Form No: HCJD/C-121.

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P No. 591 of 2021

Muhammad Nazir Jawad

Vs

The State

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	02. 13-02-2021	Mr. ZahidAsifCh, Advocate for the petitioner. Mr Muhammad NazirJawad, Advocate petitioner in person. M/s AttaullahKhundi, M Waqas Malik, Ch. Ishtiaq Ahmed, Malik M. Fayyaz, Tahir Jalal, M. Bilal Azam, LuqmanZafarCh and Hafiz Ali Asghar, Advocates. MrDaniyal Hassan, Advocate for DC, Islamabad. Mr Rabi Bin Tariq, State Counsel. MrMajid Rashid Khan, State Counsel. MrHamzaShafqat, Deputy Commissioner, ICT. Mr Mustafa Tanveer, SSP (Operations), ICT. Ch. Muhammad TahirMehmood, AAG. MrSaqlainHaiderAwan, AAG. MrAzhar Shah, DSP (Legal). Mr Mustafa Tanveer, Senior Superintendent of Police (Operations), Islamabad Capital Territory, has appeared along with other officials. A joint report by him and the Deputy Commissioner has been submitted and it has been placed on record. He has stated that hectic efforts are being made to trace the

main accused involved in the storming of the High Court and it was in this regard that, pursuant to information, the chambers of some lawyers were visited. He and the Deputy Commissioner have assured that, while no stone would be left unturned to apprehend the miscreants involved in the grave incident, harassment would not be caused to other law abiding lawyers. They have stated that a Joint Investigation Team, headed by a senior officer, is being constituted. They have further stated that in case of any doubt, assistance will be sought from the respective Bars i.e Islamabad District Bar or the Islamabad High Court Bar, as the case may be.

2. The President of the Islamabad District Bar and the Islamabad High Court Bar Association were informed and they were asked to assist this Court in the case in hand so that no innocent lawyer faces harassment during the course of the investigations. The Bars are definitely committed to upholding the dignity of one of the most noble professions and they have condemned those who had desecrated and vandalized the institution of which they are the guardians. This Court, therefore, has no doubt that both the Bars will identify the lawyers involved in this heinous crime because they are known to them. The harassment to innocent and unconcerned lawyers could have been avoided if the police officials had

sought the assistance of the office bearers of the Bars in case of doubt. The JIT is, therefore, expected to conduct the investigations in a professional and transparent manner. It may seek assistance of the Bars in identifying the lawyers involved in the incident. This Court has no doubt that the Bars would provide the details of all those who had stormed the institution that they are committed to guard and who are responsible for tarnishing the image of the entire legal fraternity. The Bars surely have a resolve to take the matter to a logical conclusion.

3. In response to a query, it was informed that the two respective Presidents could not attend the hearing because they intended to lead a march of lawyers to the D Chowk. It was informed that they are protesting against the delay in the establishment of a judicial complex for the District Courts. It is noted that proceedings in W.P No.247 of 2019, titled "Ch. Muhammad Akram vs. Federation of Pakistan, etc.", and other constitutional petitions are pending. One of the petitions has been filed by the Islamabad District Bar itself. During the last hearing of the said petitions this Court was informed that the Federal Government had given approvals and that the construction work at the 5 acre plot already allotted for this purpose would commence soon. The consultant was appointed a few months ago. Both

the Bars have been on board. The Bars were also asked to submit a plan for processing approvals on a separate 5 acre plot allotted for their exclusive use. All this has happened in the last two years. The initiative started by this Court to make the District courts the top priority would not have materialized without the cooperation of the present Federal Government. The credit definitely goes to the worthy Prime Minister who has given directions that there must be no delay in reforming the District judiciary by shifting the courts to a state of the art judicial complex. For seventy years the District judiciary was not a priority. The progress made in the past two years has been due to the commitment of this Court and the worthy Prime Minister and his government to give the District judiciary top priority. Though the office bearers of the Bars have remained involved in the process but it appears that more information ought to be provided to its members. The Chief Commissioner is, therefore, directed to inform the office bearers of both the Bars regarding the progress made so far relating to the respective five acre plots for construction of the judicial complex and use of the Bars.

4, It is noted that no one is above the law. The storming of the High Court on the 8th of February was inexcusable and intolerable. Nonetheless, it has to be ensured that no innocent lawyer is harassed

while proceeding against those who were involved in this unforgiveable display of disturbing and despicable conduct by guardians of the law. The Joint Investigation Team is expected to forthwith seek assistance of the respective Bars to avoid harassment to the overwhelming majority of lawyers who have in fact condemned the incident strongly.

3. Re-list on 15.02.2021. The petition will be taken up at 10:30 am.

(CHIEF JUSTICE)

*Asif Mughal/**