

**JUDGMENT SHEET**  
**PESHAWAR HIGH COURT, PESHAWAR**  
**JUDICIAL DEPARTMENT**

**Writ Petition No.4708-P/2017**  
**With Interim Relief**

**JUDGMENT**

Date of hearing.....22-11-2017.....

Petitioner: (Sharifan Bibi through her mother Khurshid Bibi) by Qazi Muhammad Anwar, Advocate.

Respondents:(Government of Khyber Pakhtunkhwa and others) by Mr.Abdul Latif Yousafzai, Advocate General, Khyber Pakhtunkhwa alongwith Falak Nawaz, ASI.

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**YAHYA AFRIDI, C.J.-** Petitioner, seeks the constitutional jurisdiction of this Court, praying that:-

*“It is, therefore, prayed that directions be issued to :-*

- i. Respondents 1 to 3 to ensure protection and security of petitioner and her family so that their lives are protected in accordance with command of the Constitution.*
- ii. Respondents 3 and 4 to submit weekly progress report of the investigation to the High Court so as High Court can satisfy itself that investigations are fair and free from influence.*
- iii. Respondents 3 and 4 to include Rehmatullah son of Saeedullah in the FIR as an accused adding offence of making video in the FIR and further directions to police authorities to recover video from the possession of*



*Rehmatullah or anyone else to whom he might have been handed over the same so as misusing of video is avoided.*

- iv. *Revenue authorities be directed to suspend absconder Sajawal Patwari.*
- v. *Such other relief as may be deemed proper."*

2. The respondents were put to notice, and the worthy Inspector General of Police, Khyber Pakhtunkhwa was directed to submit his response in writing to the prayers sought in the instant petition.

The same was responded in terms that;

***"Prayers:-***

1. *The first prayer of the petitioner is not tenable as the respondents have already provided security cover to the complainant party. As pointed out in reply to para-8 that security has been provided to the complainant party vide office order No.27768 dated 02.11.2017 and No.3293 dated 03.11.2017. Special guards of 1-HC and 3-FC under the supervision of Noorzali Khan Inspector have been detailed for the security of complainant party. Therefore, prayer No.1 of petitioner is infructuous.*
2. *The investigation is being monitor and supervised on daily basis by the senior officer. The accused are produced before the Court on their arrest and respondents are also ready to submit progress report to the Honourable High Court through Registrar.*
3. *Necessary directions have been issued to the investigation team to conduct investigation with regard to accusation of Rehmat Ullah and recovery of the video from the possession of Rehmat Ullah if any.*

4. *Under the law and rules a civil servant when committed to judicial lockup automatically becomes suspended. Anyhow, necessary departmental action will be also ensured.*

*It is, therefore, prayed that the petition of petitioner may be disposed of as the same is premature at this stage, not maintainable, without any merit, substance, and force."*

3. When the worthy counsel for the petitioner was confronted with the response of the worthy Inspector General of Police, Khyber Pakhtunkhwa, he was satisfied with the efforts made by the respondent-Government, and in particular, the worthy Inspector General of Police, Khyber Pakhtunkhwa and urged him to ensure that the justice is not only done but shown to have been carried out, without any *bias, fear or discrimination.*

4. No doubt, Courts, more particularly a Constitutional Court, ought not to interfere in investigation process, which is exclusively the domain of the Investigation Agency, as provided under the enabling provisions of Criminal Procedure Code, 1898 ("Cr.P.C"). However, in the peculiar circumstances of the case, this Court directs the worthy Inspector General of Police, Khyber Pakhtunkhwa to ensure that the investigation in the instant case be carried out in a timely manner as



provided under the enabling provisions of Criminal Procedure Code, 1898. And in particular, the progress report of the investigation be submitted by the worthy Inspector General of Police, Khyber Pakhtunkhwa to the Director, Human Rights Cell, Peshawar High Court, Peshawar, for the perusal of the Chief Justice in his Chambers.

Accordingly, this writ petition is disposed of, in the above terms.

Dt.22-11-2017.

  
CHIEF JUSTICE

  
JUDGE

F.Jan/\*

(DB) Hon`ble Mr.Justice Yahya Afridi, Chief Justice  
Hon`ble Mr.Justice Syed Afsar Shah, Judge.