

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Constitution Petition No. D- 975 of 2026**  
**[Ashfaqe Ali vs. P.O Sindh & others]**

**Before:-**

**Mr. Justice Adnan-ul-Karim Memon**  
**Mr. Justice Abdul Hamid Bhurgri**

M/s Achar Khan Gabol and Ghulam Ali Bozdar, Advocates  
for the Petitioner.

Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh.

Mr. Aftab Ahmed Shar, Additional PG for the State along  
with SIP Ali Murad, SIP Ghulam Nabi and SIP Nizakat Ali  
Abro

**ORDER.**  
09.06.2026

**Adnan-ul-Karim Memon, J;** Petitioner Ashfaqe Ali has filed the instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking directions against Respondents No.2 and 3 for the appointment of an honest police officer, not below the rank of Deputy Superintendent of Police (DSP), to investigate FIRs No. 57 and 101 of 2026 registered at Police Station Tando Masti Khan, District Khairpur Mirs, and to submit the report before the competent Court.

The learned Assistant Advocate General has submitted a report on behalf of the SSP, Khairpur Mirs, stating that upon registration of the FIRs, the cases were entrusted to SIP Nazakat Ali, the Investigating Officer of Police Station Tando Masti Khan, under the supervision of the SDPO Gambat. It is further stated that the Investigating Officer inspected the place of the incident, prepared the site inspection memo, arrested the accused on 22.05.2026, obtained their remand from the concerned Court, and recorded statements of the witnesses under Section 161 Cr.P.C., who allegedly supported the version of the FIR. The Investigating Officer also sent the recovered property to the Chemical Laboratory Rohri for expert analysis and collected the criminal record of the accused, Shaman Ali, noting that eight cases are already registered against him at Police Station Tando Masti Khan. The matter has

since been sent up for submission of a challan, and the accused is in judicial custody.

At this stage, learned counsel for the petitioner submits that the cases registered against the accused are false and fabricated, and therefore require reinvestigation by an honest and impartial officer of the police department. He further prays that, in the meantime, a fair and transparent investigation be conducted under the supervision of the Senior Superintendent of Police, Khairpur Mirs, and a report be submitted before the learned Magistrate for appropriate orders.

In view of the submissions made by learned counsel for the petitioner as well as the report furnished by the police authorities, it appears that the investigation in both FIRs has already been conducted in accordance with law. The Investigating Officer has taken substantial steps, including inspection of the place of the incident, preparation of a site memo, arrest of the accused, obtaining their physical remand from the competent Court, recording of statements under Section 161 Cr.P.C., collection of relevant material evidence, and forwarding of recovered property to the Chemical Laboratory Rohri for forensic examination. The investigation record further reflects that the accused has a prior criminal history, and upon completion of the investigation, the case has already been sent up for submission of challan, with the accused presently in judicial custody.

It is well-settled that the police enjoy statutory authority under the Code of Criminal Procedure to conduct an investigation, and interference by this Court in the investigative process is not warranted unless mala fide, lack of jurisdiction, or patent illegality is demonstrated, which is not the case herein. Mere allegation of a “false or fabricated case”, without any tangible material or prima facie evidence of mala fide, is not sufficient to dislodge an otherwise lawful and completed investigation.

In the present case, no exceptional circumstance has been shown which may justify the appointment of a new or higher-ranked Investigating Officer or a direction for reinvestigation. The apprehension expressed by the petitioner appears to be speculative

in nature and does not meet the threshold required for judicial interference in an ongoing or concluded investigation.

However, since fairness in investigation is a hallmark of criminal justice, it is always expected that the SSP concerned shall ensure transparency and objectivity in the prosecution /investigation process, without fear or favour.

Accordingly, finding no illegality or jurisdictional defect in the investigation so conducted, and no ground warranting interference under Article 199 of the Constitution, this Court is not inclined to grant the relief as prayed for. The petition is, therefore, disposed of along with pending application(s); however, the concerned prosecution agency shall proceed strictly in accordance with the law.

Judge

Judge