

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No. S-12 of 2025.  
(Ali Bux Shaikh vs. IG Sindh Police and others)

For orders on office objections  
For the hearing of the main case.

**27.02.2026.**

Mr. Aftab Ahmed Channa, Advocate for the Petitioner.

Mr. Muhammad Hamzo Buriro, Advocate for Respondent  
No.6 (Habib son of Ali Dost)

Mr. Agha Athar Hussain Pathan, Assistant Advocate  
General .

Mr. Gulzar Ali Malano, Assistant Prosecutor General

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## **ORDER**

**Ali Haider 'Ada' J.:** Through this constitutional petition, the petitioner, Ali Bux, has raised a grievance seeking directions to the official Respondents to recover his brother, Mukhtiar Ali, who has been missing since 2024. Notices were issued to the Respondents by this Court in this regard.

2. The crux of the case is that on 11.08.2024, FIR No.154/2024 was registered by the petitioner, alleging that the incident occurred on 16.07.2024. The FIR was registered under Sections 365-A, 506(2), 452, and Sections 6 & 7 of the Anti-Terrorism Act, 1997. The FIR was investigated, a challan submitted, and the matter is currently pending before the Anti-Terrorism Court.

3. Learned Counsel for the Petitioner submitted that despite registration of the FIR, the abductee has not yet been recovered. He contended that it is the prime duty of the police to recover the abductee, and that despite nomination of accused persons, the police have limited themselves to documentation. A Joint Investigation Team (JIT) was constituted, but no concrete efforts have come on record regarding the recovery of the abductee. Learned Counsel

further argued that the trial Court, while framing charges, acted contrary to law since the alleged abductee has not yet been recovered. He also contended that claims regarding raids on the petitioner's house are unsubstantiated, and that the petitioner's only objective is the recovery of his brother.

4. On the other hand, Counsel for Respondent No.6 (accused in FIR No.154/2024) submitted that a report dated 13.10.2025 by SSP Sukkur (Respondent No.3) indicated that a JIT was constituted and joint efforts were made by the Task Team to trace the abductee. However, the petitioner failed to cooperate by appearing before the JIT or providing information. The Counsel further submitted that during one raid conducted at the petitioner's premises, it was revealed that the alleged abductee was hidden by the petitioner's side. Hindrances were created during the raid, but the matter was later resolved. Photographs submitted on social media reflected that the petitioner eventually showed willingness to cooperate. It was also noted that the petitioner himself lodged FIR No.60/2025, alleging attempted kidnapping, further highlighting a family dispute. Counsel for the Respondents emphasized that the petitioner's side avoided attendance before the trial Court.

5. Learned Assistant Advocate General and Assistant Prosecutor General relied upon police reports, submitting that nearly 37 raids were conducted to ascertain facts. They emphasized that the petitioner is obligated to cooperate with the police in order to recover the alleged abductee, if any.

6. Heard and perused the record.

7. Upon perusal of the record, it is evident that it is the prime duty of police functionaries to ascertain facts involved in an FIR. In the present matter, Mukhtiar Ali was alleged to have been kidnapped by private individuals, and the police were obliged to ascertain facts. However, "ascertaining facts" does not restrict the police to only acting against accused persons;

if, it appears that the alleged abductee is being concealed by the complainant's side, the police have full authority and are under an obligation to take stern and strict action to ascertain the truth.

8. The record reflects that the police requested cooperation from the petitioner, which was deliberately avoided. The contention that the trial Court acted illegally by framing charges is misconceived. Investigation and trial proceedings continue even when the abductee is involved, as detention of a person under Section 365 PPC does not bar the trial from progressing. Criminal jurisprudence, as established, recognizes that an accused enjoys the benefit of law, but it does not prevent the trial or investigative process from continuing.

9. It is further noted that raids were conducted, so, under Police Rules, 1934 (Chapter "Investigation" Volume-III), police are obligated to ascertain facts and conclude investigations appropriately.

10. The scope of a Constitutional petition to recover a person listed as an abductee in an FIR is limited in the presence of an ongoing trial. The recovery of the alleged abductee and the determination of relevant facts remain the exclusive prerogative of the trial Court. Allowing the petitioner to seek relief directly under Article 199 of the Constitution could prejudice the trial proceedings; therefore, the petitioner may first present his case before the trial Court.

11. For the foregoing reasons, the instant petition is disposed of with the following observations:

(a). The trial Court is directed to conclude the trial without undue delay. The JIT, if it finds any clue or indication regarding the recovery of the alleged abductee from any source, shall submit its report to the trial Court and make all possible efforts for such recovery.

(b). The petitioner, if aggrieved with cogent reasons regarding the efforts of the JIT, shall first approach the trial Court with the relevant stance concerning the recovery. The trial Court may, after proper ascertainment, summon the concerned functionaries or the JIT for explanation or further action, without holding the trial in abeyance, as the trial proceedings shall continue unaffected.

**JUDGE**

*Faisal Mumtaz/PS*