

Form No:HCJD/C-121

ORDER SHEET
IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Case No Crl. Misc. No.71279-H/2017

Mazhar

VS

SHO, etc.

S.No. of order/ proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of parties or counsel, where necessary
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15.09.2017

Mr. Luqman Ayub, Advocate for petitioner.
Mr. Azhar Hussain Malik, A.P.G. with Tahir, SI.

Pursuant to order dated 14-9-2017, Tanvir, Bilal and Mohsin Ali, hereinafter referred to as the detenues, are before the Court; trauma is writ large on their faces and reasons are not far to seek. According to report dated 15-9-2017 submitted by the bailiff of this Court, they were found in captivity at 3:00 p.m. on 14-9-2017 at Police Station Garh District Faisalabad without their arrest incorporated in the online daily dairy. Upon query, one of the detenues, namely, Tanvir disclosed to the bailiff that they were being kept at the police station for preceding 12 days; alleged torture as well. The bailiff was denied access to the police file on the ground that same was being held by the Investigating Officer, gone outside the police station to carry out a raid. Position taken by the Station House Officer is far from being plausible; he has admitted that the detenues were not named in the crime report; according to him, they were arrested on the basis of statements of two witnesses, who claimed to have overheard them in a makeshift countryside hotel while discussing their guilt with each other; the story requires a pinch of salt and even the learned Assistant Advocate

General Punjab is not in a position to support him in his attempt to hoodwink the Court. The detenues are ordered to be released forthwith; they shall, however, furnish personal bonds in the sum of Rs.100,000/- each with one surety each in the like amount with Deputy Registrar (Judicial), pledging surrender before the learned Sessions Judge Faisalabad on or before 25-9-2017; default shall consequence into forfeiture of the bonds. A copy of this petition along with bailiff's report be transmitted to City Police Officer Faisalabad; he shall remind himself that as a functionary of the State, paid by the public exchequer, he owes it to the taxpayers to ensure that they are dealt with under Due Process of law and not by the appalling horrors of brazen authority. No one is above the law and so are the police officials, therefore, the City Police Officer shall hold an inquiry into alleged illegal detention as well as torture. Needless to observe that in case police officials are found at fault, they shall be proceeded against. The City Police Officer shall share the contemplated action against the delinquents, if any, with the Deputy Registrar (Judicial) before fall of the month.

(Qazi Muhammad Amin Ahmed)
Judge

Approved for Reporting