

**IN THE SUPREME COURT OF PAKISTAN**  
(Original Jurisdiction)

**Present:**

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.  
Mr. Justice Javed Iqbal  
Mr. Justice Nasir-ul-Mulk  
Mr. Justice Tariq Parvez  
Mr. Justice Amir Hani Muslim

**SUO MOTU CASE NO. 10 OF 2011**

(Suo Motu action regarding brutal killing  
of a young man by Rangers in Karachi)

On Court notice : Maulvi Anwar-ul-Haq,  
Attorney General for Pakistan.

Mr. Shafi Ahmed Memon,  
Additional Adv. General Sindh.  
Mr. Qamar Zaman Chaudhry,  
Secretary Interior.  
Mr. Abdul Subhan Memon,  
Chief Secretary, Govt. of Sindh  
Mr. Fayyaz Ahmed Leghari,  
Provincial Police Officer Sindh.  
Mr. Muhammad Ejaz Chaudhry,  
Director General, Pak. Rangers.  
Mr. Muhammad Riaz-ud-Din,  
Acting Home Secretary Sindh  
Mr. Anwar Subhani,  
Acting AIG (Legal).

Date of hearing : 10.06.2011.

**ORDER**

**IFTIKHAR MUHAMMAD CHAUDHRY, CJ.** – Pursuant to  
incident of murder of one Sarfraz Ahmed at the hands of Sindh  
Rangers in the vicinity of Benazir Park, Block-VI, Gate-II,

Karachi, video clips were shown by most of the prominent TV Channels, same have been watched in Court today, which *prima facie* establish that about 5/6 persons in uniform initially caught hold of Sarfraz Ahmed (deceased) from his hairs and thereafter one of them opened fire, due to which Sarfraz Ahmed sustained injuries and fell down, crying for his life, begging them that he should be removed to hospital.

2. Unfortunately, none of the police and Rangers officials present on the spot helped the deceased Sarfraz Ahmed (then injured) as a result whereof he succumbed to injuries in their presence. The manner, in which the death of Sarfraz Ahmed deceased has occurred, clearly indicates barbarism because once he had been overpowered, as it is evident from the video clips, he was not to be fired upon in any case and at the best the Rangers personnel could have handed him over to the police, if there was an allegation of his being involved in the commission of some offence.

3. In order to conceal/smokescreen the highhandedness of both i.e. Rangers and Police, with the connivance of each other, they registered FIR No. 225 of 2011, on 08.06.2011 at Police Station Boat Bason, District Town Clifton at 7.30 pm, against the incident that took place at 5.15 pm on the complaint of one Afsar Khan son of Gul Mohiuddin under Sections

393/353/324 PPC. As per the version of the complainant, a person armed with a pistol threatened one Alam Zeb and his wife, statedly in front of the complainant, to hand over whatever valuable they have got with them and during this, the Rangers posted at the place reached there; on seeing the Rangers the dacoit ( ) /deceased, opened fire with intention to commit their murder; therefore, the Rangers also opened fire in their self defence due to which the dacoit sustained injuries on his body and the pistol in his hand also fell down; his name was learnt to be Sarfraz. The complainant further stated that the injured dacoit was shifted to Jinnah Hospital in the CHEEPA Ambulance. His claim was that as the said Sarfraz had demanded money on gunpoint and had intervened in the official duty of the Rangers and had also extended threat to their life, as such case may be registered.

4. The above FIR was followed by another FIR No.226 of 2011 of same Police Station dated 08.06.2011 at 7.45 pm. under Section 13D of the Arms Ordinance, with regard to pistol, allegedly recovered from the deceased with magazine with three rounds and as the same was without licence, therefore, a separate case was registered against him.

5. After registration of these FIRs, on 09.06.2011 at 00.30 (midnight) FIR No.227 of 2011 was registered under

Section 302/34 PPC at the same Police Station on the complaint of Syed Salik Shah son of Khameen Shah, wherein he deposed that on coming to know that his brother Sarfraz Ahmed had a quarrel at Benazir Park, where the Police and Rangers were present, he went to Boat Bason Police Station and met Zulfiqar, SI, who informed him that his brother has been injured, therefore, he had been shifted to Jinnah Hospital; when he (the complainant) reached Jinnah Hospital, he found his brother's dead body lying in the Emergency. According to the contents of this FIR, he named two persons i.e. Muhammad Afzal and Shahid Zafar alongwith their other colleagues and two unknown persons to have committed the murder of his brother; therefore, action according to law may be taken.

6. The narration of above facts regarding FIR are entirely contrary to the video clips played in Court, as it is evident therein that one person had got hold of Sarfraz who was empty handed; that person pushed Sarfraz towards the Rangers present near a vehicle parked over there; the Rangers present overpowered him and they directed him to face upward; during this course he was caught hold from his hairs and collar of the shirt, there was a commotion that "*he is the same person*" and he was then moved by pushing him towards the Rangers; in the meantime, one of the Rangers personnel fired upon him as a

result, he got injured and fell down and started crying, begging Rangers personnel that he should be shifted to the hospital but all the Rangers officials present over there had been watching him; meanwhile the blood started oozing out from his injuries and he succumbed to the injuries while lying in the pool of blood.

7. The Police although had registered the FIR No. 225 and FIR No. 226 of 2011 but have not stated a single word about the death of Sarfraz and in a clandestine manner stated that he had been shifted to Jinnah Hospital as injured. Even subsequent thereto, no case was registered about this murder by the police officials, until his brother Syed Salik Shah came to Police Station and got registered the case at 00:30 (midnight) on 09.06.2011 till such time the complainant had limited information about the occurrence as mentioned hereinabove.

