

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO

Crl. Misc. Appln. No.S-185 of 2026.	
Date	Order with signature of Judge

For hearing of main case.

23.07.2026

Mr. Wakeel Ali Shaikh, advocate for applicant.

Mr. Muhammad Afzal Jagirani, advocate for the proposed accused.

Mr. Sardar Ali Solangi, D.P.G a/w PDSP Bashir Ahmed Abro and ASI Muhammad Ilyas Soomro, In-charge SHO PS Akil.

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The statement filed by ASI Muhammad Ilyas Soomro, I/C SHO PS Akil (proposed-accused respondent No.1), is taken on record.

The applicant/complainant-Muhammad Ali is aggrieved by the order dated 12.05.2026, passed by the learned Ist-Additional Sessions Judge/Ex-Officio Justice of Peace Larkana in Crl. Misc. Application No.755 of 2026. He contends that the learned Ex-Officio Justice of Peace, while deciding his complaint, relied upon, inter alia, report(s) submitted by the same Police Station, i.e. P.S. Akil, whose SHO was impleaded as one of the proposed accused in the very same Crl. Misc. Application, filed by the applicant/complainant before the Ex-Officio Justice of Peace.

Learned counsel for the proposed accused-SHO submits that the applicant/complainant is a hardened criminal, has several F.I.Rs pending against him, and the complaint filed before the Ex-Officio Justice of Peace was frivolous and rightly dismissed.

Heard Counsel and learned DPG.

The order passed by the Ex-Officio Justice of Peace clearly relies on information, which includes, but is not limited to, report(s) submitted by the (i) In-charge District Complaint and Redressal Cell,

Larkana, and (ii) SHO PS Aqil Larkana; whereas in the Criminal Misc. Application No.755 of 2026, the SHO, P.S. Akil, arrayed as a proposed accused, is from the same P.S. Akil. In the circumstances, for the sake of good order, propriety, neutrality, objectivity, transparency, and to avoid allegations of bias and/or prejudice, reliance on information from the report called from the same P.S. as that of the proposed accused SHO ought to have been avoided. It is not the case that the Ex-Officio Justice of Peace had no choice but to call for a report from the very same P.S. whose SHO was impleaded as one of the proposed accused in the complaint/lis to be decided by him. The provisions of Section 22-A & 22-B do not provide any such fetter, and it remains within the domain of the powers of the Ex-Officio Justice of Peace, while hearing the matter under the said section, in the facts and circumstances of the case, to exercise his discretion, with reasons, and call for a report from a different P.S. as s/he deems fit.

Given the above, the impugned Order dated 12.05.2026 is set aside, and the matter is remanded to the Ex-Officio Justice of Peace who will, after hearing the parties afresh and ensuring that the reports and/or any other information relied upon in the order, once again, are not tainted and are free from any allegation of bias, decide the matter afresh. As discussed hereinabove, gathering or relying on information from the same P.S. whose SHO is arrayed as a proposed accused and/or by an officer who may be directly or indirectly connected to the said P.S., i.e. P.S Akil, shall be avoided in the second round of hearing.

This cr. misc. application stands allowed in the above terms.

Judge