ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D – 1677 of 2026
(Mst. Samra Bibi versus The Home Department Government of Sindh & others)

Date	Order with signature of Judge

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

Date of hearing and order: 15.09.2026

Mr. Muhammad Nawaz Kubar, Advocate for the Petitioner.
Mr. Ali Safdar Depar, AAG.

ORDER

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

> *(a) Issue a Writ of Certiorari and set aside / quash the Impugned Order communicated vide Letter No. Welfare/S.D/407/2026 dated 20.01.2026 by AIGP/Welfare, on behalf of the Inspector General of Police, Sindh, being illegal, non-speaking, unreasoned, and in violation of the Sindh Shaheed Recognition and Compensation Act, 2014 and the directions of this Hon'ble Court;*
>
> *(b) Issue a Writ of Mandamus directing the Respondents to declare late Police Constable Mohsin Nazeer as "Shaheed (B-Category)" under Section 3 of the Sindh Shaheed Recognition and Compensation Act, 2014, in accordance with the recommendation of SSP Keamari vide Letter No. SSP/Keamari/LB/2033 dated 30.10.2025;*
>
> *(c) Direct the Respondents to forthwith release all statutory compensation, benefits, and entitlements to the Petitioner and her children as legal heirs of the Shaheed, in accordance with law;*
>
> *(d) Direct the Home Secretary, Government of Sindh, to forthwith fix and decide the Statutory Appeal filed by the Petitioner dated 11.02.2026 in accordance with law;*

2. The petitioner, Mst. Samra Bibi, widow of late Police Constable Mohsin Nazeer, has challenged the order dated 20.01.2026 whereby his case was not recommended for declaration as “Shaheed” and was instead treated as “death during service.” Her counsel contends that her husband, aged 33 years and posted at Garden Police Lines South, Karachi, was deliberately targeted and killed by an armed assailant on 05.10.2024 while proceeding to report for official duty. He submitted that an FIR No.265/2024 was registered at Police Station Mauripur in respect of the incident under the relevant provisions relating to murder and terrorism. He adds that earlier, in C.P. No.D-2990/2025, this Court directed the IGP Sindh to constitute a committee and decide the matter in accordance with law and policy after hearing the parties. Pursuant thereto, a meeting was held on 24.10.2025 and the SSP Keamari recommended that the deceased be declared “Shaheed B-Category.” However, the Shaheed Declaration Committee subsequently declined the recommendation and the impugned order dated

20.01.2026 was issued. The learned counsel for the petitioner asserts that the decision is non-speaking, without reasons, contrary to the Sindh Shaheed Recognition and Compensation Act, 2014 and the directions of this Court, and that she and her children have consequently been deprived of the statutory benefits available to the family of a Shaheed. He therefore seeks setting aside of the impugned order, declaration of her husband as Shaheed and release of the consequential benefits.

3. The learned AAG submitted that a meeting of the Shaheed Declaration Committee was held on 29.12.2025 under the Chairmanship of the Additional IGP Establishment, wherein the relevant record, including the obituary, recommendation roll, FIR, investigation material and recommendations of the concerned police officers, was examined and the investigation officer was heard. Learned AAG submitted that, according to the Committee, late PC-42384 Mohsin Nazeer was not killed in the line of duty but died as a result of personal disputes; therefore, his case did not fulfil the criteria of "Shaheed" under the Sindh Shaheed Recognition and Compensation Act, 2014 and the Sindh Police (Shaheed, Deceased, Permanently Invalidated or Incapacitated Quota) Recruitment Rules. AAG submitted that the deceased's case was accordingly not recommended for declaration as Shaheed.

4. The I. O. confirms that the deceased was murdered within the jurisdiction of Police Station Mauripur and that FIR No.265/2024 was registered, with the investigation stated to be in progress and an accused is on bail.

5. We have heard the learned counsel for the parties and examined the available record, including the impugned order, FIR No.265/2024, the investigation material, the recommendation of the SSP Keamari and the proceedings/findings of the Shaheed Declaration Committee.

6. It appears that the controversy is not about the factum of death of late PC-42384 Mohsin Nazeer, nor is there any dispute that he was a serving police employee when he was murdered on 05.10.2024. The question requiring our determination, however, is whether his death satisfies the statutory test for declaration as "Shaheed" under the Sindh Shaheed Recognition and Compensation Act, 2014 and the applicable Sindh Police Recruitment Rules.

7. Section 2(f) of the Sindh Shaheed Recognition and Compensation Act, 2014 specifically defines "Shaheed" as a person who sacrifices his life in the line of duty in counter-terrorism, becomes a victim of an act of terrorism, or is targeted and killed by a terrorist group, and who is declared Shaheed in the prescribed manner.

8. The object of the enactment is thus not to confer Shaheed status upon every police employee who unfortunately dies during service, but to recognize deaths having the requisite statutory nexus with official duty, counter-terrorism, terrorism or a targeted terrorist act. The Act itself consequently draws a distinction between death simpliciter during service and death qualifying for statutory recognition as Shahadat.

