

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

*Criminal Miscellaneous Application No. S-198 of 2026.
(Abdul Ghafoor Panhyar vs. The State and others)*

1. For orders on MA No.1768/2026 (S/A)
2. For the hearing of the main case.

13.04.2026.

Mr. Muhammad Nawaz Shar, Advocate for Applicant.
Mr. Zulfiqar Ali Jatoi, Additional Prosecutor General, along
with SIP Ghulam Asghar Ujjan on behalf of SSP Khairpur.

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ORDER

Ali Haider 'Ada' J.- The applicant, being a proposed accused, has filed the instant application seeking setting aside of the impugned order dated 12.03.2026, passed by the learned Additional Sessions Judge-IV/Ex-Officio Justice of Peace, Khairpur, whereby an application under Sections 22-A & 22-B, Cr.P.C. filed by Respondent No.4 was allowed, with a direction to record his statement and, if a cognizable offence is made out, to incorporate the same in the register maintained under Section 154, Cr.P.C. Being aggrieved, the applicant has challenged the said order.

2. The Respondent No.4, in his application, alleged that the proposed accused, in collusion with each other, caused serious injuries to Muneer Hassan as well as Tasveer, injuries to vital parts of the body such as the head and chest. It is further alleged that the medical evidence corroborates the occurrence.

3. At the outset, learned counsel for the applicant submits that the application was filed with mala fide intent and without considering that an earlier order had already been passed by the learned Ex-Officio Justice of Peace in favour of Respondent No.4, in pursuance whereof FIR No.27 of 2026 was registered against the proposed accused. He further contends that the proposed accused were not present at the place of occurrence, as they were performing

their duties at their respective institutions. He, therefore, prayed for setting aside the impugned order.

4. On the other hand, Mr. Karim Bux Janwari, Advocate, appeared on behalf of Respondent No.4 and filed a vakalatnama, which is taken on record. He submitted that the injured persons sustained serious injuries, which clearly constitute a cognizable offence; therefore, the version of Respondent No.4 is required to be recorded verbatim as a statutory right. He prayed for dismissal of the instant application.

5. Learned Additional Prosecutor General, relying upon the statements of SSP Khairpur and SHO P.S. Sorah, supported the impugned order and submitted that the defence version cannot be considered at this premature stage. He contended that investigation is the initial stage where the proposed accused may put forth their defence. He further submits that the impugned order itself provides that in case the allegations are found to be false, the police may proceed against Respondent No.4 strictly in accordance with law.

6. Heard, learned counsel for the parties, and have perused the material available on record.

7. From the bare perusal of the record, it is evident that the matter relates to allegations of serious injuries, which prima facie constitute a cognizable offence. The learned Justice of Peace has, therefore, rightly exercised jurisdiction in directing the recording of the statement of Respondent No.4 under Section 154, Cr.P.C, particularly when the same is supported by medical evidence.

8. Furthermore, the plea of alibi raised by the applicant is a matter of defence, which is to be agitated before the Investigating Officer during the course of investigation. Such a plea does not disentitle an aggrieved person from having his version recorded by the police in accordance with the law. In this regard, reliance is

placed in the case of **Syed Qamar Ali Shah vs. P.O. Sindh and others (2024 SCMR 1123)**.

9. Keeping in view the facts and circumstances of the case, no case for interference in the impugned order has been made out. Consequently, the instant Criminal Miscellaneous Application is hereby dismissed.

JUDGE