HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.S-602 of 2026

[Hazoor Bux Versus Province of Sindh & others]

Petitioner:	By Mr. Nouman Raja Khan, advocate.
Official respondents:	By Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh. Mr. Siraj Ahmed Bijarani, Assistant Prosecutor General. ASI Saddam Hussain and ASI Ahmed Ali.
Respondents No.5 to 6:	By Mr. Aakash Ali Bhurgari, advocate.
Date of hearing	05.11.2026
Date of Decision	05.11.2026

O R D E R

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ADNAN-UL-KARIM MEMON, J:- Through this Constitutional Petition, under Article 199 of the Constitution of the Islamic Republic of Pakistan, the petitioner has sought the indulgence of this Court that direction may be issued to respondents to refrain from threatening the petitioner in any manner whatsoever nature and due protection of law be provided to him.

2. Through this petition, the petitioner simply seeks directions to the official/private respondents not to cause any kind of harassment to him and to provide protection to him as provided under the law.

3. The grievance of the petitioner is that respondents No.5 to 8 are harassing him and interfering in his daily affairs, without lawful justification, hence he has filed instant constitutional petitions against the highhandedness of official respondents who are allegedly in league with private respondents.

4. Admittedly, this is a case of harassment at the hands of police in connivance with private respondents. The meaning of the word "harass" has been explained as "Injure and injury"; these words have numerous and comprehensive popular meanings, as well as having a legal import. A line may be drawn between these words and the word "harass" excluding the latter from being comprehended within the word "injure" or "injury". The synonyms of "harass" are: Weary, tire, perplex, distress, tease, vex, molest, trouble, and disturb. They all have relation to mental annoyance." In the Oxford Dictionary of New Words, the meaning of the word "harassment" has been explained, which reads as "The subjection of a person to aggressive pressure or intimidation. “Harassment" should be

interpreted as potentially producing some unreasonably adverse impact on the victim. The conduct should produce more than "worry", "trouble", "discomfort" or "unease" unless perhaps these are experienced to an extreme degree."

5. The main objectives of police is to apprehend offenders, investigate crimes, and prosecute them before the courts also to prevent the commission of crime, and above all ensure law and order to protect citizens' life and property. The law enjoins the police to be scrupulously fair to the offender and the Magistracy is to ensure a fair investigation and fair trial for an offender. Unfortunately, these objectives have remained unfulfilled. Aberrations of police officers and police excesses in dealing with the law and order situation have been the subject of adverse comments from this Court as well as from other courts but they have failed to have any corrective effect on it. The police has the power to arrest a person even without obtaining a warrant of arrest from a court. The plenty of this power casts an obligation on the police and it must bear in mind, as held by this Court that if a person is arrested for a crime, his constitutional and fundamental rights must not be violated. Primarily, the Police Officers are required to protect and not abduct.

6. Learned counsel representing respondents No.5 & 6 has raised the question of the maintainability of this petition on the premise that the petitioner has failed to avail his remedy under Section 22-A and 22-B Cr. P.C. before the justice of the peace, however, learned counsel for private respondents No.5 & 6 as well as AAG and Addl. P.G. in unequivocal terms submit that no harassment shall be caused to the petitioner.

7. The statement of counsel for private respondents and AAG is tenable and this petition is liable to be disposed of in terms thereof; however, it is made clear that if there is any private/civil dispute between the parties, the same shall be dealt with by the competent court of law/forum and this Court will not travel into that dispute and leave it for the competent forum to redress the same if approached by the aggrieved party under the law within a reasonable time. As regards the alleged encroachment upon government land by either of the parties, the same shall be removed by the police in accordance with law, if any such encroachment is found to exist.

8. In view of the above, this petition is disposed of with the direction to the police to act under the law and no harassment shall be caused to either party, besides no interference shall be made in their private/civil dispute and the police shall be neutral in private affairs. However, if any of the parties indulged in cognizable offense police shall act under law.

J U D G E

Irfan Ali