IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Misc. Application No. 198 of 2026

Applicant	:	Bashir Ahmed S/o. Muhammad Soomar Khushik Through: Mr. Wazeer Hussain Khoso, advocate
Respondent No.1 to 3	:	1. Saddam S/o. Ishaque 2. Imtaiz S/o. Sobt 3. Ashraf S/o. Natho. Through: Aijaz Ahmed Memon, advocate.
Respondent No.4 to 7	:	4. Deputy Inspector General, Hyderabad. 5. Senior Superintendent of Police, Thatta. 6. Senior Superintendent of Police, Matiari, 7. Station House Officer of PS Makli, District Thatta. Through Ms. Rubina Qadir, Addl. P. G. Sindh a/w Inspector Ahmed Yar Bajlani of PS Noor Keti, District Matiari.
Date of hearing	:	23.10.2026.
Date of Order	:	23.10.2026.

O R D E R

Jan Ali Junejo, J:-- Through this Criminal Miscellaneous Application, the Applicant has sought setting aside of the Order dated 14.02.2026 (hereinafter referred to as the "Impugned Order") passed by the learned Additional Sessions Judge-I/Model Criminal Trial Court, Thatta, whereby prayer for fair and further re-investigation of FIR No.128/2024 PS Makli, District Thatta registered under Section 302, 324, 506/2, 504, 337-H(ii), 114, 337-D and 34 PPC was declined.

2. The facts, as reflected from the record, are that applicant's real brother namely Gulbaz who was serving in the Police at Thatta Court lost his life on 22.07.2024 at about 11:00 p.m. near the District Court Complex,

Thatta, allegedly during firing between two rival communities. The applicant initially believed that his brother had died accidentally; however, on 11.09.2025, one Ibrahim son of Muhammad Mosa claiming to be an eyewitness disclosed to him that the proposed accused Saddam had fired a rifle shot at the forehead of deceased Gulbaz, while the other proposed accused, namely Imtiaz and Ashraf, had assaulted him with hard and blunt objects, resulting in his death. The applicant thereafter approached the SHO, P.S. Makli, for registration of an FIR against the proposed accused, but his request was declined on the ground that Crime No.128/2024 had already been registered at the same police station under Sections 302 and 324 PPC. The applicant subsequently approached the DIGP Hyderabad, SSP Thatta and SHO Makli, whereupon a Board was constituted under the relevant provisions of the Sindh Police Order, which identified deficiencies in the investigation and recommended a change thereof. Consequently, the change of investigation was approved by the DIGP Crime and Investigation Branch, Sindh, and the investigation was transferred to SSP Matiari, who entrusted the same to Inspector Ahmed Yar Bajkani, SHO, P.S. Bhanoth, District Matiari, with approval of the learned 1st Additional District Judge, Thatta. However, on 23.12.2025, upon an application moved by the complainant of the FIR, the DIGP Hyderabad sought a recommendation from SSP Thatta regarding the necessity of further investigation, whereupon SSP Thatta, on 24.12.2025, recommended that no change or reinvestigation was required. The applicant contends that despite the Board's recommendations and approval of the change of investigation, the respondents are unlawfully obstructing further investigation, thereby depriving him of his legal and fundamental right to seek justice against the proposed accused persons for the alleged murder of his brother, hence, this case.

3. Learned counsel for the applicant contends that the impugned order dated 14.02.2026 passed by the learned Trial Court is arbitrary, capricious, contrary to law and facts, and based on surmises and conjectures. He submits that the learned Trial Court has erroneously observed that re-investigation was conducted through a constituted Board and that the challan was thereafter submitted before the Court, whereas the actual record reveals that the Board had recommended change of investigation, which was entrusted to SSP Matiari and subsequently to

Inspector Ahmed Yar Bajkani, SHO, P.S. Bhanoth, but the same was later called off by the DIGP Hyderabad. He further contends that SSP Thatta furnished a misleading statement before the learned Trial Court regarding the completion of re-investigation and submission of challan, which was relied upon by the learned Trial Judge without properly examining the report of SSP Matiari, despite the same having been brought to the Court's notice by the counsel for the applicant. He argues that the learned Trial Court failed to appreciate the material contradictions, inconsistencies, subsequent developments and emergence of a different version, which necessitated further investigation in the interest of justice. He further submits that fair and impartial investigation is an essential component of the criminal justice system and that further investigation is permissible at any stage before pronouncement of judgment to ensure discovery of the truth and prevent miscarriage of justice. He maintains that the impugned order is non-speaking, lacks cogent and legally sustainable reasons, and reflects non-application of judicial mind, resulting in grave prejudice to the applicant. Lastly, he contends that the learned Trial Court has exercised its jurisdiction with material illegality and irregularity by ignoring relevant material and settled principles of law; therefore, the impugned order is liable to be set aside by this Honourable Court in exercise of its inherent and supervisory jurisdiction to secure the ends of justice and prevent abuse of the process of law.

4. Conversely, learned counsel for respondents No.1 to 3 contends that the impugned order dated 14.02.2026 passed by the learned Trial Court is legal, proper and in accordance with the material available on record. He submits that the applicant has failed to point out any illegality, material irregularity or jurisdictional defect in the impugned order warranting interference by this Honourable Court. He further contends that the investigation of the case has already been conducted by the competent police authorities and the applicant's allegations regarding discrepancies and inconsistencies are unfounded and do not constitute sufficient grounds for ordering further investigation. He maintains that the learned Trial Court has rightly considered the relevant material and exercised its discretion judiciously, whereas the applicant is merely seeking to reopen the investigation on the basis of his own version and apprehensions. He further submits that the applicant has failed to

establish any mala fide or prejudice caused to him by the impugned order; hence, the instant application is devoid of merit and liable to be dismissed.

