

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

*Constitutional Petition No. D-362 of 2026
(Ali Gul Drigh vs. P.O.Sindh and others)*

Before:-
Mr. Justice Amjad Ali Bohio
Mr. Justice Ali Haider 'Ada'

Fresh case

1. For orders on CMA No.1369/2026 (U/A)
2. For orders on the office objection at flag 'A'
3. For orders on CMA NO.1370/2026 (Ex.A)
4. For the hearing of the main case

26.02.2026

Mr. Ghulam Rasool Narejo, Advocate for the Petitioners

ORDER

Ali Haider 'Ada', J:- The case of the petitioner is that one Misri son of Muhammad Sadiq lodged FIR bearing Crime No.127 of 2025 under Sections 302, 148 and 149, PPC at Police Station Gambat, District Khairpur Mirs, against the nominated accused, including Respondent No.7. Initially, the matter was investigated and disposed of by the Investigating Agency under 'A' Class. However, the learned Magistrate concerned did not concur with such a report and, vide order dated 17.12.2025, directed the DIG to depute DSP Abdul Qudoos Kalwar for conducting a fresh investigation. Consequently, the matter was handed over to Respondent No.4, the present Investigating Officer.

2. The petitioner, being the husband of the deceased, has filed the instant petition on the ground that no fruitful result has emerged from the investigation so far. Learned counsel for the petitioner contends that the investigation has not been conducted in accordance with the law and that the Investigating Officer has failed to act fairly and impartially, thereby causing serious prejudice to the petitioner.

3. Heard. Record perused.

4. It is settled law that the conduct of investigation squarely falls within the domain of the Investigating Agency. No party can insist that an investigation be carried out in a particular manner according to its will or desire. Likewise,

neither the Magistrate nor this Court can interfere in the process of investigation to direct the Investigating Officer as to how or in what manner the investigation is to be conducted. Support in this regard is drawn from the judgment of the Hon'ble Supreme Court in **SEETA RAM v. The State, 2025 S CMR 2028**.

5. However, if a person is aggrieved by the conduct of the investigation and seeks a change or transfer of the Investigating Officer, or complains of police excess, the proper and efficacious remedy lies under Sections 22-A and 22-B, Cr.P.C., before the Justice of Peace. When such an alternate statutory remedy is available, the Constitutional jurisdiction of this Court is ordinarily not to be invoked. Reliance is placed upon the judgments reported as **Indus Trading and Contracting Company v. Collector of Customs (Preventive), Karachi and others (2016 SCMR 842)**; **President, All Pakistan Women Association, Peshawar Cantt. v. Muhammad Akbar Awan and others (2020 SCMR 260)**; **Commissioner Inland Revenue and others v. Jahangir Khan Tareen and others (2022 SCMR 92)**; and **Executive Director (P&GS), State Life, Principal Office Karachi and others v. Muhammad Nisar, Area Manager, State Life Corporation of Pakistan, Peshawar Zone (2025 SCMR 249)**.

6. Furthermore, in **Abdul Hameed v. Province of Sindh, PLD 2019 Sindh 168**, the scope of Sections 22-A and 22-B, Cr.P.C. has been elaborately discussed, and it has been clarified that grievances relating to change or transfer or any police excess investigation can effectively be agitated before the competent forum under the said provisions.

7. In view of the above facts and legal position, the petitioner has an adequate and alternate remedy available under the law. Consequently, this petition is dismissed in *limine*, along with all pending applications.

JUDGE

JUDGE