

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Application No.S-808 of 2024
[Muhammad Aslam Vs. DIG Hyderabad & others]

Mr. Sahib Khan Panhwar, Advocate for applicant.

Ms. Rameshan Oad, Assistant Prosecutor General, Sindh.

Date of hearing: 26.03.2025
Date of order: 26.03.2025

ORDER

Dr. Syed Fiaz ul Hassan Shah, J: This criminal miscellaneous application moved by the complainant, Muhammad Aslam, arise out of the FIR No. 170 of 2024 registered at Police Station Hatri, Hyderabad, under Sections 302, 109, and 34 PPC seeking change of investigation to DSP Farooque Lakhair, Incharge Admin.

2. As per FIR lodged by complainant Muhammad Aslam, his 20-year-old son, Muhammad Waleed, was unlawfully engaged in a relationship with one Mrs. Rashida Parveen @ Hina, wife of Faizan Rajpoot. The deceased was advised by family to discontinue this relationship, which seemingly offended said lady. On the night of 13.08.2024, the deceased left the house with accused Zubair Qureshi under the pretext of work. Later, at around 12:30 AM, applicant Waqar Qureshi informed the complainant that Muhammad Waleed had succumbed to a firearm injury near Dargah Tulri Baba Line, Hyderabad. Upon arrival at Civil Hospital, the complainant identified the deceased's body bearing a head injury.

The complainant alleged that between 11:00 PM to 11:30 PM, accused Zubair Qureshi, in connivance with applicant / accused Ateeq Qureshi and on the instigation of Mrs. Rashida, murdered the deceased. Both present applicants are now seeking post-arrest bail.

3. The applicant/complainant Muhammad Aslam has alleged the existence of video clips indicating the commission of the offence and the presence of the accused at the scene, which were not made part of the police file. Perusal of bail dismissal order reveals that presence of accused on the basis of video footage was discussed by learned Trial Court. Even otherwise, the said application was allowed by the Justice of Peace vide order dated 26.09.2024. However, being dissatisfied with the quality of investigation, the complainant filed a contempt application. It appears that, vide order dated 04.10.2024, the DIGP Crime & Investigation transferred the investigation from Inspector Muneer Ahmed Abbasi to Ghulam Asghar Tunio. It is pertinent to mention that this is not a case of targeting any individual officer, but rather a structural measure intended to preserve the integrity of the investigation, as required by law. Further, the follow-up order dated 19.11.2024 confirms that the police department complied with the judicial directions. The change of Investigating Officer was duly carried out, and the investigation was re-assigned accordingly. Hence, no contempt is made out, and the entire process was completed in accordance with constitutional and procedural law. The intervention by the Justice of Peace was aimed at preventing a miscarriage of justice by directing an impartial re-investigation through a senior police officer. It must be emphasized that the purpose of an investigation or re-investigation in a criminal case is to gather evidence and present all relevant material before a court of competent jurisdiction, not merely to satisfy the complainant or aggrieved party. Any material provided by the investigating agency is meant to assist the court in

reaching a just conclusion. Nothing has been shown to suggest that the impugned orders would prejudice the proceedings before the learned trial Court.

4. In view of the above, the criminal miscellaneous application in hand is found to be without merit and was accordingly dismissed vide short order dated 26.03.2025 and these are the reasons for the same. However, the applicant is at liberty to approach SSP Hyderabad who being Supervising Officer of Investigation shall take action according to law which may include incorporation the version or plea of applicant.

J U D G E

Muhammad Danish