5. Learned Additional Prosecutor General, Sindh submits that the impugned order passed by the learned Trial Court is in accordance with law and the material available on record. She contends that the investigation of the case has been conducted by the competent authorities and the applicant has failed to demonstrate any illegality, irregularity or mala fide in the proceedings warranting interference by this Honourable Court. She further submits that the question of further investigation is to be determined in accordance with the facts and circumstances of the case and that no sufficient ground has been made out by the applicant for setting aside the impugned order. She, therefore, supports the impugned order and submits that the instant application is devoid of merit and is liable to be dismissed.

6. I have heard the learned counsel for the applicant, learned counsel for respondents No.1 to 3 and learned Additional Prosecutor General, Sindh, and have perused the available record with their assistance.

7. The controversy involved in the instant application revolves around the question as to whether the learned Trial Court was justified in declining the applicant's prayer for fair and further investigation of the case, particularly in the backdrop of the recommendations made by the Board constituted by the DIGP Hyderabad Range.

8. From the perusal of the available record, it appears that the Board constituted by the competent police authority had identified certain deficiencies in the investigation of the case and recommended change of investigation, which was subsequently approved by the DIGP Crime and Investigation Branch, Sindh. In consequence thereof, the investigation was transferred to SSP Matiari and entrusted to Inspector Ahmed Yar Bajkani, SHO, P.S. Bhanoth, District Matiari. However, the subsequent proceedings reflect that the said process of further investigation was called off on the basis of the recommendation furnished by SSP Thatta. The aforesaid circumstances, particularly the conflicting reports and subsequent developments, were material and required due consideration by the learned Trial Court before passing the impugned order.

9. It is a settled principle of criminal jurisprudence that the object of investigation is to ascertain the truth and bring the actual facts of the occurrence before the Court. A fair, impartial and transparent investigation is an essential component of the administration of criminal justice. Where the available material discloses apparent deficiencies in the investigation or raises legitimate questions regarding the manner in which the investigation has been conducted, the same cannot be brushed aside merely on the ground that a challan has already been submitted. The submission of a challan, by itself, does not preclude further investigation, if the circumstances of the case so warrant, in accordance with law.

10. In the instant case, the learned Trial Court, while passing the impugned order, appears to have relied upon the statement/report furnished by SSP Thatta regarding the completion of re-investigation and submission of challan, without adequately examining the material relating to the transfer of investigation to SSP Matiari and its subsequent entrustment to Inspector Ahmed Yar Bajkani. The said aspect was of considerable significance, as the applicant had specifically challenged the correctness of the information placed before the learned Trial Court. The failure to properly examine such material has resulted in an incomplete appreciation of the relevant facts and circumstances of the case.

11. It is also pertinent to observe that the applicant has raised a specific grievance regarding the emergence of an eyewitness account, allegedly disclosing the involvement of persons who were not initially proceeded against in the manner asserted by the applicant. Whether such version is ultimately found to be credible or otherwise is a matter to be determined by the investigating agency in accordance with law. At this stage, however, the same cannot be rejected without proper examination, particularly when the applicant has also pointed out deficiencies in the earlier investigation and the subsequent discontinuation of the process of further investigation.

12. The contention of learned counsel for respondents No.1 to 3 and learned Additional Prosecutor General, Sindh, that the investigation has already been conducted by the competent authorities and that no further interference is warranted, has been considered. However, the mere

assertion that the investigation has been completed does not sufficiently answer the specific objections raised by the applicant regarding the conflicting reports, the Board's recommendations and the subsequent withdrawal of the change of investigation. In the circumstances, the applicant has been able to demonstrate that the relevant material was not adequately considered by the learned Trial Court while declining his prayer.

13. Needless to observe that this Court, while exercising its jurisdiction in the instant matter, is not expressing any opinion regarding the guilt or innocence of the proposed accused persons, nor is it endorsing the version advanced by the applicant as an established fact. The purpose of further investigation is only to ensure that all relevant aspects of the occurrence, including the alleged eyewitness account and the deficiencies identified by the Board, are examined objectively and fairly, without being influenced by any extraneous consideration.

14. For the foregoing reasons, I am of the considered view that the impugned order dated 14.02.2026 passed by the learned Additional Sessions Judge-I/Model Criminal Trial Court, Thatta, suffers from material infirmity and is not sustainable in law. Consequently, the instant Criminal Miscellaneous Application is allowed, and the impugned order is hereby set aside. The Respondent No.4/DIG, Hyderabad is directed to ensure fair, impartial and further investigation of FIR No.128/2024, registered at P.S. Makli, District Thatta, in accordance with law, by an independent and competent officer, who shall examine all relevant material, including the alleged eyewitness account and the reports/recommendations of the concerned police authorities, and proceed strictly in accordance with law. The investigation shall not be influenced by the observations made herein, which are confined solely to the disposal of the instant application.

15. The instant Criminal Miscellaneous Application stands disposed of in the above terms.

JUDGE