

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**Constitutional Petition No. D – 367 of 2026.  
(Shoukat Hussain Shaikh vs. Fed. of Pakistan and others)**

1. For orders on MA No.1405/2026
2. For orders on office objections
3. For orders on MA No.1406/2026
4. For orders on MA No.1407/2026
5. For the hearing of the main case.

**25.02.2026.**

Petitioner Shoukat Hussain is present in person.

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**ORDER**

**Ali Haider 'Ada' J.:** Through this Constitutional Petition, the petitioner has assailed the warrants of arrest issued by the learned Banking Court-II, Sukkur, in Execution Application No. 344 of 2021 arising out of Suit No. 49 of 2020.

Briefly stated, M/s. National Bank of Pakistan, Rohri Branch (Respondent No. 3), instituted Suit No. 49 of 2020, which was decreed against the petitioner. The petitioner contends that he has deposited certain amounts with the bank authorities, and in support thereof has annexed copies of cash receipts, asserting that such payments were not properly considered. It is further submitted that the total decretal amount is Rs. 483,501.83, which, according to the petitioner, has been deposited in the shape of some installments before the bank authorities.

The grievance of the petitioner is limited to the extent that, owing to the issuance of warrants by the learned Banking Court-II, Sukkur, he is unable to effectively approach the said Court to place the relevant material on record and to defend the execution proceedings. He, therefore, prays only for suspension of the operation of the warrants of arrest to enable him to appear before the Banking Court and pursue his remedy in accordance with law.

It is a settled principle of law that in the absence of admissible evidence and without conducting a proper inquiry, an order for arrest and detention ought not to be issued. In this regard, reliance is placed upon the judgments reported as **2018 CLD 830, 2015 CLC 1904, 2007 CLD 964, 2005 CLD 401, PLD 2000 Lahore 290, and 2022 CLD 1021.**

Without entering into the merits of the decree or examining the correctness of the execution proceedings, it is observed that if the petitioner is willing to surrender and approach the concerned Court to place his material on record and seek audience in the matter, he ought to be allowed to do so.

Accordingly, the operation of the non-bailable warrants of arrest issued by the learned Banking Court-II, Sukkur, in Execution Application No. 344 of 2021, arising out of Suit No. 49 of 2020, is hereby suspended. The petitioner is directed to appear before the learned Banking Court-II, Sukkur, within three days from today, and place all relevant material on record, as well as to face the execution proceedings in accordance with law.

It is clarified that the learned Banking Court-II, Sukkur, shall decide the execution application strictly on its own merits, independently and without being influenced by any observation made in this order, as the present order is curbed solely to the suspension of the warrants of arrest for three days from today.

Accordingly, and in view of the above, this Constitutional Petition stands disposed of, with no order as to costs.

**JUDGE**

**JUDGE**

