

ORDER SHEET
 IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D-1938 of 2025
(Shahnaz Vs P.O Sindh & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Before;

Adnan-ul-Karim Memon, J;
Abdul Hamid Bhurgari, J;

Petitioner Nemo for the petitioner

Province of **Through** Mr. Israr Ahmed Shah, Assistant
 Sindh & Advocate General, Sindh.
 others

The State Through Mr. Khalil Ahmed Mailto, Deputy P.G for
 the State.

Respondent M/s Qurban Ali Malano, Syed Naimat Ali Shah,
 No. 7. and Mr. Ayaz Ali Mari, advocate

Date of hearing and order: 16-06-2026.

ORDER.

Adnan-ul-Karim Memon J:- Petitioner prays for registration of an FIR, constitution of a judicial inquiry commission, suspension of the involved officers, compensation, and protection for her family under relevant witness protection laws.

2. Ms. Shahnaz, a widow and resident of Karachi, has filed the present constitutional petition seeking justice over the alleged custodial killing of her only adult son, Raheem. She narrated her ordeal with the submissions through the memo of petition that her son, the family's sole breadwinner, was travelling from Karachi to Multan on 21.08.2025 along with his pregnant sister and infant nephew when he briefly stopped at Naushahro Feroze due to a medical emergency concerning his sister. She alleges that during this stop, Raheem was unlawfully taken into custody by local police without any justification. According to the petitioner, her son informed her family that he had been detained by police and urgently sought help. Upon reaching the police station, her daughter and relatives were subjected to coercion and threats, including demands for a bribe for his release and warnings of a

fake encounter. She further claims that the police unlawfully detained her daughter and sister-in-law in a private facility, during which they heard Raheem being severely tortured. The petitioner asserts that on 22.08.2025, police falsely informed the family that Raheem had been killed in an “encounter” and described him as a criminal, involved in various cases across the province. She submitted that his body bore visible marks of torture, including fractures and injuries inconsistent with a lawful police encounter. She added that despite repeated requests, no proper post-mortem report was provided, and the family was allegedly coerced into signing documents under duress. She further submits that an application under Section 491 Cr.P.C. was filed, after which the body was handed over; however, the death had already occurred. She also alleges that higher police authorities were approached, but no FIR or inquiry was initiated against the responsible officials, and the accused officers continue to serve in their posts. She claims that the family was pressured into signing an undertaking not to pursue legal proceedings even before this Court. The petitioner relies on constitutional provisions, particularly Articles 4, 9, 14, and 25, alleging violation of due process, right to life, dignity, and equality. She prays for registration of an FIR, constitution of a judicial inquiry commission, suspension of the involved officers, compensation, and protection for her family under relevant witness protection laws. She prayed to allow this petition.

3. The police deny all allegations and term them false and baseless. They state that FIR No.332/2025 under Section 395 PPC was registered against Raheem in relation to a robbery incident and that he was found involved in multiple criminal cases across different locations around the country. They further submit that on 22.08.2025, during a police encounter near Rim Jhim Hotel, Raheem was killed in crossfire with his accomplices, and FIR No.334/2025 was registered under relevant provisions of the PPC at concerned police station. The case was investigated and disposed of as “Untraced A-Class” after inquiry/investigation. They also state that the petitioner’s application under Section 491 Cr.P.C. regarding alleged illegal detention was not pressed and was withdrawn by the petitioner. Additionally, they allege that the petitioner herself is implicated in another criminal case as discussed supra, and maintain that Raheem was a hardened criminal involved in multiple FIRs across various jurisdictions. The respondents conclude that the police acted strictly in accordance

with the law during the encounter. They prayed to dismiss the petition.

4. The learned counsel for the respondent No. 7 has raised an objection regarding the maintainability of the petition on the ground that the petitioner ought to have approached the Justice of the Peace under Sections 22-A/22-B Cr.P.C. It is contended that the present petition is not maintainable as the Justice of the Peace has adequate jurisdiction to redress the grievance. It is further argued that the reliefs sought, including registration of FIR and other ancillary directions, fall within the domain of the Justice of the Peace and, therefore, the petitioner should be relegated to that forum. He submitted that there is nothing illegal on the part of respondents police officials. On this basis, dismissal of the petition has been prayed for.

