ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4007 of 2026
[Hatim Khan V. Federation of Pakistan and another]

Date	Order with signature of Judge(s)

Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and Order: 05.10.2026.

M/s. Saathi M. Ishaq and S.K.Lodhi, Advocates for the Petitioner.
Ms. Wajiha Mehdi, DAG.
Mr. Arsalan Qazi, Inspector posted as FIA, AHTC, Karachi.

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O R D E R

Adnan-ul-Karim Memon, J. – Petitioner, has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief:

> "a. Declare that the acts of the Respondents, particularly Respondent No.2, are illegal, unlawful, without jurisdiction, malafide, and in violation of the fundamental rights guaranteed under Articles 9, 10, 10-A, and 14 of the Constitution of the Islamic Republic of Pakistan;
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> b. Suspend and/or restrain Respondent No.2 from exercising official functions during the pendency of the inquiry and direct initiation of strict departmental as well as criminal proceedings against him in accordance with law.
>
> c. Declare that the harassment, intimidation, and humiliation of the Petitioner by Respondent No.2 is illegal and amounts to abuse of authority and interference in the lawful discharge of professional duties of an Advocate.
>
> d. Grant any other relief deemed just, proper, and appropriate in the circumstances of the case."

2. The case of the petitioner, in brief, is that he is a practicing Advocate and on 22.04.2026, while attending an inquiry at FIA, AHTC, Saddar, Karachi with his client, he noticed several persons confined in the lock-up. One detainee, claiming to be a heart patient and in urgent need of medical treatment, sought his legal assistance and informed him that the detainees had neither been produced before a Magistrate within the prescribed period nor been provided access to counsel or their families. The petitioner, in discharge of his professional and moral obligations, attempted to briefly ascertain the detainee's grievance, whereupon Respondent No.2 intervened, misbehaved with and threatened the petitioner, including with implication in a false criminal case, and humiliated him in the presence of others. The petitioner contends that such conduct amounts to abuse of authority, obstruction in the discharge of his professional duties, and violation of Articles 9, 10, 10-A and 14 of the Constitution. He further states that despite approaching the competent authorities for appropriate departmental and legal action, no action was taken, compelling him to invoke the constitutional jurisdiction of this Court. He prayed to allow this petition.

3. Learned AAG submits that the allegations leveled by the petitioner are false, misconceived and unsupported by any specific instance of violation of law or fundamental rights. It is submitted that Respondent No.2 is an Inspector functioning under the administrative control of Respondent No.1 and, on 22.04.2026, merely performed his official duty at FIA AHTC, Saddar, Karachi. She emphasized that the petitioner was not authorized to enter the secured lock-up area or interact with persons in custody without permission and in the presence of the official deputed for security. His assertion regarding abusive language, threats, aggressive conduct, unlawful confinement or inhumane treatment is specifically denied. Learned AAG further submits that the FIA AHTC is a secure law-enforcement facility where persons are detained strictly in accordance with law for inquiry and investigation. The petitioner has failed to identify any detainee, enquiry number or specific instance to substantiate his allegations. It is submitted that detainees requiring medical attention are provided appropriate medical treatment, while release on surety is undertaken in accordance with the prescribed procedure. The petitioner, if aggrieved by any alleged medical or other issue, ought to have approached the competent officer rather than taking the matter into his own hands. It is further submitted that no fundamental or constitutional right of the petitioner or any person in custody has been infringed, nor has the petitioner identified any law or statutory provision under which the respondents acted as being ultra vires or unconstitutional. The respondents have neither acted without or in excess of jurisdiction nor in violation of natural justice or fundamental rights. Accordingly, the petition, being baseless, vague and devoid of legal merit, is liable to be dismissed against Respondent Nos.1 and 2, with costs.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. The respondents, being investigating/law-enforcement agencies, are required to exercise their authority strictly in accordance with law and to safeguard the constitutional rights of every person taken into custody.

6. Article 10(1) of the Constitution expressly guarantees to an arrested person the right to consult and be defended by a legal practitioner of his choice, while Article 10(2) mandates his production before a Magistrate within twenty-four hours of arrest, excluding the time necessary for journey, and prohibits his further detention without lawful authority of the Magistrate. Section 340 Cr.P.C. also recognizes the right of an accused to be defended by a pleader, whereas the law requires the police to protect the rights and privileges of persons taken into custody. The law further contemplate access of a lawyer to a person confined in a police lock-up for the purpose of confidential consultation and legal advice, subject to reasonable security arrangements. Accordingly, an Advocate representing a detainee cannot be denied reasonable access to and consultation

with such detainee in a manner which would render the constitutional right under Article 10(1) illusory. Such right, however, does not confer upon an Advocate an unrestricted right to interfere with the investigation or to remain present throughout interrogation, and the investigating agency may regulate such access by reasonable measures relating to security, time and place, strictly in accordance with law. The respondents shall, therefore, ensure that any person arrested or detained is informed of and afforded his constitutional right to consult and be defended by a legal practitioner of his choice, and that no person is detained in police custody beyond the period or otherwise than in the manner authorized by law.

7. Without expressing any opinion on the merits of the allegations, the petition is disposed of with the observation that the respondents shall ensure that no harassment, intimidation, humiliation or unnecessary interference is caused to an Advocate in the lawful discharge of professional duties; therefore, DG F.IA shall ensure that Advocates when they appear before the F.I A officials they shall be treated carefully and respect without causing them harassment.

8. In case of any specific instance of unlawful denial of access to counsel, illegal detention or other violation of the aforesaid rights, the aggrieved person shall be at liberty to avail the remedy available under law.

Copy of this order be communicated to DG FIA for compliance.

JUDGE

JUDGE

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