

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

Const. Petition No. S- 51 of 2025
(Muhammad Aslam v. SHO, PS Behram & Ors)

DATE	ORDER WITH SIGNATURE OF JUDGE
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Fresh Case

1. For orders on M.A No. 152/2025 (U/A)
2. For orders on office objection 'A'
3. For orders on M.A No. 153/2025 (E/A)
4. For Hearing of main case.

Date of hearing and Order:- 07.03.2025

Mr. Habibullah G. Ghouri, Advocate for the petitioner.
Nemo for the respondents.
Mr. Nazir Ahmed Bhangwar, DPG for the State.

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ORDER

Adnan-u-Karim Memon, J:- The petitioner Muhammad Aslam alleges harassment by government officials working with private individuals.

2. Learned D.P.G present in Court has waived the notice of this petition and seeks disposal thereof with the narration that no harassment shall be caused to either party by the police officials. The suggestion seems to be reasonable and acceded to.

3. This court is of the tentative view that this is a harassment case, emphasizing that "harassment" encompasses a broad range of harmful actions. The court stressed the police department's responsibility, particularly the Senior Superintendent of Police (SSP), to address such issues. While the petitioner has a fundamental right to protection from both police and private harassment, this court clarified that the police retain full authority to act legally if either party commits a criminal offense.

4. The terms "harass," "injure," and "injury" carry wide-ranging meanings in both common usage and legal settings. While related, "harass" is uniquely focused on mental and emotional distress. Its synonyms—wary, perplex, distress, tease, vex, molest, trouble, and disturb—emphasize this aspect. "Harassment" encompasses torment and vexation, mirroring "torture," which includes mental and psychological abuse. Cruel, inhuman, and degrading treatment, even in police custody, can inflict severe psychological pressure

amounting to torture. However, it is crucial to remember that individuals must also abide by the law to ensure the protection of others, including their family members.

5. Article 4 of the Constitution guarantees everyone the right to be treated according to the law, which includes fairness and the elimination of any factors that obstruct legal processes. To uphold this right, this court directs the police to investigate the issue at their end.

6. Higher courts have consistently condemned police harassment. Pakistan, as an Islamic state, must uphold high ethical standards. The Constitution protects citizens' honor and dignity. This court stressed that the misconduct of one family member does not justify subjecting others to dishonor, disrespect, and harassment. Such police actions violate the law, legal ethics, and human rights. Violations of this fundamental right constitute harassment. All executive and judicial officials must operate within the bounds of the law. Article 4 of the Constitution safeguards the right to lawful treatment, which must be rigorously protected against any infringement.

7. However, the police is directed to act strictly within legal boundaries, ensuring no harassment of any party. If a civil or criminal dispute exists, the parties must resolve it through the appropriate courts, and the police are prohibited from interfering in private matters. However, if a cognizable offense is committed, the police is free to intervene and take action under the law. Furthermore, the Station House Officer (SHO) is ordered to secure a Rs. 500,000/- bond from either party to the effect that no harm is caused to them, however, their every action is subject to law and the civil dispute shall be taken care of by the concerned Court, if any.

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

JUDGE
7/8/2015

A.H. Qureshi