

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

*Constitutional Petition No. D-488 of 2026.*  
*(Shoukat Ali vs P.O.Sindh and others)*

Date	Order with the signature of the Judges
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*Before:-*  
*Mr. Justice Amjad Ali Bohio,*  
*Mr. Justice Ali Haider 'Ada'.*

Fresh case

1. For orders on CMA No.1990/2026 (U/A).
2. For orders on office objections.
3. For orders on CMA No.1991/2026 (Ex/A).
4. For hearing of main case.
5. For orders on CMA No.1992/2026 (S/A).

18.03.2026

Mr. Samiullah Khan Rind, Advocate for the Petitioner.

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1. Granted.

2 to 5. Through this petition, the petitioner has challenged the validity of F.I.R. No.17 of 2026, registered at Police Station Kot Lahu, for an offence punishable under Section 9(i)(3)(c) of the C.N.S. Act, 2024, wherein the son of the petitioner, namely Waqar Ali, has been booked on the allegation of recovery of 1200 grams of charas.

Learned counsel for the petitioner submits that although the F.I.R. was lodged on 09.03.2026, the petitioner, being the father of the accused, had already filed an application under Section 491, Cr.P.C. before the learned Sessions Judge, Khairpur on the same date, upon which a Commissioner was appointed who conducted a raid. However, on 10.03.2026, the said application was dismissed as infructuous. It is further contended that the petitioner's son has been falsely implicated with mala fide intention and that an application was also moved before the S.S.P., Khairpur, but no relief was granted.

Heard and perused the material available on record.

It transpires that on 09.03.2026, a Commissioner was appointed to conduct the raid; however, the alleged detainee/accused was not recovered. During the proceedings under Section 491, Cr.P.C, the F.I.R.

was produced, reflecting that the son of the petitioner had already been involved in a narcotics case.

It is a settled proposition of law that where a person is nominated as an accused, he is first required to place his defence before the investigating agency, and if aggrieved, may avail the statutory remedy provided under Sections 22-A & 22-B, Cr.P.C. for transfer of investigation or for redressal of police excess, as held in *Abdul Hameed v. Province of Sindh* (PLD 2019 Sindh 138).

Furthermore, constitutional jurisdiction is an extraordinary discretionary relief. The record reflects that before the learned Sessions Judge, Khairpur, the police had already produced the F.I.R., and the investigation is presently in progress. Therefore, if the petitioner has any grievance, he may avail the proper and alternate remedies as discussed above.

Moreover, after submission of the challan, the appropriate course available to the accused would be to seek relief under Sections 249-A or 265-K, Cr.P.C, which are co-extensive remedies in such matters.

The Hon'ble Supreme Court, in the case of *A. Habib Ahmed v. M.K.G. Scott Christian and others* (PLD 1992 SC 353), has held that where a prima facie offence is disclosed, the matter should be inquired into and tried in accordance with law.

In view of the above, this petition, being devoid of merit, is hereby dismissed.

**JUDGE**

**JUDGE**