

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

Before:

Mr. Justice Amjad Ali Bohio.

Mr. Justice Riazat Ali Sahar.

C.P. No.D-2308 of 2025

For order on office objection.

For hearing of main case.

26.03.2026

Mr. Bilawal Bajeer advocate for petitioner.

Mr. Muhammad Ismail Bhutto, Additional A.G. Sindh along with Inspector Naseem Nisar Memon Focal Person on behalf of SSP Tando Muhammad Khan and Inspector Kashif Abbas SHO and I.O. Amanullah Channa, PS Sheikh Bhirkio.

Vakalatnama of Mr. Zeeshan Ali Memon advocate files on behalf of respondent No.7 is taken on record.

Justice Riazat Ali Sahar, J: Learned counsel for the petitioner submits that he has filed application to Deputy Inspector General of Police, Hyderabad Range for transfer of the Investigation of FIR BEARING No.121/2025 registered at PS Sheikh Bhirkio under sections 302, 114, 35 PPC, which has been forwarded to Deputy Inspector General of Police, Hyderabad Range and on such application comments have been called from SSP Tando Muhammad through covering letter dated 28.10.2025 (available page-19 of the Court file). He, therefore, seeks re-investigation of the matter. Learned counsel submits that he would be satisfied if the DIGP Hyderabad is directed to dispose of the said application within a period of one month in accordance with law, police rules and settled principle of law.

Learned A.A.G. Sindh recorded his no objection to the above proposal.

Accordingly, Deputy Inspector General of Police, Hyderabad Range is directed to dispose of the above referred application with regard to re-investigation/further investigation after providing opportunity of hearing to both the parties in the matter within a period of one month in the light of reported case “GHULAM SARWAR ZARDARI v. PIYAR ALI alias PIYARO and another” (2010 SCMR 624), whereby the Honourable Supreme Court of Pakistan has held that:

“13. It is clear from the above definition that if the investigation is launched in bad faith out of personal motives either to hurt the accused or to benefit oneself or in colourable exercise of powers not authorized by the law under which the action is taken or action taken in fraud of the law then it comes within the scope of mala fide. The fraud of the law or colourable exercise of powers amounts to abuse of the process of law.

14. In view of the above position, the investigation can be corrected and necessary orders can be passed if the aggrieved party alleges and proves one or other of the following conditions:---

- (1) investigation initiated beyond the jurisdiction of Investigating Agencies;
- (2) investigation initiated with mala fide intention;
 - (i) in bad faith out of personal motives either to hurt the person against whom the action is taken or to benefit oneself.
 - (ii) in colourable exercise of powers;
 - (iii) not authorized by the law under which the action is taken;
 - (iv) action taken in fraud of the law; and
 - (v) abuse of the process of law.

Instant petition stands **disposed of** in the above terms.

JUDGE

JUDGE