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IN THE SUPREME COURT OF PAKISTAN  
(ORIGINAL/APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE UMAR ATA BANDIAL  
MR. JUSTICE SAJJAD ALI SHAH  
MR. JUSTICE SAYYED MAZAHAR ALI AKBAR NAQVI

CONSTITUTION PETITION NO. 50 OF 2013, C.M.A. NOS. 7214 OF 2019, 7215 OF 2019, CRIMINAL PETITION NO. 1292 OF 2020 AND C.M.A. NO. 6953 OF 2020

(For appointing Judicial Commission to probe into the incident of murder of Ms. Parveen Rehman, Social Worker/Director Orangi Project)

S. No.	Parties' description	Case No.
1.	Human Rights Commission of Pakistan through Chairman Zohra Yousaf Vs. Province of Sindh etc	Cnst.P. 50/2013 & CMA Nos. 7214 & 7215 of 2013
2.	Aquila Ismail Vs. The State through P.G. Sindh and another	Cr.P. 1292/2020
3.	Aquila Ismail Vs. Province of Sindh through Home Department etc	CMA 6953/2020

For the Petitioner/App: Mr. Abdul Latif Afridi, ASC  
(In Constitution Petition No. 50/2013)

Mr. Amjad Iqbal Qureshi, ASC  
(In CMAs 7214 & 7215/2019)

Mr. Faisal Siddiqui, ASC  
(In Criminal Petition No. 1292/2020)

Mr. Muhammad Raheel Kamran Sh, ASC  
(In CMA 6953/2020. Through video link from Lahore)

For the Respondents: Mr. Sajid Ilyas Bhatti, Addl. A.G.  
Mr. Rahat Ehsan, Addl. P.G. Sindh  
Mr. Asim, DIG West  
*Mr. Qaiser Masood, Addl Dir, F.I.A.*

Date of Hearing: 04.01.2021

JUDGMENT

SAYYED MAZAHAR ALI AKBAR NAQVI, J.- Through this consolidated judgment, we intend to dispose of the above-titled cases, as they relate to the same matter regarding the murder of Ms. Parveen Rehman.

**ATTESTED**

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

CONSTITUTION PETITION NO. 50/2013

2. This Petition under Article 184(3) of the Constitution of Islamic Republic of Pakistan has been filed by Human Rights Commission of Pakistan and others for appointing a Judicial Commission to investigate and probe into the matter of murder of Ms. Parveen Rehman, a renowned social reformer and Director of the Orangi Pilot Project.

3. Ms. Parveen Rehman was done to death in a brutal manner on 13.03.2013, which caused sensation and insecurity in the public at large due to her unprecedented services. Due to poor investigation by the local police, the Human Rights Commission of Pakistan along with others filed this Constitution Petition directly before this Court seeking indulgence of this Court for constitution of a Judicial Commission to investigate and probe into the matter of murder of Ms. Parveen Rehman. It was the claim of the petitioner Human Rights Commission of Pakistan that several influential elements are involved in the murder of Ms. Parveen Rehman who are not allowing the police to investigate the case with free hands. The matter was firstly taken up by this Court on 19.09.2013. In view of the reports received by this Court from different quarters, it was found that substantial progress has been made qua the arrest of the culprits. Subsequently, a need was felt to constitute a Joint Investigation Team to probe into the matter to secure the ends of justice. The first JIT was formed by the Government of Sindh in pursuance of Section 19 of the Anti Terrorism Act whereas the second JIT was constituted by the Federal Government pursuant to the application of the petitioners to get the matter probed into by the Federal Investigating Agency. The report of the first JIT was submitted before this Court on 03.10.2018 whereas the second JIT duly constituted by the Federal Government submitted its report on 08.01.2020. During the proceedings before this Court, it has been informed that the trial of the aforesaid case is at the verge of conclusion and the same is fixed for final arguments.

4. Mr. Raheel Kamran Sheikh, learned ASC mainly stated that the evidence collected by the JITs if not placed before the Trial Court, the efforts made by the petitioner to file the Constitution

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Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

Petition before this Court, which lasted over a span of more than seven years, would prove to be a futile exercise; that obviously both the JITs have collected fresh material; that though the accused persons facing trial and found involved by the JITs are the same but the material collected by the local police and the two JITs varies, hence, placing of the material collected by the JITs before the Trial Court would certainly advance the case of the prosecution for the just decision of the case. Mr. Faisal Siddiqui, learned ASC has concurred with the arguments advanced by the Mr. Raheel Kamran Sheikh.

5. Mr. Abdul Latif Afridi, learned ASC objected the placing of the reports of JITs before the Trial Court on the ground that the trial has already prolonged due to the pendency of the petition before this Court and it would further take sufficient time, which could frustrate the case of either of the parties. However, he frankly conceded that if there is any material which is essential for the just decision of the case, the same may be placed before the Trial Court because the primary intent of any judicial proceeding is to do complete justice, which is otherwise within the domain of this Court.

6. We have noted that in ordinary circumstances though the charter of FIA does not allow it to conduct investigation in cases of murder but since a Joint Investigation Team was constituted wherein four other members including Police and other agencies were associated, the sole purpose of which was to collect evidence, the same could be placed before the Trial Court for adjudication in the interest of safe administration of criminal justice. The investigation conducted by the JITs is meant to facilitate and assist the Police investigation. Through these proceedings, the petitioners only wanted that a fair investigation be conducted. Since, this has been done by the reports of the two JITs, which are not available before the Trial Court, it would be appropriate that these reports be placed before the Trial Court for its scrutiny in accordance with law. Accordingly, the heads of the JITs are directed to place the reports dated 03.10.2018 and 08.01.2020 before the Trial Court within two weeks of the receipt of this judgment to supplement the report already placed before the Trial Court under Section 173 Cr.P.C. The learned Trial Court is directed to evaluate the fresh material placed before it if the same is essential for the just decision of the case while associating such witnesses as it deems necessary after fulfilling all the attributes of

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due process, fair play and justiciable while limiting itself within the four corners of law. As the trial is pending since long, we direct the Trial Court to decide the same expeditiously. Needless to observe, the interim orders passed by this Court regarding the provision of security to the PWs and the members of the Orangi Pilot Project shall remain in force till the conclusion of the trial.

7. Before parting with the judgment, we may mention that if any of the party feels any grievance during the proceedings before the Trial Court, he is at liberty to make application for resurrection of these proceedings. In view of the above, this Constitution Petition stands disposed of.

**Criminal Petition No. 1292/2020**

8. Through this petition under Article 185(3) of the Constitution, the petitioner only wanted to allow the prosecution to call and examine members of the JITs before the Trial Court. In view of the order passed in the connected Constitution Petition No. 50/2013, this petition has borne fruit and the same is disposed of accordingly.

**C.M.A. NOS. 7214 OF 2019, 7215 OF 2019, AND C.M.A. NO. 6953 OF 2020**

9. In view of the order passed in the connected Constitution Petition No. 50/2013, these CMAs have become infructuous and are disposed of accordingly.



Islamabad, the  
4<sup>th</sup> of January, 2021  
Not Approved For Reporting  
Khuram

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Senior Court Associate  
Supreme Court of Pakistan  
Islamabad