

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

C.P. No. D-1998 of 2025
[*Sultan Ali & Another v. P.O Sindh & others*]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Counsel for Petitioner: Mr. Hameedullah Dahri, Advocate.

Counsels/ Representatives for Respondents: Mr. Shahid Shaikh, APG
Mr. Ismail Bhutto, A.A.G. Sindh.

Date of Hearing: 24-11-2025

Date of Judgement: 24-11-2025

JUDGMENT

RIAZAT ALI SAHAR, J: - Through this Constitutional Petition, the petitioners seek protection of their fundamental rights and challenge the unlawful and mala fide actions of the respondents, including false implication in criminal cases and a biased investigation. They therefore pray for the following relief:

- i. Direct the official respondents to constitute a Joint Investigation Team (JIT) under the supervision of the learned Additional District Judge or Judicial Magistrate concerned, comprising senior police officers not below the rank of DSP and members of other law enforcement agencies not below BS-17, to conduct a fair and impartial investigation into the matter while considering the documentary evidence as well as video recordings available with the petitioner party and then submit a report before the competent trial Court for passing orders in accordance with law.*
- ii. Issue directions for the replacement of the present Investigation Officer, and the investigation may be assigned to a competent and honest neutral officer not below the rank of DSP to ensure fairness and transparency.*
- iii. Stay the proceedings arising from FIR No.189 of 2025 and FIR No.274 of 2025, both registered at P.S.*

Sakrand, till completion of the fair investigation and submission of the report by the JIT, in the interest of justice.

- iv. *Any other relief this Honorable Court may deem appropriate and proper in the circumstances of the case.*
- v. *Grant costs of this petition.”*

2. Learned counsel for the petitioners argued that the entire prosecution case is a product of political victimization, engineered with *mala fide* intent to coerce and silence the petitioners due to their affiliation with an opposition political party. It was contended that the complainant, in collusion with certain police officials, manoeuvred the registration of false FIRs, first under the heinous offences of murder and attempt to murder and thereafter under the Sindh Arms Act, solely to create pressure and to misuse the criminal justice system as a tool of harassment. Learned counsel submitted that irrefutable exculpatory material, including CCTV footage from the travel agency, ticket-purchase records, and Call Data Records, conclusively establishes that the fathers of the petitioners were not present at the alleged crime scene at the relevant time. Despite this, the Investigation Officer, acting under the influence and in clear disregard of his statutory duties, failed to consider or examine the material evidence, nor did he conduct any independent inquiry to verify the defence version. It was further argued that the police themselves publicly acknowledged the involvement of two specific individuals in a press conference, categorically stating that the remaining detained persons of the Mari community were innocent, yet no corrective action was taken to exonerate the petitioners' fathers. Such conduct, counsel argued, amounts to a colourable exercise of authority and is violative of Articles 4, 9, 10-A, and 25 of the Constitution, which guarantee due process, fairness, and equal protection of law. Learned counsel emphasized that once the investigation stands tainted with bias, political influence, and suppression of material evidence, it becomes the constitutional obligation of this Court to intervene and ensure a

fair, transparent, and impartial investigation through a neutral agency, as held in various authoritative pronouncements of the superior courts.

3. Upon notice, Respondent No.4, the Senior Superintendent of Police, Shaheed Benazirabad, submitted his parawise comments wherein he contended that no specific allegations have been levelled against him in the entire petition and therefore no cause of action is made out against him. He stated that upon receiving notice, he sought a detailed report from the SHO P.S. Sakrand (Respondent No.5), who narrated that FIR No.189/2025 was registered on 16.07.2025 under Sections 302, 324, 148, 149, 337-H(ii), and 504 PPC regarding the murder of one Sulleman Chandio and injuries caused to another. It was submitted that after registration of the FIR, the investigation was entrusted to the SIO, who prepared the site plan, collected blood-stained earth and 25 empty Kalashnikov shells, seized the clothes of the deceased, recorded witness statements, and dispatched the relevant articles for chemical and ballistic examination. Respondent No.4 further submitted that the I.O., after obtaining permission, proceeded to District Qambar Shahdadkot to apprehend the nominated accused persons and that during investigation two accused, Khair Muhammad @ Khero Mari and Jhando Khan Mari, were arrested; the former allegedly being found in possession of a Kalashnikov rifle and two live rounds, resulting in registration of a separate FIR No.274/2025 under Section 24 of the Sindh Arms Act, while the latter allegedly made a confessional statement regarding his involvement. It was further stated that efforts are still underway to apprehend the remaining accused, who have reportedly fled their homes and are presently untraceable. On these assertions, Respondent No.4 prayed that his name be struck off from the array of respondents, or in the alternative, the petition be dismissed against him, as the investigation is progressing in accordance with law and no personal malafide is attributable to him.

