

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ
MR. JUSTICE UMAR ATA BANDIAL
MR. JUSTICE IJAZ UL AHSAN

HUMAN RIGHTS CASE NO.1949-K OF 2018

(In the matter of murder of Nageebullah Mahsood in
alleged fake police encounter at Karachi)

AND

CRL. ORIGINAL PETITION NO.21 OF 2018

(Proceedings against Rao Anwar for disobeying Court
Order dated 13.02.2018)

In attendance:

Mr. Sohail Mehmood, DAG
Mr. Razzak A. Mirza, Addl. AG, Punjab
Mr. Shehryar Qazi, Addl. AG, Sindh
Mr. Zahid Yousaf Qureshi, Addl. AG, KPK
Mr. Ayaz Swati, Addl.A.G. Balochistan
Mr. Saleem Akhtar, P.G. NAB

Mr. Faisal Siddiqui, ASC
Muhammad khan, father of deceased
Moulana Ahsam-ud-Din
(For complainant)

Syed Rifaqat Hussain Shah, AOR
Mr. Anwar Ali, Joint Director, General IB HQ
Col. Falak Naz, Director Legal M/o Defence
Syed M. Bilal, Deputy Director, Immigration
Islamabad
Syed Rauf, Airport Manager, Islamabad
Mr. Azfar Ali, Station Manager Emirates
Mr. Sageer Abbas, Duty Manager, Gerry's
Dnata
Mr. Ikhlaque Hussain, Traffic Incharge,
Gerry's Dnata

For Islamabad
police:

Mr. Sultan Azam Taimuri, I.G.

For Sindh Police:

Mr. Allah Dino Khowaja, I.G.
Mr. Aftab Pathan, Addl.I.G.
Mr. Zulfiqar Mehar, SSP Korangi
Mr. Abid Qaim Khani, SSP (Investigation)

For FIA:


Mr. Ali Sher Jakhrani, Dir. Law
Mr. Nawaz-ul-Haq Nadeem, Deputy Director
Mr. Qaiser Masood, Additional Director (Law)
Mrs. Shabana, S.I.
Mr. Taimur, Constable

For CAA:

Syed Aamir Mehboob, Deputy D.G.
Syed Nasir Ali Shah, Director (Law)

For NADRA:

Mr. Zulfiqar Ali, D.G. Projects
Mr. Saqib Jamal, Director Legal

ATTESTED

Mr. Court Associate
Supreme Court of Pakistan
Islamabad

For ASF: Mr. Iftikhar-ul-Hassan, Deputy Director
Legal, ASF

For Rao Anwar: Malik Shakeel-ur-Rehman, ASC
Mr. M. Siddique Khan Baloch, AOR
Rao Anwar, in person

Date of Hearing: 21.3.2018

ORDER

MIAN SAQIB NISAR, CJ.- Today Rao Anwar, former SSP Malir Karachi has appeared alongwith his counsel. He has surrendered before this Court. On the request of his counsel, Malik Shakeel-ur-Rehman, and for reasons explained by him, we do not consider it necessary to continue contempt of Court proceedings initiated against him *vide* our order dated 16.2.2018. The same are accordingly dropped.

2. In order to safeguard the legal, constitutional and due process rights of Rao Anwar, we also lift the bar placed on the operation of his bank accounts by the State Bank of Pakistan under orders of this Court. Likewise, NADRA is also directed to unblock his CNIC. This has also been endorsed and conceded by Mr. Faisal Siddiqui, learned ASC appearing before the Court on behalf of family of the deceased Naqeebullah Mahsood.

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Court Associate
Supreme Court of Pakistan
Islamabad

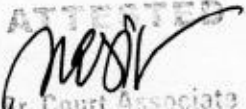
3. After hearing the Inspector General of Police, Sindh and the learned counsel for Rao Anwar, we constitute the following Joint Investigation Team (JIT) to investigate into the matter initiated *vide* FIR No.40/2018 under Sections 365/302/109/344/34 PPC read with Section 7 of the Anti

Terrorism Act, 1997 (ATA) registered at Police Station Sachal with two connected cases:

1. Mr. Aftab Ahmed Pathan, Addl.I.G. Sindh,
2. Mr. Waliullah Dal, Addl.I.G. Special Branch,
3. Mr. Azad Ahmed Khan, D.I.G. South,
4. Mr. Zulfiqar Larik, D.I.G. East and
5. Dr. Rizwan, SSP Central.

4. However, we refuse the request made on behalf of Rao Anwar for the grant of protective bail. The police authorities from Karachi including IGP, Sindh who are present in the Court may take him into their custody outside the Court premises. We direct that they shall not need any further order from any Court or authority to enable the transit of Rao Anwar from Islamabad to Karachi where he will be investigated in accordance with law after fulfilling legal and procedural formalities. The I.G.P. Sindh or whosoever succeeds him shall take all necessary steps and will be directly responsible to protect the life of Rao Anwar during the period of his custody with the police.

5. We also direct the elders of the Mahsood family, some of whom are present not to directly or indirectly threaten or try to cause harm to the life of Rao Anwar in any manner whatsoever. This has categorically been undertaken by Muhammad Khan, father of Naqeeb Ullah (deceased) and Moulana Ahsam-ud-Din, present in the Court.

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6. We are sanguine that the investigation by the JIT will be conducted fairly, transparently and independently without being influenced by any proceedings/orders passed by this Court in the past or by the adverse media coverage. The investigation shall be concluded expeditiously. The name of Rao Anwar shall however remain on ECL till further orders passed by this Court. Disposed of.

sd / Mr. Justice Mian Saqib Nisar, HCJ
Mr. Justice Umar Ata Bandial, J
Mr. Justice Ijaz ul Haq, J.

Certified to be True Copy

MASIH 21/3/2018
Sr. Court Associate
Supreme Court of Pakistan
Islamabad

