

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. S-1139 of 2025
(Rashid Latif v Inspector General of Police & others)

Date	Order with signature of Judge(s)
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- 1. For order on office objection Nos 1 to 5 along with reply as at “A.”
- 2. For hearing of CMA No.7373/2025 (U/O 39 R.1&2)
- 3. For hearing of CMA No.7374/2025 (U/O 18 R.18)
- 4. For hearing of main case.

Date of hearing and order:- 27.10.2025

Mr. Abdul Karim Khan, advocate for the petitioner
Mr. Ali Safdar Depar, Assistant AG
Mr. Zahoor Shah, Additional PG
Syed Ali Hassan, SP (Investigation) South on behalf of DIG Police South Karachi
Mr. Raza Mian, DSP (Legal-II) CPO
Mr. Waqar Ahmed Tanoli, SDPO Clifton, Karachi / respondent No.5
Mr. Shahid Taj, SHO PS Darakhshan, Karachi / respondent No.6
Mr. Irfan Ahmed, IO, SIU, CIA Saddar, Karachi
PI Nadeem Jamal, SIU, CIA

ORDER

Adnan-ul-Karim Memon, J It is, *inter alia*, contended by learned counsel for the petitioner that he is the joint owner of a white Toyota Fortuner (Model 2015, Engine No. 2TR8815196, Chassis No. TGN51R-9401974), which was rented out to Muhammad Asif vide agreement dated 10.05.2025. On 21.08.2025, the vehicle was given by Muhammad Asif to one Jaffar Alam on rent of Rs. 18,000/- per day and returned on 23.08.2025. However, on 25.08.2025, the said vehicle, along with two others and Muhammad Asif, was taken into custody by SHO Shahid Taj and DSP Waqar Tanoli (respondents No.5 & 6). It is alleged that the said respondents raided the petitioner’s house without a warrant, illegally detained him, and demanded Rs. 2,000,000/- for his release. The petitioner was released after payment of Rs. 800,000/- by his cousin. It is further alleged that no legal documentation or seizure memo of the vehicle was prepared and that the vehicle is being used personally by respondent No.6.

This Court vide order dated 20.10.2025, issued notices to respondents and directed the DIGP South to hold a fact-finding inquiry regarding the ransom and vehicle.

Learned Assistant A.G. states that FIR No.662/2025 under Section 395 PPC has been registered at P.S. Darakhshan, Karachi, and the incident is under investigation. The inquiry ordered by this Court is in progress and will be concluded shortly.

During the hearing, it was apprised that Sindh Police conducts investigations through various units, including the Special Investigation Unit (SIU) and CIA. Primarily, in view of the Supreme Court judgment in *Gul Hassan*

Jatoi v. Faqeer Muhammad Jatoi (2016 SCMR 1254), the police constitutes a single force under the command of the IGP, and all internal divisions, including the Investigation Wing, must operate strictly in accordance with the Sindh Police Act, 2019. Sindh Police presently operates several units, including the Crime & Investigation Branch (C&IB), Special Branch, CTD, RRF, SIU, and others, but all investigative activities must conform to the law and the principles laid down in *Gul Hassan Jatoi's* case.

In view of allegations of custodial torture and ransom, the officer of the SIU present in Court was asked about the recent SIU incident involving the death of a youth, Muhammad Irfan, in custody on 22.10.2025. He is clueless. The rising incidents of custodial torture and deaths highlight the need for strict accountability and preventive measures. Police officers must adhere to established guidelines during arrests and detentions to ensure transparency and the protection of human rights. The IGP Sindh may consider the following key guidelines as deemed fit and appropriate.

1. Identification: Arresting and investigating officers must wear badges and carry ID cards with their name and designation. Their details must be recorded in a register.
2. Memo of Arrest: A memo must be prepared at the time of arrest stating the date, time, and attested by a family member or a respectable local witness, with the arrestee's countersignature.
3. Information and Notification: The arrest must be communicated to a friend or relative immediately. If they are outside the district, they must be informed within 8 to 12 hours through the legal aid authorities.
4. Right to Inform: The arrestee must be informed of their right to communicate about their arrest and detention.
5. Detention Diary: A diary at the detention place must record details of the arrest, officials involved, and persons informed.
6. Right to Meet Lawyer: The arrestee may meet their lawyer during interrogation, though the lawyer cannot be present throughout.
7. Medical Examination: On arrest, the arrestee's physical condition and injuries must be recorded and attested. A medical check-up must be done every 48 hours by an approved doctor.
8. Intimation to Magistrate: Copies of all related documents must be sent to the Magistrate, who shall supervise the detention of the suspect under the judicial orders as provided under the law.
9. Police Control Room (PCR): Within 12 hours, all details of arrest and custody must be displayed at the district PCR.

Failure to follow these guidelines will lead to departmental action and contempt of court proceedings. These measures safeguard detainees' rights and ensure humane treatment in custody. The power to punish must remain with the judiciary, not the investigating authorities, thereby upholding the rule of law and preventing custodial deaths.

In such circumstances of the new development as discussed supra, the IGP Sindh is directed to submit a comprehensive report on the functioning of these units under the garb of investigation law and furnish his personal source report regarding the said incident, meanwhile all torture cells in all police station under the garb of investigating units be closed forthwith and the police officials be brought to justice forthwith, with proper SOP guidelines as discussed supra. IGP shall not ignore the directions.

Since the subject vehicle has now been shown as recovered and included in the case property, the main purpose of this petition has been served. Inquiry proceedings shall continue, and the matter is adjourned to **03.11.2025** for further progress on the query above. Let notice be issued to Advocate General Sindh and Additional Attorney General to appear and assist this Court in terms of the previously mentioned guidelines, and the law, i.e., Torture and Custodial Death (Prevention & Punishment) Act, 2022.

A copy of this order be transmitted to the IGP Sindh for compliance through electronic means and WhatsApp. Such a report must be furnished through Additional IGP Sindh before the next date of hearing, who shall appear in person to assist this Court.

JUDGE

Shazad*