

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Const. Petition No.D-5271 of 2026

Date	Order with signature of Judge
1. For orders on office objections Nos.1 to 4.	
2. For hearing of Misc. 20357/2026.	
3. <u>For hearing of main case.</u>	

18.9.2026.

Messrs Asif Ali Abdul Razzak Soomro and Dr. Tahseen Shaikh, for petitioner.
Syed Ali Ahmed Zaidi, AAG.
Mr. Fahim Panhwar, DPG.
Mr. Ahmed Ali Hussain, for respondent No.7.
Zulfiqar Ali Shah, Director, Chairman, Enquiries & Anti-Corruption
Establishment, Sindh.
Muhammad Omar Farooq Mahar, Deputy Director, District South ACE,
Karachi.
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Learned AAG has placed on record parawise comments on behalf of respondents Nos. 2 to 6. Mr. Zulfiqar Ali Shah, Chairman, Enquiries & Anti-Corruption Establishment, Services, General Administration and Coordination Department, Government of Sindh, has also filed his written explanation seeking condonation of his absence on the previous date of hearing. The explanation is taken on record and his absence on the said date is condoned.

It has been noticed that, in the instant matter, the Anti-Corruption Establishment, District South, after completing the enquiry under the Sindh Enquiries and Anti-Corruption Rules, 1993 and obtaining the requisite approval from ACC-I headed by The Chief Secretary, Sindh, lodged FIR bearing Crime No. 04/2026 at Police Station ACE Karachi South on 29.05.2026, for offences punishable under sections 409, 420, 467, 468, 471 and 477-A read with section 34 PPC, as well as section 5(2) of the Prevention of Corruption Act, 1947.

Thereafter, investigation was undertaken; however, despite the lapse of considerable time, no report under section 173 Cr.P.C., has yet been submitted before the competent Court. The statutory scheme embodied in section 173 Cr.P.C. requires investigation to be completed without unnecessary delay and contemplates its completion within fourteen days. In the present case, the position assumes greater

significance because, prior to registration of the FIR, a formal enquiry had already been conducted under the Sindh Enquiries and Anti-Corruption Rules, 1993, during which the ACE had sufficient opportunity and time to examine the relevant record and material, and it was only upon formation of a prima facie view regarding commission of the alleged offence that approval was sought and the FIR was ultimately registered against the petitioner and others.

At this juncture, learned AAG submits that compliance of the earlier order has already been made and that the petition, being premature and devoid of merit, may be dismissed while permitting the respondents to complete the investigation. However, when specifically queried as to the nature of such compliance, he was unable either to place on record any document substantiating the assertion or to furnish any plausible explanation for the continued non-conclusion of the investigation and non-submission of the report under Section 173, Cr.P.C. The plea of compliance, therefore, remains unsupported by the record.

In such circumstances, the continued and unexplained failure of the Investigation Agency to submit report under section 173 Cr.P.C. prima facie reflects serious negligence and raises a legitimate question as to whether the investigation is being deliberately delayed so as to extend undue benefit to the accused persons or otherwise prejudice the prosecution case.

Let the concerned respondents, therefore, explain why, in view of such unexplained delay and apparent lack of progress, the matter should not be referred to the Chairman, National Accountability Bureau for examination and further probe, strictly subject to its statutory jurisdiction and in accordance with law since the subject matter concerns a major public-sector infrastructure project in Karachi, namely the Karachi Mobility Project (KMP) for the Yellow Line Bus Rapid Transit system, being undertaken with the involvement of the World Bank, including, inter alia, the construction contracts relating to the new Jam Sadiq Bridge, Depot-I at Dawood Chowrangi and Depot-II near Indus Hospital, Karachi.

The conduct of the Chairman, Anti-Corruption Establishment, also requires explanation, particularly with regard to the apparent failure to ensure compliance with the statutory mandate as well as the directions of this Court.

Accordingly, let a show-cause notice be issued to the Chairman, Anti-Corruption Establishment, through Secretary, Establishment Division Cabinet Secretariat, Islamabad calling upon him to explain why appropriate disciplinary proceedings should not be initiated against him for the aforesaid negligence.

Let a copy of this order be communicated forthwith to the learned trial Court, the Secretary, Establishment Division, Cabinet Secretariat, Islamabad, and the Chief Secretary, Government of Sindh, for information, necessary action and compliance in accordance with law.

Adjourned to 07.10.2025.

Judge
Head of Const. Benches

Ayub/Aamir

Judge