been handed over to the Advocate General. Additionally, it being a report of importance which has highlighted all necessary aspects of the case, therefore, it is ordered to be made public. In this behalf, the Home Secretary, Punjab, shall publish its important aspects in the newspapers but it would not cause prejudice in any manner to the case of the accused persons.

3.            D.P.O. has also submitted a report. According to him the same is based upon the deliberations and considerations undertaken by a Joint Investigation Team (JIT) headed by Mr. Mushtaq Ahmed Sukhera,

Additional I.G. Police as Convener and Major (R) Mubashar DIG (Commandant PTS Shoongh), Mr. Abdur Razzaq Cheema SP, Special Branch, Gujranwala Region and Malik Fayyaz Ahmed, DSP, Sambrial, as Members of JIT, in response to direction of this Court, whereby police was allowed to continue with the investigation without being prejudiced by the present proceedings as well as the inquiry which has been ordered to be conducted. Contents of report indicates that 17 persons, namely, Jamil alias Jeela Faqir s/o Allah Rakha, Qaiser @ Mooda s/o Ahmed Ali, Hassan Raza s/o Mukhtar Ahmad, Jamshed @ Cheeda s/o Shaukat Ali, Muhammad Ikram s/o Muhammad Rasheed, Muhammad Asghar s/o Munir Ahmed, Rashid s/o Liaqat Ali, Nadeem Hussain s/o Shukar Din, Muhammad Iqbal s/o Sardar, Sarfraz Ahmed s/o Muhammad Safdar, Amin s/o Muhammad Ashraf, Muhammad Waris s/o Muhammad Hussain, Asghar Ali s/o Ahmed Ali, Shams Ali s/o Ghulam Ali, Ali Peter s/o Altaf, Ateeb @ Nosha s/o Arshad, Awais s/o Abdur Razaq being civilian and ten police officials including Waqar Ahmed Chohan, former DPO, Sialkot, prima-facie, seem to be involved, therefore, they have been arrested. According to Mr. Sukhera investigation is going on, and on completion of the same, challan shall be submitted before the Anti-terrorism Court under the Anti-terrorism Act, 1997. Four of the accused persons, namely, Rana Muhammad Ilyas, Inspector/former SHO, Waris Ali, ASI, Tariq Mehmood and Mubarik Ali, constables are said to have not been arrested so far and that efforts are being made to cause their arrest. D.P.O. Sialkot, Mr. Bilal Ahmed Kamyana, is hereby directed to cause their arrest without any further delay and submit report tomorrow. Let the police complete the investigation and collect evidence and challan be submitted before the Court in accordance with law. Report shall also be sent to the Registrar of this Court for our perusal. The disposal of the case shall be ensured expeditiously in view of the judgment of this Court in the case of sh. Liaquat Hussain and others v. Federation of Pakistan through Ministry of Law (PLD 1999 SC 504).

4. Mr. Nasir Qureshi, SP Investigation, who, according to him, has recently been posted as In-charge of the Investigation of F.I.R. 437/2010, when inquired about the nominated accused persons, could not answer satisfactorily except saying that no one was nominated as the accused in the commission of offence nor any supplementary statement was recorded by the complainant, that there is no mention in the case diary about the involvement of Mughees Sajjad and Muneeb Sajjad and according to him after 19<sup>th</sup> August, 2010 no further case diary has been written by the I.O. This clearly indicates carelessness on his part knowing well the importance of the incident which has brought bad name to the police department as well as in the civilized society of this country. Therefore, we direct learned Advocate General Punjab, who is present in Court, that he should take steps that the investigation of this case be also handed over, if permissible under the law, to the same Investigating Team which has been appointed to investigate the case F.I.R. No.449 of 2010. In this behalf, he shall submit a report by tomorrow.

5. During hearing it transpired that Hafiz Imran who had spread the information/news about the incident is present in Court. He is District Reporter Sialkot of TV Channel "*Dunya News*" and had prepared the film of the whole incident. On the basis of his information the news of incident spread on all the TV Channels, and the matter also came into the notice of this Court. Although the proceedings were initiated on the footage being shown by the "*Geo News*", it was on account of his bold acts and courage the footage was telecast through his channel as well. He has now been injured by unknown persons with injuries on his right arm as is evident

from his presence in the Court. We appreciate the courage which he has shown and at the same time we direct the DPO, Sialkot that necessary protection be provided to his person and his family and the persons who are responsible for causing him injury and the one who has threatened him, shall be dealt with in accordance with law.

6. It has also been informed that PPO Punjab at the same time has initiated departmental action against the official/officers of police department, prima-facie, who are involved in the incident. Adjourned to **2<sup>nd</sup> September, 2010.**

Chief Justice

Judge

Judge

Islamabad  
01.09.2010  
*Zulfiqar*