

## IN THE HIGH COURT OF SINDH AT KARACHI

### Constitutional Petition No. S – 475 of 2023

Petitioner : Hassan Adil Sheikh  
through Mr. Raj Ali Wahid Kunwar along with  
Ms. Anjili Talreja, Advocates

Respondent : Inspector General of Police Sindh  
through Ms. Naushaba Haque Solangi, Assistant  
Advocate General Sindh along with Mr. Zahoor  
Shah, Deputy Prosecutor General Sindh.

Date of hearing : 12<sup>th</sup> December, 2023

### ORDER

**OMAR SIAL, J.**: The learned counsel for the petitioner Hassan Adil Sheikh has submitted that sixteen cases have been registered against his father Haleem Adil Sheikh (“Sheikh”) from 16-02-2021 to 10-05-2023. Out of these sixteen cases, nine cases were registered after 07-05-2023. He was arrested for the first time on 31.08.2023. Since that date, he has been arrested five times.

2. Petitioner filed this petition on 13.05.2023 seeking directions to the Sindh Police to let him know how many cases were registered against his father in Sindh as he was apprehensive of being arrested. The Sindh police did provide the details, which are on file and are self-explanatory. It seems from the reply filed by the police that on the date the police provided details of the F.I.R.s, there were cases in which investigation was ongoing. Petitioner says that the police, with malafide intent, waited till his father was bailed out in some cases before they would arrest him in another. This modus operandi of the police, according to petitioner, is to ensure Sheikh’s non-participation in the upcoming general elections and as a sign of disapproval towards the political party he is a member of.

3. Sheikh's record, upon a very tentative and cursory assessment, is certainly not stellar. He is nominated accused in many cases, several having been registered before May 2023, when Sheikh's alleged conduct and activities changed his fortunes for the worse.

4. One can disagree with Sheikh's political ideology and the route he chose to appease his party and perhaps in a quest to gain prominence within the political party he is a member of, temporarily lost his faculties of thinking and reason and intentionally resorted to conduct which may very well categorise as breach of the penal code and makes him answerable on several counts. Petitioner has approached this Court seeking justice; however, unfortunately, he did not remain cognizant that Sheikh's misconceived conduct may breach the city's peace. Nevertheless, he is a citizen of Pakistan and is entitled to the Fundamental Rights guaranteed to him in the Constitution. His guaranteed rights can only be suspended in accordance with the Constitution and the law. On an academic and theoretical level, an argument can be raised that the successive piecemeal arrests of Sheikh are perfectly in accordance with the law. The police cannot be restrained in its duties, courts cannot interfere with an investigation, investigation is an ongoing process, a person can be arrested after a cognizable offence has been committed, a court cannot stop registration of F.I.R.'s, are some of the arguments raised to show that the law has been followed and that there is very little the court can do in the situation. All of the arguments are correct. The law may have been followed in the letter by the Sindh police, but it most certainly has not been followed in its spirit.

5. When one goes through the history of the F.I.R.s, it is evident that Sheikh has a case to answer, but the manner and the timing of his arrests and re-arrests are unusual, to say the least. Successive re-arrests could be justified if evidence was obtained in the interim in an already registered case, which necessitated his arrest in another case. This certainly was not the situation. There are indications of a modus operandi deployed by the Sindh police, the intent of which seems to be to keep Sheikh behind bars

for as long a period as possible. For this reason, the Sindh police repeatedly arrest him after he has been admitted to bail in a case, and the cases in which his arrest is required, though known to the police, are being disclosed in shifts to him. It adds credence to his allegation that the motive of the Sindh police is to keep him behind bars for as long as possible. This is not fair or just. The manner in which the Sindh police has conducted itself is unprofessional and, if not malafide, certainly reflects a lack of independence and autonomy. The Sindh police must not forget that the common man's faith in the criminal justice system is at rock bottom, and such conduct from the Sindh police further erodes the common man's confidence in the system. Each citizen of Pakistan is entitled to his self-respect and dignity and the due process of law. It is hoped and expected that the Sindh police will take measures to sustain its professionalism, pride, self-respect and dignity.

6. Regarding the present case, Sheikh has been booked and arrested in all the F.I.R's against him. Unless a law enforcement agency registers another case, there also seem to be no pending investigations in which he could be arrested. The information the learned counsel for the petitioner had prayed to be provided to him has been provided. He makes no further prayer.

7. The listed applications are disposed of with the directions that a copy of this order be sent to the I.G. Sindh to draw his attention to the observations made in the preceding paragraphs. The I.G. shall ensure that the force he commands always follows the law with complete independence and autonomy. Only then will people's confidence in the force be restored.

**JUDGE**