4. Heard the learned counsel for the petitioners, the learned A.P.G., the learned A.A.G., and perused the record available. The core grievance raised by the petitioners is that the investigation into FIR No.189 of 2025 and FIR No.274 of 2025 registered at Police Station Sakrand is tainted with bias, political motivation, and non-consideration of exculpatory material. Although the petitioners pressed for the constitution of a Joint Investigation Team (JIT), this Court must examine whether the petitioners have placed sufficient material to justify such an extraordinary direction. The record reflects that while the petitioners have shown plausible grounds to doubt the impartiality of the present Investigating Officer, they have not brought on record that level of exceptional circumstances or statutory violation which would legally mandate the constitution of a multi-agency JIT under judicial supervision. Nevertheless, the constitutional guarantee of fair investigation, now recognized as an integral component of Article 10-A of the Constitution, obliges this Court to ensure that no citizen suffers prejudice at the hands of a biased or incompetent investigation.

5. At this juncture and upon holistic appraisal of the submissions and documents placed before this Court, it is evident that the petitioners' grievance regarding the manner in which the present I.O. has conducted the investigation is not without substance. The petitioners have furnished *prima facie* credible material, such as travel documentation, CCTV footage, and call records, which, according to them, completely exclude the possibility of the involvement of their fathers in the alleged occurrence. The record further shows that such material was either not scrutinized or not given due consideration by the present Investigating Officer. This selective approach raises legitimate doubts regarding the fairness and neutrality required in a criminal investigation. It is well-settled that an investigation must be conducted in a manner that inspires confidence, is free from external pressure, and adheres strictly to the mandate of Section 157 read with Section 160 Cr.P.C.

6. However, the prayer seeking the constitution of a JIT cannot be granted in the present factual matrix. The petitioners have not demonstrated any statutory compulsion or factual impossibility that would necessitate the formation of a JIT comprising multi-agency personnel. Superior courts have repeatedly held that the power to constitute a JIT is reserved for exceptional circumstances where the investigation involves trans-provincial networks, terrorist elements, or institutional sabotage. The allegations herein, though serious, do not fall within that category. The petitioners' failure to substantiate legal grounds for a JIT, therefore, precludes this Court from issuing such a direction. Nonetheless, this Court remains duty-bound to ensure a fair, transparent, and impartial investigation, which is the cornerstone of criminal justice.

7. In view of the foregoing, and without delving into the deeper factual issues so as not to prejudice either party before the trial court, this Court finds it just, proper, and necessary to direct the concerned DIG to immediately order a further investigation into the subject FIRs. Such an investigation shall be conducted by an honest, fair, and impartial Investigating Officer not below the rank of DSP, to ensure that no individual is falsely implicated in the alleged crimes.

8. The newly appointed Investigating Officer shall act strictly in accordance with the law, examine all relevant material, including any exculpatory evidence submitted by the petitioners, record the statements of all concerned witnesses independently, and ensure that no party is prejudiced by external influence. The Investigating Officer shall file the final report under Section 173 Cr.P.C. within sixty (60) days before the trial Court, which shall thereafter pass appropriate orders on such report in accordance with law, uninfluenced by any observations made in this case.

9. With these directions, this petition stands **disposed of**. The office is directed to transmit a copy of this judgment to the DIG concerned for strict compliance. The trial Court shall proceed

independently upon submission of the report under Section 173
Cr.P.C.

JUDGE

JUDGE