

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Criminal Misc. Application No.S-209 of 2026

Muhammad Safeer

v.

S.H.O. P.S. Miani @ Badani and others

Applicant : Muhammad Safeer son of Ali Dost Jagirani.
Through Mr. Ashfaque Hussain Abro,
Advocate.

Respondent No.1. : Though Mr. Sardar Ali Solangi, Deputy
Prosecutor
General, Sindh.

Respondent No.2 : Muhammad Yousif son of Ghulam Muhammad
Through Mr. Abdul Rehman A. Bhutto,
Advocate

Date of Hearing : 23.07.2026

Date of Order : 23.07.2026

ORDER

JAWAD AKBAR SARWANA: This Criminal Miscellaneous Application has challenged the order dated 16.06.2026, passed by learned Ex-Officio Justice of Peace, Kashmore in Criminal Miscellaneous Application No. 834/2026, wherein the complainant/respondent no.2-Muhammad Yousif/Yousuf's application filed under section 22-A and 22-B Cr.P.C. against the proposed accused/applicant-Muhammad Safeer Jagerani, who is serving as Head Constable, P.S. Miani @ Badani was allowed to the extent of issuing directions to the SHO at the same P.S., i.e. P.S. Miani @ Badani to record the statement of the applicant/complainant in terms of section 154 Cr.P.C.

2. Counsel for the proposed accused/applicant contends that no information was available with the Ex-Officio Justice of Peace to issue directions to record the statement of the complainant/respondent no.2. He relies on the report submitted by the DSP Complaint Centre Kashmore @ Kandhkot which after noting that the applicant had refused to appear before the DSP Office, and recording the proposed accused contention that he was posted at I/C PP Jamal at the material time, and SHO PS Miani @ Badani's submission that there was no evidence of any incident taking place in the AOR of PS Miani at Badani, concluded that no information for a criminal case was made out. Counsel submitted that in

the circumstances, the Ex-Officio Justice of Peace ought to have rejected the applicant/respondent no.2's complaint.

3. I have gone through the impugned order dated 16.06.2026 and note that the learned Ex-officio Justice of Peace, Kashmore, has noted and discussed the information available with him with care, precision and sensitivity in the context of the matter involving allegation(s) against police official(s) and the powers and jurisdiction under Sections 22-A & 22-B Cr.P.C. My opinion/view is well-captured from the Ex-officio Justice of Peace, paragraph-4 of the impugned order, which reads as follows:

“...On the other hand, during the personal hearing, Respondent No.1 failed to satisfy the conscience of the Court as to how the SIM card belonging to his brother, the proposed Accused No.2, who opted to remain absent from the proceedings, came into the possession of the complainant.”

4. It appears from the reading of the impugned Order, including the above-mentioned paragraph 4, that at the time of its hearing, the Ex-officio Justice of Peace was conscious of the enquiry report that was submitted to him by the DSP Office at Kashmore-Kandhkot as well as alert to the alleged incident taking place in the AOR of and/or at P.S. Miani @ Badin which falls within the jurisdiction of Kashmore-Kandhkot and that the complainant alleged that the proposed accused, alleged to be a Head Constable, was present at P.S. Miani @ Badani, allegedly playing some role in denial of complaint at the same P.S. Based on the string of information, he concluded the provisions of Sections 22-A & 22-B Cr.P.C. stood triggered.

5. As per law, any person who has information of an offence having been committed is entitled under the law to provide such information to the police station. Once such information is provided, it is up to the police officer to determine whether any offence is revealed, and if an offence is revealed, whether it is cognizable or a non-cognizable offence. The Criminal Procedure Code and Police Rules provide ample guidance to police officers to proceed in either situation, as well as the situation where false information has been provided. The police officer shall apply his own mind and act in accordance with law.

6. In the facts and circumstances of the case, as available on record, and for reasons discussed hereinabove, I am aligned with the conclusion reached by the Ex-Officio Justice of Peace concerning information that appears to be available on record to trigger the provisions of Section 22-A Cr.P.C. However, given the background of the case, I am not inclined to have the statement recorded by the SHO P.S. Miani @ Badani; it would be more appropriate for the sake of fairness and transparency that the S.S.P Shikarpur records the statement of the complainant in terms of Section 154 Cr.P.C.

7. It is hoped and expected that the concerned police officer shall behave in a neutral, polite and objective manner, in particular as the issue involves police officials. At the time of dictating this order in open Court, the proposed accuse/applicant is/was concerned that no prejudice is caused to him in relation to the performance of his law enforcement duties. Accordingly, for the removal of doubt, it is clarified that the concerned police officer recording the statement, investigation, if so found, etc. shall not arrest any person without the availability of any evidence of his culpability.

8. Given the above, the impugned order dated 16.06.2026 is modified in the above terms and the instant Criminal Misc. Application stands disposed of as above.

Judge

Manzoor