5. We have heard the learned counsel for the respondents as well as learned AAG and APG and perused the record with their assistance.

6. We have been informed that the post-mortem examination was conducted on the dead body of Raheem, son of Eidan Rajput, resident of Multan, Punjab. The deceased was identified and brought to the mortuary by police officials of PS N.Feroze. The examination was conducted on 22-08-2025 at about 3:30 AM. The body was received in a bloody and soiled condition, wearing clothes saturated with blood. Rigor mortis was not fully developed, and livor mortis was not fixed, indicating that death had occurred relatively recently prior to examination. Multiple firearm injuries were present on the body. Entry wounds were characterized by inverted margins with abrasion collars and grease/stippling marks, consistent with close-range firearm discharge. Exit wounds were everted and lacerated. A firearm entry wound on the left side of the back of the chest below the scapula, with corresponding exit wounds on the anterior body regions. Another entry wound on the abdominal region (epigastric area below the sternum) with associated exit wound in the lower body region. Additional firearm injuries were found involving the buttock region and both lower limbs (knee joints), each showing through-and-through bullet trajectories. Several exit wounds were present on the right iliac region of the abdomen and medial/lateral aspects of the knee joints, confirming multiple bullet paths through the body. The injuries were multiple, severe, and consistent with high-velocity

firearm discharge from different angles or multiple shots. Extensive internal damage was observed. Skull, brain, spinal cord, and membranes: Intact

Chest wall: ruptured

Pleura: ruptured

Both lungs: ruptured

Pericardium and heart: ruptured

Abdominal wall and peritoneum: ruptured

Liver, spleen, pancreas: ruptured

Stomach and intestines (both small and large): ruptured

Diaphragm: ruptured

Larynx and trachea: intact

The internal injuries were extensive and catastrophic, involving almost all major thoracic and abdominal organs, consistent with multiple penetrating firearm injuries.

The Medical Officer concluded that Death was caused due to pulmonary arrest secondary to shock and haemorrhage resulting from firearm injuries to vital organs of the body. All injuries were determined to be antemortem in nature (inflicted before death). Death was instantaneous or occurred within a very short time after receiving injuries. Approximate time between injury and death was instantaneous. Approximate time between death and post mortem: about 1.5 hours. Post mortem report prima-facie shows that the deceased suffered multiple firearm injuries involving entry and exit wounds across the chest, abdomen, buttocks, and lower limbs, resulting in massive internal organ destruction, severe haemorrhage, and shock, ultimately leading to death due to pulmonary arrest. The pattern of injuries clearly indicates a violent death caused by gunshot trauma involving vital organs.

7. If this is the position of the case, the central question before this Court is whether the death of Raheem occurred in a lawful police encounter during official duty, as claimed by the private respondents, or whether it was the result of illegal custody, torture, and an extrajudicial killing, as alleged by the petitioner.

8. Prima-facie the post-mortem report provides the most reliable and scientific evidence on record. It reveals multiple firearm injuries on vital organs including the chest, abdomen,

lungs, heart, liver, spleen, and intestines. The presence of entry and exit wounds, along with abrasion collars and stippling marks, indicates close-range firing from varying directions. The internal injuries show complete destruction of vital organs, leading to instantaneous death due to haemorrhagic shock and pulmonary arrest. All injuries were antemortem. This pattern strongly suggests a controlled and close-range shooting rather than an ordinary crossfire situation.

9. Prima-facie the police version of a lawful encounter, however, remains unsupported by independent evidence as no neutral eyewitnesses, ballistic reports, or forensic reconstruction have been produced to establish reciprocal firing. The nature and multiplicity of injuries raise serious doubts about the claim of an open exchange of fire. Even assuming criminal allegations against the deceased, such allegations prima-facie do not justify deprivation of life without due process of law if found correct, in such circumstances, the subject crimes needs to be reinvestigated to ascertain the truth and such report be placed before the competent Court.