We may mention here that it was not only the duty of the police concerned but of the Provincial Police Officer as well as Director General Rangers, to take notice of the matter, as they must have learnt about the incident which was widely aired by the electronic media and there was a lot of hue and cry regarding this incident; furthermore the family of the deceased alongwith other citizens had also started raising voice against highhandedness of these law enforcing agencies. Surprisingly, when the case vide FIR No.227 of 2011 was registered, even then

except two persons, whose names were mentioned in the FIR lodged by the complainant, the custody of remaining persons, who were very much visible at the scene of crime, were not handed over nor the police demanded them for the purpose of investigation. As far as the awareness of the incident is concerned, it was very much available on all TV Channels.

When we enquired from the DG Rangers, he admitted that because only two persons were nominated in the FIR, therefore, their custody was handed over; as far as the other Rangers personnel present on the spot are concerned, according to him, they are in the custody of the Rangers. This conduct on the part of the Police as well as Rangers does not seem to be above board. When such a heinous crime has been reported by the electronic media/TV Channels, they should have come forward with all fairness and should have got arrested all the persons, who were involved in the case.

8. We do not know about the status of investigation because the things have been mixed up deliberately by the Police while registering the FIRs in the manner as it has been discussed hereinabove and this is nothing but a device to save the persons, who are apparently seems to be involved in the commission of the offence. We do believe that under the Constitution of the Islamic Republic of Pakistan, it is the State who is responsible to

provide protection and safety to the life of all its citizens, but in the instant incident facts are other way round i.e. negation of Article 9 of the Constitution.

9. Accepting for the sake of argument that the deceased was involved in some criminal case, which apparently seems to be incorrect, the Rangers had no authority to open fire upon him. Reference in this behalf can be made to **Mehram Ali v. Federation of Pakistan** (PLD 1998 SC 1445), wherein this aspect of the case has been discussed by this Court by clearly stating that under Section 5(2)(i) of the Anti Terrorism Act, 1997, the Rangers have no authority to open fire.

10. Be that as it may, when we enquired from the Chief Secretary, Government of Sindh about the powers, which are to be exercised by the Rangers, conferred upon them by the Provincial Government for the purpose of acting in aid of the Police and civil administration, he produced a copy of the notification, which is not the original one but it seems to deal with extension, etc. of the tenure for which Rangers shall stay in aid of civil administration. In the meantime, the Chief Secretary had left for the meeting with the Prime Minister in some other matter. Before leaving for the meeting with the Prime Minister, the Chief Secretary stated that he admits that the present incident is a case of utter violation on the part of these law enforcing

agencies to enforce law and he surrenders before this Court for the incompetency of these law enforcing agencies in this regard. He assured that protection to the life and property of the cameraman of a private TV Channel "AWAZ", who had prepared the original video of the incident, shall be provided. In view of his statement, we direct him to do the needful. Mr. Riazuddin, Acting Home Secretary, Government of Sindh, present in Court, had placed on record a copy of the notification dated 3<sup>rd</sup> February, 2010; however, this notification is silent about powers that have been conferred upon the Rangers and the manner in which the same has to be exercised.

11. When we enquire from the Provincial Police Officer about the progress of the case, surprisingly he gave reply that today remand of the two accused persons shall be taken and then the investigation will start; whereas the DG Rangers pointed out that two empties shell, fired from the service rifle by an accused, have been handed over to the police today at about 9.00 am alongwith his service rifle. Similarly, the custody of the two accused has been given yesterday at night whereas the custody of the remaining officials as well as the persons, who were Incharge of the Company has not so far been handed over.

12. From the above noted facts and circumstances, it is not difficult to visualize that how this incident had taken place and the manner in which both the high-ups i.e. of the Police and

the Rangers, had dealt with the same. It is a classical case of highhandedness of the law enforcing agencies and instead of feeling sense of responsibility and showing uprightness and honesty, they are, even today, concealing the facts while appearing before this Court. Therefore, under these circumstances, we apprehend that the investigation of the case would not be conducted properly and impartially, in presence of both these senior officers i.e. Mr. Fayyaz Ahmed Leghari, PPO Sindh and Mr. Muhammad Ejaz Chaudhry, DG Rangers (Sindh), as such through Attorney General for Pakistan, we direct that they should be posted out within a period of three days and in the meantime some alternate arrangements should be made. However, if after three days, the notifications in this regard are not issued, it is directed to withhold the salaries of above two officers as they would not be entitled for the same till the notification of their posting out is not issued. This part of our order shall be enforced/implemented by the Secretary Interior by proceeding according to relevant rules. Meanwhile, Mr. Sultan Khawaja, DIG Karachi, who is statedly a reputable officer, is directed to take over the charge of the investigation against all the culprits and complete the same within a period of seven days, by applying all appropriate provisions of law as the matter seems to attract *prima facie* Section 7 of the ATA, 1997, and shall send up challan before the Court of competent jurisdiction. He shall also submit progress report of his investigation to the Registrar of this Court for our perusal in Chambers.

13. The Court seized of the matter shall decide the same by conducting trial on day to day basis, by not taking more than 30 days, without being influenced in any manner from the instant proceedings. Ultimate result of the trial shall be communicated to the Registrar of this Court for our perusal in Chambers.

This Suo Moto Case stands disposed of accordingly.

**CJ.**

**J<sub>(1)</sub>.**

**J<sub>(3)</sub>.**

**J<sub>(10)</sub>.**

**J<sub>(14)</sub>.**

Islamabad,  
10.06.2011  
Irshad Hussain /\*

**APPROVED FOR REPORTING.**