

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

C.P. No.D-809 of 2026

[Zohaib Ahmed Chandio v. Federation of Pakistan & others]

Before:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Riazat Ali Sahar

1. For order on MA No.3313/2026.
2. For order on office objection.
3. For order on MA No.3314/2026.
4. For order on MA No.3315/2026.
5. For hearing of main case.

Petitioner : Zohaib Ahmed Chandio through
Mr.Ashique Ali Panhwar, Advocate.

Respondents : Nil.

Date of Hearing : 28.04.2026

Date of Decision : 28.04.2026

ORDER

RIAZAT ALI SAHAR. J. - Through this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner seeks declaration and restraint against the alleged unlawful initiation and continuation of criminal proceedings by the respondents.

2. The petitioner, an employee of HESCO posted at Umerkot, assails the initiation of criminal proceedings by FIA authorities concerning alleged discrepancies in certain HESCO offices. Earlier, this Court, through orders dated 18.11.2025 and 09.12.2025 passed in C.P. Nos.D-1911 and 1558 of 2025 respectively, directed a re-inquiry into the matter prior to further action; however, according to the petitioner, such directions have not been complied with. It is contended that similar discrepancies in about 46 offices were largely resolved administratively through internal or third-party audits, while only a few offices, including that of the petitioner, were subjected to criminal prosecution. The petitioner alleges discrimination, *mala fide* and selective prosecution, asserting violations of constitutional safeguards including due process and fair trial. Aggrieved by the continuation

of proceedings and apprehending coercive action, the petitioner has invoked the constitutional jurisdiction of this Court.

3. Learned counsel contends that the impugned proceedings are void ab initio for non-compliance with prior directions of this Court mandating re-inquiry. He contends that selective prosecution of the petitioner, while treating differently to similar employees, upsets the constitutional guarantee of equality. He contends that the respondents are alleged to have acted arbitrarily, without lawful authority and in abuse of process, thereby infringing fundamental rights. He, therefore, prays for suspension of proceedings, fresh inquiry and protective relief against coercive measures.

4. Heard and perused the record.

5. At the outset, it is a settled proposition of law that constitutional jurisdiction under Article 199 is discretionary in nature and is not to be invoked where adequate alternate remedies are available under the law. The record reflects that the matter pertains to criminal proceedings pending before a competent court of law. The allegations raised by the petitioner, including questions relating to factual controversy, alleged discrimination and propriety of investigation are essentially matters requiring appreciation of evidence and factual determination. Such exercises fall squarely within the exclusive domain of the trial Court and cannot be adjudicated upon in writ jurisdiction.

6. It is equally well-established that constitutional courts refrain from interfering in criminal proceedings at an interlocutory stage unless a glaring case of lack of jurisdiction, *mala fide* of an extraordinary nature, or patent illegality on the face of record is made out. In the present case, the petitioner's grievances mainly revolve around disputed questions of fact, including the manner of inquiry and alleged selective prosecution. These assertions cannot be conclusively determined without recording evidence, which is impermissible in constitutional proceedings.

7. As regards the contention relating to non-compliance of earlier orders of this Court, the same, even if assumed for the sake of arguments, provides the petitioner with an appropriate remedy

before the trial Court. The petitioner may, if so advised, file an application before the trial Court raising all such objections, including those pertaining to jurisdiction, legality of proceedings, and alleged non-compliance of prior directions. The trial Court, being fully competent, shall decide the same strictly in accordance with law without being influenced by any observation made herein. Furthermore, the plea of discrimination and selective prosecution also entails factual inquiry and comparative analysis, which again necessitates evidence and cannot be undertaken in summary constitutional jurisdiction. The proper course for the petitioner is to agitate such grounds before the trial Court through appropriate applications, where all questions of fact and law may be examined comprehensively.

8. It is also pertinent to observe that the reliefs sought by the petitioner, particularly those seeking restraint against criminal proceedings and directions for re-inquiry and audit, would effectively amount to pre-empting the lawful process of the trial Court. Such interference, in absence of exceptional circumstances, would be contrary to settled judicial principles and would challenge the statutory framework governing criminal administration of justice.

9. For what has been discussed above, we find that no case for interference in exercise of constitutional jurisdiction is made out. The petition is accordingly **dismissed in limine**. The petitioner, however, is at liberty to approach the learned trial Court by filing appropriate grievance application(s) raising all legally permissible grounds, which shall be decided on their own merits, in accordance with law.

JUDGE

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