

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

Writ petition no.2667/2024

Noor Fatima and others
versus
Federation of Pakistan, through the Cabinet Secretary, and others

S. No. of order/proceedings	Date of order/Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
39	03.07.2025	M/s Hafiz Asif Ali Tamboli, Hadi Ali Chattha, Imaan Zainab Hazir, advocates for the relevant petitioners M/s Sajjad Akbar Abbasi, Janaiz Butt, Muhammad Zaheer, Mian Waqar Ahmed, advocates for the relevant respondents Mr. Ans Mashood, advocate for NCHR Mr. Raza Wadood Qureshi, State counsel Sarfraz Khattana, Additional Director (Legal), NCCIA

At the outset, Ms. Mazari requested to place on record a printout of an investigative journalism item, tending to demonstrate that the real name of the mysterious Imaan was Komal Ismail, with her pictures with certain particulars provided. Also provided is a diagram of Imaan's/Komal's contact with 14 accused in different FIRs, with the noting that:

Majority of calls made triangulated location of Gali 71, G-8/1 Islamabad, within one mile radius of FIA Cyber Wing, G-8/1, Islamabad Office. All communications corroborated by call data analysis of Imaan's phone number May-August 2023, February-April 2024.

The said documents are placed on record. A copy has been handed over to the learned Additional Director (Legal), NCCIA, who is directed to track down the said woman with the assistance of NADRA if required and to produce her in the Court on the next date.

2 In connection with the Abdullah Shah murder case, which has been one of the cases on which the petitioners' counsels have relied to support their argument of an unholy nexus between the alleged members of the blasphemy gang and the FIA officers, Mr. Chatha submitted that the police diaries, the seizure warrant, and the bail order pertaining to the deceased's father's pre

arrest bail were all missing from the case record. He gave a brief chronology, which is as follows:

23.05.2022	FIR no. 73 of 2022 registered by FIA, CCRC, Islamabad, under section 295-C PPC, against Abdullah Shah and others, which did not include Abdullah Shah's father with Rao Abdul Rahim as the complainant.
08.06.2022	FIR under section 365 PPC (kidnapping) was registered at police station Shalimar, concerning the abduction of Abdullah Shah by unknown persons.
10.06.2022	A headless dead body was found near Bani Gala.
19.08.2022	The DNA report was received by the police confirming the dead body to be that of Abdullah Shah, whereupon the murder charge under section 302 PPC was added.
[unspecified]	Mudassir Shah, FIA, was transferred from Lahore to Islamabad.
[unspecified]	The deceased's father Amir Shah was nominated by Mudassir Shah as an accused for the offence under section 295-C under the earlier FIR no. 73. His mobile phone was seized by the FIA.
27.09.2022	The father was granted pre-arrest bail, which was highly unusual, because even post-arrest bails were not granted to the accused in blasphemy cases by the trial Courts for many years.
16.10.2022	The father made a statement before the learned trial Court that he had himself investigated the matter and had found Rao Abdul Rahim to be innocent of the murder of his son.

Thereafter, the father was not prosecuted any further and the charge against him fizzled out. The relevant police diaries and seizure warrant were, per the learned counsel, missing from the case file and, therefore, the reasons cannot be ascertained as to why the father, Amir Shah, was not prosecuted any further. Therefore, the learned Additional Director (Legal) NCCIA is directed to track-down the said police diaries and the bail order and submit a brief report.

3 Further, Mr. Munir Khan, Inspector, who carried out the initial investigation of this case, apprised this Court based on his investigation that the last call received by the deceased Abdullah Shah was traced to a number that per the records belonged to one Nasreen in Buner. When Munir visited her in Buner, she expressed complete ignorance about the said number.

According to Munir, Mr. Rahim's stance before him during investigation was that the said number was given to him by the FIA. This sounds very strange. Why would the FIA give the number registered in the cellular company's records in the name of one Nasreen in Buner to Rao and how come the last call to the deceased was made by that number? It may be noted that the linkage of the said number with Rao is reportedly recorded in the interim challan submitted by the police in the murder FIR. He also informed the Court that the other two accused in the blasphemy FIR were investigated by him in jail, both of whom also stated that they too had been entrapped by the mysterious Imaan. The plot thickens when the connection between Mr. Rao and the said Imaan in the context of the last call made to the deceased Abdullah does not appear to have been investigated any further. It was brought to an end based on a statement made by the deceased's father before the trial Court that according to his investigation Rao was innocent. I find it rather peculiar that how could a deceased's father's investigation carry any weight before the trial Court, when the interim challan tended to establish a *prima facie* connection between that number and Rao. How could a private person's investigation be accepted by the trial Court as carrying higher probative value than the investigation carried out by the police? These questions remain unanswered but they indeed are disturbing, which necessitates deeper probe by the appropriate forum. There might be plausible reasons based on the record, which, however have not so far been placed before the Court to form a different view and the opportunity therefore has been given to the Additional Director (Legal) to do so. Where a superior Court while hearing a case comes across apparent misconduct of investigation in the same or related matters, the Court is to take appropriate steps including passing appropriate directions to the higher authorities in the investigating agencies¹.

4 The aforesaid circumstances present such an occasion. Therefore, let this matter be referred to the IG Police, Islamabad, and also to the DG, FIA, to carry out an inquiry and to place their independent findings on record within four weeks from today. The IG's report is to pertain to the investigation by the police in the murder FIR, and Inspector Munir will also participate in the said

¹ *Khan Muhammad and another v. SHO Police Station, Phool Nagar and others* (1995 SCMR 1283). Also see Civil Petition No.940-K OF 2022, observing that "If the investigation officer manipulates evidence or acts in a manner prejudicial to the prosecution of a criminal case, it constitutes misconduct warranting disciplinary action, regardless of the outcome of the criminal trial."

inquiry. The DG FIA's report is to pertain to the narrower aspect of the circumstances surrounding the later nomination of the deceased's father in the blasphemy FIR, and then him not being arrayed as an accused nor being sent for trial in the said FIR. The IG Police and DG FIA will also give an opportunity to the learned counsels for the petitioners to present their side of the picture in order for the reports to be comprehensive and unbiased.

5 Ms. Mazari commenced her submissions today. Now to come up for further submission on **07.07.2025** at 10:45 am.

(Sardar Ejaz Ishaq Khan)
Judge

Asjid

For read only