

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

Present

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Khilji Arif Hussain
Mr. Justice Tariq Parvez

**CONST. PETITION NO. 77 OF 2010 &
H.R.C. NOs.13124-P, 40303-P, 40220-G AND
43103-B OF 2011 AND C.M.A NO.42-43 OF 2012.**

President Balochistan High
Court Bar Association Petitioner.

Versus

Federation of Pakistan and others Respondents.

For the petitioner : Nemo.

On Court Notice : Mr. Shafi M. Chandio, DAG.

For Govt. of Balochistan: Mr. Amanullah Kanarani, AG.
Muhammad Tariq, SP City Quetta.

For M/o Defence, FC & IB: Nemo.

Date of hearing : 17.04.2012.

ORDER

On 06.04.2012, it was brought to the notice of the Bench of this Court functioning at Quetta by one Ms. Rukhsana

Baloch that his brother Dr. Naseer Ahmed and his friends namely Akhtar Langoo and Abdul Hafeez Rodiani are missing since 03.04.2012. Accordingly, the IGP/PPO Balochistan was directed to recover these persons and produce them before the Court. The IGP promised for their production in Court on 10.04.2012 but he failed to do so; however, stringent directions were issued by this Court to the IGP as well as the Acting SP Operations, Quetta for recovery and production of above named persons.

We may point out here that this Court is *prima facie* of the view that without identification by the Police and Levies Force or any other such like source, it is not possible for any of the agencies, if at all they want to pickup a person;

2. However, today Mr. Amanullah Kanarani, learned Advocate General Balochistan has appeared along with Mr. Muhammad Tariq, Acting SP Operations, Quetta City and states that in compliance of directions of this Court, all the three persons i.e. Dr. Naseer Ahmed, Akhtar Langoo and Abdul Hafeez Rodiani have been recovered as they at their own had reached to their houses; according to him in this behalf they have also got recorded their statements under Section 161 Cr.P.C. recorded by SHO, Police Station Jinnah Town, Quetta; copies of the same have been placed on record; all these statements are

stereo type in nature, however, one of the same is reproduced hereinbelow for the sake of convenience:-

بیان بمشاعر زیر دفعہ 161 ض ف

مقدمہ فرد 29/2012 مجرم زیر دفعہ 34-365 ت پ پولیس تھانہ جناح ٹاؤن، کوئٹہ
بیان ازان حفیظ اللہ ولد محبت اللہ قوم رو دینی سکنہ حال پتینی روڈ کوئٹہ نے دریافت پر بتلایا کہ
میں مندرجہ بالا پتہ پر رہائش پذیر ہوں مورخہ 03 اپریل 2012ء کو اپنے دوستوں ڈاکٹر نصیر
احمد اور اختر لنگو کے کئی اسماعیل ہوٹل پر چائے پینے گئے بوقت تقریباً 7 بجے کے قریب مجھے
دوستوں سمیت نامعلوم افراد اٹھا کر لے گئے اور آج مورخہ 16-04-2012 کو چھوڑ دیا
اور میں بخیریت اپنے گھر پہنچ گیا میں نے اپنا علیحدہ قلمی بیان بھی پولیس کو دے دیا ہے۔
بس میرا اس قدر بیان ہے۔ 16-04-2012

Sd/

Station Investigation Officer
Police Station Jinnah Town
Quetta

The above version could not be accepted to be true unless it is testified by the Police authorities because it remains *prima facie* duty of the Police and Levies to provide protection to the life and security to the citizens in urban and rural areas in terms of Article 9 of the Constitution of Islamic Republic of Pakistan.

3. Similarly, on the last date of hearing seven persons were found missing from the area of Saryab (Quetta); however, they have also been recovered by the police and it is alleged that they were picked up by the agencies but to establish this

assertion, no evidence/proof has been furnished nor anybody is willing to disclose the name of the agencies because we have enquired from the police but they, as usual, express their inability in this regard. Be that as it may, the Advocate General Balochistan is directed to produce these persons in Court on the next date of hearing at Quetta.

4. The learned Advocate General further states that remaining directions issued by this Court on 5th and 6th April, 2012 and subsequent thereto shall be complied with; therefore, some time be allowed to do the needful before the next date of hearing.

We may reiterate here that it is the duty of the Provincial as well as Federal Government to maintain law and order and to provide security to the life and property of the citizen being subject of the Constitution. The situation, which is prevailing in the Province of Balochistan, as already explained in our earlier orders, needs special interest and attention of both the Governments i.e. Provincial and Federal. Copies of the orders dated 5th and 6th April, 2012 have already been sent to both the Governments but no response so far has been received either from the Federal Government or the Provincial Government; however, since the learned Advocate General has requested for time to comply with the directions contained in the said orders,

therefore, the case is adjourned to **30.04.2012**. Copy of this order be also sent to all concern as per directions contained in order dated 13.04.2012 (para-7).

CJ.

J.

J.

Islamabad,
17.04.2012.
Irshad Hussain /*