

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA

Constitution Petition No.D-170 of 2025.

Before;
Mr. Justice Amjad Ali Bohio;
Mr. Justice Ali Haider 'Ada'.

Petitioner:

Ghulam Parwar s/o Ghulam Sarwar Shaikh, *through* Mr. Abdul Sattar Hulio, Advocate.

Respondents:

SHO, PS A-Section Kamber and others, *through* M/s Saeed Akbar Siyal, Assistant Advocate General and Aitbar Ali Bullo, Deputy Prosecutor General, along with Hassan Sardar Khan Niazi, SSP Kamber-Shahdadkot, Mumtaz Ali Magsi, DSP/SDPO Shahdadkot, Inspector Zulfiqur Ali Khoso, I/C Litigation Branch, Inspector Rajib Ali Soomro, Legal Branch, SIP Abdul Ghaffar, SHO, PS Kamber and Inspector/SHO Noor Ahmed Mugheri, PS Rasheed Wagan.

Date of Hearing : 01.10.2026.
Date of Order : 01.10.2026.

ORDER

Ali Haider 'Ada', J.- The instant petition pertains to a writ of *Habeas Corpus* seeking production of the alleged detainee, namely Talib Hussain, who is stated to be the cousin of the petitioner. The principal contention of the petitioner is that, on 26.01.2025, he, along with the alleged detainee, was proceeding towards their destination and, upon reaching Kamber Bypass, police officials searched them and took away an amount of Rs.200,000/-. It is further alleged that, despite the petitioner raising an alarm, the alleged detainee was taken into custody and shifted to an unknown place, whereafter he remained under the alleged illegal confinement of the police functionaries. On such basis, the petitioner has

invoked the constitutional jurisdiction of this Court for issuance of a writ of *Habeas Corpus*.

2. Learned counsel for the petitioner submits that the alleged detainee has subsequently been shown as an accused in FIR Nos.09/2026 and 11/2026, registered at Police Station CTD, Larkana. It is contended that the said FIRs were subsequently registered by the police in order to provide a cover to their alleged illegal act of detention. Learned counsel further submits that the alleged detainee has no nexus with the offences incorporated in the said FIRs.

3. On the other hand, the SSP, Kamber-Shahdadkot, SHO, Police Station Kamber City, SSP, Larkana, and SDPO, Shahdadkot, have filed their respective progress and compliance reports. Their principal stance is that the alleged detainee was already nominated in FIR No.313/2019, registered at Police Station Kotri, for an offence punishable under Section 392 PPC. He was also booked in FIR No.291/2020, registered at Police Station Kotri, for an offence punishable under Section 9(c) of the CNS Act; in FIR No.142/2021, registered at Police Station K.N. Shah, for offences punishable under Sections 324, 148, 149 and 504 PPC; in FIR No.327/2024, registered at Police Station Qasimabad, for offences punishable under Sections 397 and 34 PPC; and in FIR No.18/2025, registered at Police Station A-Section, Shahdadkot, for offences punishable under Sections 324, 337-H(ii), 386, 148 and 149 PPC read with Sections 6/7 of the Anti-Terrorism Act. He was subsequently also booked in FIR Nos.09/2026 and 11/2026, registered at Police Station CTD, Larkana.

4. It is further stated in the reports that the alleged detainee was an absconder in a number of the aforesaid cases and, therefore, the allegation that he was being illegally

detained by the police was misconceived. According to the respondents, the petitioner has sought to present an absconder as an alleged detainee in order to invoke the extraordinary jurisdiction of this Court.

5. Learned law officers have mainly contended that the instant petition has been filed mala fide and with serious concealment of material facts. It is pointed out that the petitioner himself claims to be a cousin and close relative of the alleged detainee, yet he has not disclosed the criminal history of the alleged detainee and the various cases in which he was nominated and remained an absconder. It is, therefore, submitted that the petitioner has attempted to secure the release of a proclaimed offender/absconder by misusing the jurisdiction of *Habeas Corpus*, and that no such relief can be granted in the circumstances of the present case.

6. Heard and perused.

7. The writ of *Habeas Corpus* is intended to secure the production of a person alleged to be under unlawful custody or detention. However, a person invoking such extraordinary jurisdiction is required to approach the Court with complete candour and disclose all material facts relevant to the controversy. The obligation to place the entire relevant material before the Court rests upon the petitioner, particularly where the relief sought is founded upon an allegation of illegal detention.

8. In the present case, the petitioner, being a cousin of the alleged detainee, has not disclosed the material facts relating to the criminal cases in which the alleged detainee was nominated, including the cases registered from the year 2019 onwards. The record further reflects that the alleged detainee was an absconder in a number of cases and was

subsequently shown as an accused in FIR Nos.09/2026 and 11/2026, registered at Police Station CTD, Larkana. These material facts were not disclosed in the petition. Such concealment assumes particular significance as the entire claim of illegal detention is founded upon the assertion that the alleged detainee was taken into custody by the police and thereafter kept at an unknown place.

9. The record, therefore, reflects material concealment on the part of the petitioner. Concealment of material facts is a sufficient ground to decline discretionary and equitable relief under the constitutional jurisdiction of this Court. In this regard, reliance may be placed upon **Arshad Ali v. Federation of Pakistan through Secretary, Pakistan Railways Department, Islamabad, 2026 MLD 387 (DB-Sindh)**, and **Muhammad Hassan Mustafa (Late) v. Oil and Gas Development Company Limited (OGDCL), through Managing Director/Chief Executive Officer, 2025 PLC (C.S.) 1528 (Islamabad DB)**, wherein the effect of concealment of material facts and approaching the Court without clean hands has been considered.

10. In view of the foregoing, the petitioner has failed to establish that the alleged detainee is in illegal custody of the police so as to warrant issuance of a writ of *Habeas Corpus*. Consequently, the instant petition, being frivolous and misconceived, is hereby dismissed with costs of Rs.25,000/-, to be deposited with the Clinic of this Court. In case of failure to deposit the said amount, the same shall be recovered as arrears of land revenue. Let a copy of this order be communicated to the DIG, Police, Larkana; SSP, Larkana; and SSP, Kamber-Shahdadkot, for information and necessary action.

JUDGE

JUDGE