10. Under Articles 9, 14, and 10A of the Constitution, the right to life, dignity, and due process is fully protected. It is well-settled that in cases of alleged encounters, the burden lies on the police to justify that the use of lethal force was lawful and unavoidable. Where custodial involvement and suspicious circumstances are shown, courts are empowered to order an independent inquiry/further investigation. Therefore the objections raised regarding the maintainability of the petitioner is over ruled due to peculiar facts and circumstances of the case.

11. The record prima-facie shows that no timely independent investigation was conducted, and the matter was closed as "Untraced A-Class" without effective judicial scrutiny. Allegations of coercion against the family, if proven, further weaken the credibility of the investigation until properly investigated by the independent investigation officer in accordance with law.

12. In light of the medical evidence and lack of independent corroboration of the police version, a prima facie case of unlawful deprivation of life and custodial misconduct needs to be investigated properly. The matter, therefore, requires impartial and independent investigation by hone and God fearing police officer.

13. In the peculiar facts and circumstances of the case, and having regard to the serious allegations of illegal detention, custodial torture, and extrajudicial killing, coupled with the deficiencies noticed in the earlier investigation, we deem it appropriate to order a fresh, independent, and impartial reinvestigation to ascertain the true facts and ensure public confidence in the administration of criminal justice. Consequently, the Inspector General of Police, Sindh, is directed to appoint Mr. Ali Sher Jakhrani, AIGP Legal, as the Supervisory Officer along with Mr. Abdul Qudoos Kalwar DSP CTD Sukkur, for conducting a fresh and independent reinvestigation of the entire matter, including but not limited to FIR No.332/2025 registered under Section 395, P.P.C., and all connected offences i.e Crime No. 334/2025 of Police Station Naushahero Feroze and encounter-related allegations, and circumstances leading to the death of Raheem, son of Eidan Rajput.

14. Mr. Ali Sher Jakhrani, AIGP Legal, shall be at liberty to examine the entire record, obtain forensic and ballistic material, record statements of all relevant witnesses, if petitioner fails to appear before him due to fear of involvement in cases, the office shall provide him the memo of petition along with all annexures and affidavit of the petition to be treated as statement under section 161 Crpc statement, scrutinize the legality of the alleged encounter/incident, examine the allegations of prior custody and torture, and take all such lawful steps as may be necessary for arriving at an impartial conclusion. The concerned police officers and all governmental authorities shall extend full cooperation and provide all records, documents, and assistance required by him without fail.

15. The reinvestigation/further investigation shall be conducted strictly in accordance with law, independently and without being influenced by any previous inquiry, police report, or conclusion. The same shall be completed within a period of two (02) months from the date of receipt of this order.

16. Upon completion of the reinvestigation/further investigation, the Supervisory Officer conducted by DSP CTD shall submit his findings and recommendations before the competent Court having jurisdiction, , for passing appropriate orders in accordance with law.

17. Meanwhile, to preserve the integrity of the reinvestigation process and to avoid any possibility of influence over witnesses or evidence, all police officials who participated in the alleged encounter and/or against whom allegations of illegal detention, custodial torture, or custodial killing have been levelled shall not be assigned any field, operational, investigation, or law-enforcement duties during the pendency of the reinvestigation. The Inspector General of Police, Sindh, shall ensure that such officials are posted to non-operational assignments until completion of the reinvestigation and submission of the report before the competent Court.

18. The petitioner and other material witnesses, if found to be under threat or intimidation, shall be provided appropriate protection in accordance with law by the IGP Sindh to ensure a fair, free, and uninfluenced investigation.

19. The captioned petition stands disposed of in the above terms.

Let a copy of this order be communicated to IGP Sindh for compliance in time.

Judge

Judge

Nasim/P.A