

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,**  
**LARKANA**

*Constitution Petition No. D-630 of 2026*

**Before:**  
***Mr. Justice Riazat Ali Sahar;***  
***Mr. Justice Ali Haider 'Ada'.***

Petitioner : Baz Muhammad son of Malik Dad,  
*through* Mr. Habibullah G. Ghouri,  
Advocate.

Respondent No. : Province of Sindh and others.  
01 to 07 *Through* Mr. Mohsin Ali Khan, Assistant  
Advocate General & Mr. Aitbar Ali Bullo,  
Deputy Prosecutor General, G.,  
alongwith Rana Nasrullah D.S.P Khanpur,  
Head of J.I.T/I.O and A.S.I. Aijaz Ali of P.S.  
New Foujdari, Shikarpur

Date of Hearing : 16-09-2026

Date of Order : 22-09-2026

**ORDER**

**Ali Haider 'Ada', J.-** The petitioner is an accused in FIR No.74 of 2026, registered at Police Station New Foujdari, Shikarpur, for offences punishable under Sections 302, 324, 148, 149, 114, 109 and 337-H(ii), P.P.C. The said FIR was lodged by one Amjad Ali/Respondent No.7, on 20.04.2026, whereas the date of occurrence has been mentioned therein as 19.04.2026.

2. The main contention of the petitioner is that he seeks further investigation into the aforesaid crime through the police authorities, as the entire family of the petitioner has been implicated in the said FIR. It is stated that an application was moved before the D.I.G. Police, Larkana Range, seeking transfer of the investigation, whereupon the investigation was transferred and entrusted to the A.S.P./S.D.P.O., Ratodero.

Thereafter, the challan was submitted before the competent Court. Upon issuance of notice by this Court, the S.D.P.O. submitted his report, while another report was also submitted by the Incharge S.H.O., Police Station New Foujdari, Shikarpur. Both reports are taken on record.

3. Learned counsel for the petitioner submitted that political rivalry exists between the parties and that several cases are pending against them arising out of various incidents in District Shikarpur. It was contended that false FIRs have been registered and that the entire family of the petitioner, including his grandson, has been implicated therein. Learned counsel further submitted that the petitioner, whereas other accused is a university student, and that the members of the family are highly educated persons. According to learned counsel, they have been implicated merely with a view to humiliating and harassing them. It was, therefore, submitted that the petitioner has no other option but to approach this Court for a direction that an impartial and competent police officer from outside the jurisdiction of District Shikarpur be deputed to conduct further investigation. Learned counsel further contended that further investigation can legally be conducted even after submission of the challan before the competent Court.

4. On the other hand, learned counsel for respondent No.7/complainant submitted that the investigation had already been changed at the request of the accused party, whereafter the investigation was conducted by the subsequent investigating officer, who submitted his report and the challan was thereafter presented before the competent Court. It was contended that the instant petition has been filed merely to

prolong the matter and avoid the trial and is, therefore, misconceived.

5. Learned Law officers, submitted that the investigation had already been concluded and the challan had been submitted before the competent Court. They, however, submitted that, if the petitioner has any grievance regarding the fairness or impartiality of the investigation, he may approach the higher police hierarchy for redressal of such grievance in accordance with law.

6. Heard and perused.

7. Upon perusal of the record, it transpires that the investigation had already been transferred and entrusted to another investigating officer pursuant to the request made on behalf of the petitioner's side. After such transfer, the petitioner's side did not raise any objection regarding the appointment, competence or impartiality of the subsequent investigating officer. Rather, the investigation was thereafter completed by the said officer and the challan was submitted before the competent Court. Thus, the petitioner has approached this Court after completion of the investigation and submission of the challan, seeking yet another intervention in the investigative process.

8. It is, however, settled that the constitutional jurisdiction of this Court may be invoked in an appropriate case where the investigation is shown to have been conducted with mala fide, in excess of jurisdiction, in colourable exercise of authority, without lawful sanction, in fraud of law or in abuse of the process of law. In this regard, reliance may be placed upon the judgment of the

Honourable Supreme Court in **Ghulam Sarwar Zardari v. Yar Ali and another (2010 SCMR 624)**, wherein the circumstances warranting interference in the matter of investigation were delineated as follows:

*:- investigation initiated beyond the jurisdiction of the investigating agency;*

*:- investigation initiated with mala fide intention, including:*

*:- action taken in bad faith out of personal motives, either to cause harm to the person against whom the action is taken or to derive benefit for oneself;*

*:- colourable exercise of powers;*

*:- not authorized by the law under which such action is taken;*

*:- action taken in fraud of law; and*

*:- abuse of the process of law.*

9. The above principles, however, do not dispense with the requirement that the person seeking interference must place before the Court some material demonstrating the existence of such exceptional circumstances. A mere allegation of political rivalry, false implication or dissatisfaction with the result of an investigation, without supporting material demonstrating mala fide or patent illegality, would not by itself justify a direction for a fresh or second investigation.

10. In the present case, the statutory framework governing the change of investigation is also relevant. **Article 18(4) of the Sindh (Repeal of Police Act, 1861 & Revival of Police Order, 2002) (Amendment) Act, 2019** provides, inter alia, as under:

*“Provided further that the second change of investigation may only be allowed with the approval of the Inspector General of Police.”*

11. The aforesaid proviso makes it clear that a second change of investigation is subject to the approval of the Inspector General of Police. Thus, where the petitioner seeks a further change of investigation after an earlier change has already taken place at his own request, the statutory mechanism prescribed by law cannot be bypassed by directly seeking such relief from this Court without first approaching the competent authority.

12. In the instant matter, the petitioner has not demonstrated that he approached the Inspector General of Police, Sindh, for the relief contemplated under the aforesaid provision, nor has he shown any exceptional circumstance warranting departure from the statutory mechanism. The grievance regarding the manner or fairness of investigation, therefore, may appropriately be placed before the competent authority in accordance with the law.

13. It is also relevant that the challan has already been submitted before the competent Court. Any direction for a fresh or second investigation at this stage, without first examining the matter in accordance with the statutory mechanism, may have an adverse bearing upon the progress of the trial. The petitioner's grievance, therefore, should first be examined by the competent authority prescribed under the law.

14. In view of the foregoing, the instant petition is disposed of in the following terms:

- 1. The petitioner shall be at liberty to approach the Inspector General of Police, Sindh, for seeking a second change of investigation/further investigation in accordance with Article 18(4), particularly the second proviso thereto, of the Sindh*

*(Repeal of Police Act, 1861 & Revival of Police Order, 2002)  
(Amendment) Act, 2019.*

2. *In the event such an application is filed, the Inspector General of Police, Sindh, shall examine the same in accordance with law and pass a detailed and reasoned speaking order, after affording an opportunity of hearing to the concerned parties, if required.*
3. *The aforesaid exercise shall preferably be completed within a period of 30 days from the date of receipt of such application, keeping in view that the challan has already been submitted before the competent Court and any unnecessary delay may adversely affect the progress of the trial.*

15. The petition stands disposed of in the above terms.

**JUDGE**

**JUDGE**