THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Misc. Application No. S-79 of 2026

[Sohrab Ali Jagirani and others Vs. The State]

Applicant	**:**	Through Mr. Muhammad Habibullah G. Ghouri, Advocate
The State	**:**	Through Mr. Nazir Ahmed Bhangwar, Deputy Prosecutor General, Sindh
Respondent/Complainant	**:**	Through Mr. Suhendar Kumar, Advocate
Date of Hearing	**:**	**02-11-2026**
Date of Order	**:**	**02-11-2026**

O R D E R

ARBAB ALI HAKRO, J- Through this application under Section 561-A Cr.P.C, the applicants/accused seek setting aside of the order dated 05.03.2026 passed by the learned 1st Additional Sessions Judge/Ex-Officio Justice of Peace, Kamber, whereby their application under Section 22-A(6)(ii) Cr.P.C. seeking directions for constitution of a Joint Investigation Team (JIT), comprising police officers not below the rank of Deputy Superintendent of Police from any district other than Kamber-Shahdadkot, for conducting fair and impartial investigation in Crime No.31/2026, registered at Police Station Saddar, Kamber, District Kamber-Shahdadkot, under Sections 364, 302, 201, 148 and 149 PPC was dismissed. Hence, the instant application.

2. The prosecution case, as set out in the F.I.R. lodged on 14.02.2026 by complainant Shoaib Shah, is that on 24.01.2026, at about 2130 hours, the applicants and their co-accused, armed with hatchets, dandas and lathis, took away the complainant's brother, Zuhaib Shah, from his house on the pretext of having tea; that he did not return; and that on 10.02.2026, a decomposed dead body, identified through clothes, was found lying near a paddy heap on the land of Syed Zameer Shah. The accused are alleged to have abducted and murdered him and concealed the body. The dead body was taken to Civil Hospital, Kamber, where a post-mortem examination was

conducted. It is alleged that the accused persons abducted Zuhaib Shah, committed his murder by inflicting hatchet, danda and lathi blows, and concealed his dead body in the paddy heap to destroy evidence of the offence.

3. The applicants/accused, alleging false implication and apprehending an unfair and partial investigation by the local police, approached the learned Ex-Officio Justice of Peace, Kamber, by filing an application under Section 22-A(6)(ii) Cr.P.C. seeking the constitution of a JIT comprising police officers from outside District Kamber-Shahdadkot. The said application was dismissed vide order dated 05.03.2026. Hence, the instant application.

4. Learned counsel for the applicants submits that the investigation is partial; that the local police, at the instance of the complainant, have foisted the recoveries and sent the applicants up for trial without a scientific identification of the body or any independent evidence; that the applicants' relatives complained in writing to the Deputy Inspector General of Police, Larkana, that the SHO and the investigating officer had been won over and that a fair investigation is possible only by a team of officers from outside the district.

5. Learned counsel for the complainant and learned D.P.G. oppose the application: the Justice of Peace had no power to direct the constitution of a JIT; the interim challan had already been submitted, and recoveries effected when he was approached; no mala fide on the part of the investigating officer was shown; and the final challan is now before the trial court.

6. Heard and perused the record.

7. The relief sought from the Justice of Peace was a direction to the Deputy Inspector General of Police to constitute a joint investigation team of officers not below the rank of Deputy Superintendent of Police drawn from a district other than the one in which the crime was registered. Section 22-A(6) Cr.P.C. confers on the Justice of Peace a limited, quasi-judicial jurisdiction: to entertain complaints of non-registration of a case, transfer of an investigation from one police officer to another, and neglect, failure, or excess by the police. It confers no power to supervise or direct the

investigating agency to prescribe the composition or rank of an investigating team or to exclude the police of an entire district from a case registered within it.[1] The direction sought was therefore beyond that forum, whatever its merits.

8. On the merits, the position is no better. The transfer of an investigation is an administrative act of the police hierarchy, to be ordered only on cogent material showing that the investigating officer has acted with bias or mala fide; an accused has no right to choose his investigator, and a bare allegation that the police have been bribed does not suffice. The applicants' real grievances, that the murder is unwitnessed, that the body was not scientifically identified, and that the recoveries are foisted, are defence points for the trial, not reasons to take the case away from an investigating officer who, on the applicants' own showing, found one of the nominated accused innocent and placed him in column No.2. The applicants did invoke the proper channel by their complaint to the Deputy Inspector General, who on 06.03.2026 marked it to a Deputy Superintendent of Police for inquiry; that remedy was pending when the Justice of Peace was approached, and nothing shows that it has concluded. With the final challan before the trial court, the stage for re-investigation has, in any event, passed; the report of that inquiry, if and when it is made, and every objection the applicants have to the fairness of the investigation can be placed before the trial court, which is the forum to assess them on the evidence.

9. These are the reasons for the short order of short order dated 02.11.2026, by which the application was **dismissed**. Nothing in this order shall be taken as an expression of opinion on the merits of the bail application of any of the applicants or on the case at trial.

JUDGE

Zulfiqar

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[1] *Younas Abbas v. Additional Sessions Judge, Chakwal* PLD 2016 SC 581; *Muhammad Ali v. Additional I.G.* PLD 2014 SC 753.