

**HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

C.P No.D-193 of 2026

Mr. JUSTICE ARBAB ALI HAKRO
Mr. JUSTICE RIAZAT ALI SAHAR

24.02.2026.

Mr. Mohsin Raza Gopang, Advocate for Petitioner.

Mr. Rafique Ahmed Dahri, Assistant Advocate General, Sindh
alongwith Respondent No.4 (DSP Akhtar Hussain Samo) and Asif
Ali Pechoho (SHO PS Jam Sahab).

ORDER

RIAZAT ALI SAHAR, J.- Through the instant Constitutional Petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the Petitioner seeks directions against the Respondents, alleging illegal detention of his uncle, Muhammad Nawaz son of Ali Nawaz and harassment at the hands of police officials in collusion with private Respondent Nos. 07 and 08., seeking following reliefs;

- a) *That, this Honourable Court may be pleased to direct Respondent No.2 to 6 to show the custody of detainee / missing person namely (Muhammad Nawaz s/o Ali Nawaz) and produce before this Honourable Court alongwith all criminal cases / record if any.*
- b) *Any other relief deemed fit, just and proper by this Honourable Court may be granted to the petitioner.*

2. Briefly stated, the Petitioner claims ownership of a property comprising approximately 100 shops situated at 68 Mori City, where he is also operating a medical store. It is alleged that private Respondent Nos. 07 and 08, being politically influential persons and allegedly having prior enmity with the Petitioner's family, intend to unlawfully dispossess them from the said property. It is further alleged that Respondent Nos. 04 to 06, who are police officials, at the behest of the private respondents, subjected the Petitioner to harassment and unlawful detention at 68 Mori Picket during

early February 2026. Subsequently, on 06.02.2026, they allegedly conducted a raid and arrested the Petitioner's uncle, Muhammad Nawaz and removed him to an undisclosed location. It is contended that his whereabouts have neither been disclosed nor has he been produced before any court of competent jurisdiction, thereby violating Article 10 (2) of the Constitution and Section 61 Cr.P.C., 1898.

3. Learned counsel for the Petitioner, while reiterating the contents of the petition, contended that the actions of the private respondents in league with the police officials are *mala fide*, arbitrary, without lawful authority and liable to be declared illegal. He prayed for appropriate constitutional relief.

4. Conversely, Mr. Fakhur Din Dahraj, Advocate, entered appearance on behalf of private Respondent Nos. 07 and 08 and vehemently opposed the petition. He denied the allegations in toto and contended that the petition is misconceived and filed with ulterior motives. Learned counsel submitted that a *bona fide* property transaction had taken place between the parties and that the present petition has been instituted to pressurize the private respondents.

5. We have heard learned counsel for the parties at length and have carefully examined the material available on record.

6. The record reflects that a dispute exists between the parties regarding a hotel property transaction situated at 68 Mori Town. Reports submitted by the official respondents reveal that the alleged detainee, Muhammad Nawaz, entered into an agreement dated 04.09.2025 with private Respondent Nos. 07 and 08 and received payment pursuant thereto. However, despite receipt of the agreed consideration, possession of the property was allegedly not delivered. The official respondents have further reported that a video recording evidencing receipt of payment by the Petitioner's side has been secured during inquiry. A copy of the agreement executed between the alleged detainee and private Respondent No. 07, namely Noor Hussain Brohi, has also been placed on record, which *prima facie* substantiates the transaction between the parties.

7. The official respondents have categorically denied the allegation of illegal detention and have asserted that the petition has been filed to gain leverage in the ongoing property dispute. In view of these rival contentions and the material placed before this Court, it appears that disputed questions of fact have arisen, which cannot be conclusively determined in exercise of constitutional jurisdiction under Article 199 of the Constitution.

8. It is settled law that constitutional jurisdiction is primarily meant to address cases involving clear violation of fundamental rights where facts are either admitted or incontrovertible. Where serious factual controversies requiring detailed inquiry and evidence are involved, the proper course is to direct the competent authority to conduct an independent and impartial inquiry.

9. In the circumstances, and particularly in view of the new facts that have surfaced regarding the alleged property transaction, we deem it appropriate to direct the Senior Superintendent of Police (SSP), Shaheed Benazirabad, to conduct a thorough, fair and transparent inquiry into the allegations raised in the instant petition. The SSP shall constitute a committee comprising responsible and competent officers to ascertain the true facts and legal position. The inquiry shall specifically address:

(i) the alleged detention of Muhammad Nawaz;

(ii) the authenticity and legal effect of the agreement dated 04.09.2025; and

(iii) the allegations of harassment and *mala fide* conduct.

10. The SSP shall ensure completion of the inquiry within a period of thirty (30) days and submit a comprehensive report to this Court through the Additional Registrar.

11. With the above directions, this Constitutional Petition stands disposed of, along with all pending applications, if any.

JUDGE

JUDGE