9. The same distinction is reflected in the Sindh Police (Shaheed, Deceased, Permanently Invalidated or Incapacitated Quota) Recruitment Rules, 2021, under which “Shaheed” and “deceased” constitute separate categories. The Rules contemplate Shaheed status where the police employee is killed in the line of duty, including specified duty-related circumstances such as encounters with terrorists or criminals, terrorist attacks, bomb blasts, law-and-order situations or targeted killings attributable to official action, whereas an employee who dies during service without satisfying the Shaheed criteria falls in the category of “deceased.”

10. In the present case, although FIR No.265/2024 was registered concerning the murder of the deceased and the prosecution case is admittedly still under investigation, the material presently available does not establish that the deceased was killed while actually performing a police operation, discharging an assigned official duty, confronting terrorists or criminals in the line of duty, or that his murder constituted a terrorist attack or targeted killing on account of his official position or police action.

11. On the contrary, the Shaheed Declaration Committee, after examining the obituary, recommendation roll, FIR, investigation material and other relevant records and after hearing the Investigation Officer, concluded that the deceased had been killed on account of a personal dispute and that the case did not fulfil the prescribed criteria for declaration as Shaheed.

12. Significantly, the Investigation Officer has confirmed the occurrence of murder and registration of the FIR, but has also stated that the investigation is still in progress and that the accused is presently on bail. Thus, at this stage, the criminal investigation has not culminated in any finding establishing that the murder was committed as an act of terrorism, by a terrorist group, or because of any official action undertaken by the deceased. The registration of an FIR is evidence of the initiation of criminal proceedings and cannot, by itself, be treated as a conclusive determination of the motive, nature or legal character of the offence for purposes of conferring statutory Shaheed status.

13. The recommendation of the SSP Keamari, though a relevant piece of departmental material, cannot by itself confer a statutory status which the

competent authority is required to determine upon consideration of the entire record.

14. It is equally material that, pursuant to the earlier directions of this Court in C.P. No.D-2990/2025, the matter was reconsidered by the duly constituted Shaheed Declaration Committee, which examined the relevant record and heard the Investigation Officer before arriving at its conclusion. The mere fact that the SSP Keamari had earlier recommended B-Category status, therefore, does not render the subsequent decision unlawful where the competent committee, upon consideration of additional or relevant material, reached a contrary conclusion.

15. As regards the allegation that the impugned decision is non-speaking, the record placed before this Court prima facie demonstrates that the matter was not rejected mechanically. The Committee considered the FIR, investigation material, obituary, recommendation roll and departmental recommendations and obtained the position of the Investigation Officer. Its conclusion that the death resulted from a personal dispute and did not satisfy the statutory requirements constitutes the material basis for treating the case as death during service rather than Shahadat.

16. In judicial review under Article 199 of the Constitution, this Court does not substitute its own assessment of disputed factual material for that of the competent statutory/departmental authority unless the decision is shown to be without jurisdiction, based on no evidence, perverse, mala fide or contrary to the governing law.

17. The benevolent character of the Shaheed Act cannot, by itself, justify enlargement of the statutory definition. The Court must give effect to the language employed by the legislature. Section 3 of the Act provides substantial benefits, including compensation to legal heirs and other benefits, but those benefits become attracted only where the deceased falls within the statutory concept of a Shaheed. A compassionate or sympathetic consideration of the plight of the widow and children, however genuine, cannot dispense with the foundational requirement that the death must legally qualify as Shahadat.

18. It is also noteworthy that the criminal proceedings arising from FIR No.265/2024 have not yet reached finality. The fact that the accused is on bail does not determine his guilt or innocence; equally, the pendency of investigation cannot be converted into a presumption that the murder was necessarily connected with the deceased's official duties. If subsequent investigation, trial or other competent proceedings conclusively establish that the deceased was targeted because of his police duties, killed in the line of duty, or that the occurrence constituted an act of terrorism within the meaning of the Act, the competent

authority would remain bound to examine the matter in accordance with the applicable law.

19. Consequently, on the record presently available, the essential statutory nexus between the death of late PC-42384 Mohsin Nazeer and the circumstances contemplated by Section 2(f) of the Sindh Shaheed Recognition and Compensation Act, 2014 has not been established. The material instead prima facie supports the Committee's finding that the deceased died during service as a result of a personal dispute and that the case, therefore, falls within the category of “deceased during service” rather than “Shaheed.” The petitioner has consequently failed to demonstrate that the impugned decision is without lawful basis, perverse, mala fide, or in violation of the statutory framework.

20. In view of the foregoing, no ground is made out for issuance of a writ of certiorari to quash the impugned order or for issuance of a writ of mandamus directing the respondents to declare the deceased as “Shaheed B-Category” as a matter of right. The consequential claim for Shaheed compensation and benefits also fail so long as the foundational status of Shaheed remains unestablished. The petition, therefore, appears to be without merit and is dismissed. However, this dismissal would remain without prejudice to the petitioner's right to seek reconsideration before the competent authority if the pending criminal investigation or subsequent judicial determination brings on record material establishing that the deceased was killed in the line of duty, in a terrorist act, or as a targeted killing falling within the statutory definition of “Shaheed.”

JUDGE

JUDGE

Nadeem Qureshi *PA*