

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI

C.P. No. D – 3622 of 2026
(Farhan Ali v Province of Sindh & others)

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	Before:- Mr. Justice Adnan-ul-Karim Memon Mr. Justice Adnan Iqbal Chaudhary
<u>Date of hearing and order:-13-07-2026</u>	

Mr. Hussain Bux Baloch, Advocate for the Petitioner.
Syed Ali Ahmed Zaidi, AAG Sindh.
Ms. Seema Zaidi, Additional Prosecutor General Sindh.
M/s. DSP Muhammad Sadiq Oad, SIP, Sarmad Khoso, I/c. Shaheen Force, PC Zohaib, PC Naveed, PC Ali Hussain, SIP Riasat Ali, SIP Asghar Ali, HC Hanif, HC Ali Gul, PC Babar, PC Najabuddin and DSP Legal Sajid Gujjar, all are present in Court.

ORDER

Adnan-ul-Karim Memon, J Through the captioned petition, the petitioner prayed that this Court direct the police department to conduct a fair and impartial inquiry into the alleged incident, obtain and examine the CCTV footage and other evidence available with the petitioner, constitute a Joint Investigation Team (JIT) to ascertain the truth, and take appropriate legal action against the persons found responsible.

2. Learned counsel for the petitioner submits that the instant constitutional petition under Article 199 of the Constitution has been filed seeking protection and enforcement of the fundamental rights of the petitioner and his deceased younger brother, Rehan Ali son of Niaz Hussain, who was allegedly subjected to an extra-judicial killing by police officials by portraying the incident as a fake encounter. It is contended that on 04.03.2026, the petitioner received information through police officials that his younger brother had been killed in a police encounter at Police Station Sachal. Upon reaching the police station, the petitioner came to know that FIR No.554/2026 under Sections 353, 324 and 34 PPC and connected FIRs under the Sindh Arms Act had been registered, showing the deceased as an accused. The dead body was handed over to the petitioner, and upon examination, he noticed a firearm injury on the chest of the deceased. Learned counsel submits that the deceased was an innocent person having no criminal record, and after burial, the petitioner conducted inquiries regarding the alleged encounter. During such inquiry, the petitioner obtained CCTV footage of the place of occurrence, which allegedly reveals that the deceased was unarmed and was killed through direct firing by police officials while lying on the ground.

It is argued that the CCTV footage contradicts the police version and establishes that the encounter story was fabricated to conceal an unlawful killing. It is further submitted that the petitioner approached the concerned police authorities and higher officials for redressal of his grievance, but no action was taken. Consequently, the petitioner filed Criminal Miscellaneous Application No.1522/2026, which is pending adjudication, and has invoked the constitutional jurisdiction of this Hon'ble Court due to the absence of any other adequate and efficacious remedy. Learned counsel argues that the alleged actions of the respondents violate the fundamental rights guaranteed under Articles 4, 9, 10 and 10-A of the Constitution, and this Hon'ble Court has jurisdiction to prevent abuse of authority and ensure compliance with the rule of law. It is prayed that directions may kindly be issued to conduct a fair inquiry into the incident, obtain and examine the CCTV footage and other evidence, constitute a Joint Investigation Team (JIT), and proceed against the responsible officials in accordance with law.

3. Learned AAG and APG submit that the allegations contained in the instant petition are misconceived and contrary to the facts. It is contended that the alleged police encounter had taken place before the posting of the present SHO, Police Station Sachal, and the incident was between the patrolling party of Shaheen Force and armed criminals/robbers. In this regard, FIR No.554/2026 under Sections 353, 324 and 34 PPC, along with connected FIRs bearing Nos.555/2026 and 556/2026 under relevant provisions of the Sindh Arms Act, were registered at Police Station Sachal. It is further submitted that as per the contents of the FIR, on receipt of information regarding the encounter at Sabeel Chowk, Central Information Society, Scheme-33, Karachi, the police party reached the spot where the Shaheen Force personnel were already present along with the apprehended accused, namely Islam-ud-Deen, son of Gul Hassan, and another injured accused, namely Rehan Ali, son of Niaz Hussain. Illegal weapons were also recovered from the accused persons. The injured accused was immediately shifted to Abbasi Shaheed Hospital for medical treatment; however, he expired on the way, and thereafter all legal formalities, including medical examination and issuance of a death certificate, were completed. Learned AAG and APG further submit that the allegations of fake encounter or unlawful killing are denied. It is stated that both accused persons were apprehended during a robbery attempt after they opened fire upon the police party with an intention to cause harm, resulting in retaliatory firing and injuries to accused Rehan Ali, who subsequently died while being shifted to the hospital. It is further argued that after registration of the case, investigation of the police encounter case was entrusted to the Crime Investigation Cell (CIC), Police Station Shah Latif, in accordance with the applicable SOPs, to ensure a fair and impartial investigation. As per the progress report of the Investigating Officer, the allegations and contents of the FIR were

found to be correct. Learned AAG and APG submit that no application or complaint regarding the alleged incident was ever received at Police Station Sachal from the petitioner, nor was any miscellaneous application forwarded by any Court, and it is prayed that the petition be dismissed as being without merit, in the interest of justice.

4. After hearing the submissions of learned counsel for the parties and examining the available record, it appears that the controversy involved in the instant petition relates to two conflicting versions of the same occurrence; one version projected by the police as a genuine encounter resulting in the death of Rehan Ali son of Niaz Hussain, whereas the petitioner alleges that the deceased was subjected to an extra-judicial killing by staging a fake encounter.

5. The Hon'ble Supreme Court in Mst. Sughra Bibi v. The State (PLD 2018 SC 595) has settled the principle that there can only be one FIR in respect of one occurrence; however, during investigation, the Investigating Officer is legally bound to collect all available evidence and record every version of the incident under Section 161 Cr.P.C. The duty of the Investigating Officer is not to support any particular version but to discover the truth of the occurrence from all possible angles.

6. In the present case, the police version has already been incorporated in FIR No.554/2026 and connected FIRs, whereas the petitioner has placed reliance upon alleged CCTV footage and other material which, according to him, contradicts the police version. Such disputed questions of fact, including the authenticity and evidentiary value of CCTV footage, manner of occurrence, recovery of weapons, and circumstances leading to the death of the deceased, require proper appreciation through an impartial investigation and cannot be conclusively determined in constitutional jurisdiction under Article 199 of the Constitution.

7. However, keeping in view the seriousness of allegations regarding alleged extra-judicial killing and the constitutional obligation of the State to protect life and liberty guaranteed under Articles 4 and 9 of the Constitution, the investigating agency is required to examine the petitioner's version along with the available CCTV footage and other material evidence in accordance with the law laid down in **Mst. Sughra Bibi's case**. The investigation must remain impartial, transparent and directed towards discovering the facts rather than merely endorsing the police version.

8. Since the respondents have already stated that the investigation was entrusted to Police Station Shah Latif under the relevant SOPs, the appropriate course would be to direct the IGP Sindh to assign this case to Investigating

Officer of the DSP rank to consider the material produced by the petitioner, obtain and preserve CCTV footage, record statements of relevant witnesses, and submit a report before the competent forum strictly in accordance with law.

9. Accordingly, the petition is disposed of with directions to the Investigating Officer so appointed by the competent authority to conduct a fair and impartial investigation by considering both versions of the occurrence and all available evidence, including CCTV footage relied upon by the petitioner, and proceed against any person found responsible in accordance with law. However, no observation made herein shall prejudice the trial or further proceedings before the competent Court.

JUDGE

JUDGE