

**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*)

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| Date | Order with signature of Judge(s) |
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**Date of hearing and order:- 03.11.2025**

Mr. Abdul Karim Khan, advocate for the petitioner  
Mr. Aamir Mansoob Qureshi, advocate for the intervener PC Asif Ali  
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

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**ORDER**

**Adnan-ul-Karim Memon, J.** The petitioner, a joint owner of a Toyota Fortuner (Engine No.2TR8815196, Chassis No.TGN51R-9401974), alleged that Respondents No.5 and 6, SHO Shahid Taj and DSP Waqar Tanoli, unlawfully detained him, demanded ransom, and illegally seized his vehicle without following legal procedure. Pursuant to this Court’s order dated 20.10.2025, a fact-finding inquiry was initiated by the DIGP South, and FIR No.662/2025 under Section 395 PPC was registered at P.S. Darakhshan, Karachi. Subsequently, as the vehicle was recovered and added as the case property, at this stage, the counsel attempted to seek the disposal of the petition as not pressed on the annology that the purpose has been served, in such circumstances, 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 demand on the part of SIU Police officials and release of subject vehicle. On the aforementioned point, learned Assistant A.G. stated that FIR No.662/2025 under Section 395 PPC has been registered at P.S. Darakhshan, Karachi, and the incident is under investigation, where the subject vehicle has been shown as case property. I have been informed that the inquiry ordered by this Court is in progress and will be concluded shortly. Be that as it may, this Court directs that inquiry proceedings on the issue of demand of ransom amount shall continue by the high ups and be culminated in its logical conclusion, within reasonable time.

2. Since there were serious allegations against the SIU Police and during the proceedings, I was further apprised of the fact about the custodial death at the SIU police station and, whether these investigating units were/are working within the ambit of law in terms of ratio of the jugment passed by the Supreme Court in the case of *Gul Hassan Jatoi v. Faqeer Muhammad Jatoi case (2016 SCMR 1254)*, as such issued eleven mandatory guidelines for lawful arrest and detention of suspects to ensure accountability and transparency in arrest and detention of accused. In such circustances, the IGP Sindh was/is directed to give strict

directions to all DIGPs and SSPs in Sindh to close all torture cells, forthwith, whether private or within the Police Stations in Sindh if any, and frame strict SOPs in this regard by way of notification. The subject guidelines as contained in the previous orders must be followed by the IGP Sindh to avoid untoward incidents of custodial torture and illegal detention by police in the future. All police officials of Sindh Police are expected to understand the serious legal consequences of such misconduct, if they continue the inhuman practice of torture of suspects in Police custody. The infringement of these guidelines shall entail penal action in terms of Article 204 of the Constitution, including criminal action under the Cr.PC/PPC.

3. In compliance with the previous orders, the SSP SIU/CIA reported that four suspects, including Muhammad Irfan, had been detained on 22.10.2025 for suspicious activity, and that Irfan later died in hospital with no signs of torture. This is an amazing/novel story put forward by him. However, he submitted that FIR No.443/2025 under Sections 319/34 PPC was registered against six SIU officials for criminal negligence. Meanwhile, the FIA was approached under the direction of the learned trial Court to investigate the subject crime under the *Torture and Custodial Death (Prevention & Punishment) Act, 2022*. I am not satisfied with such a cursory report, so put forward by the SSP, which prima facie, amounts to suppress the material evidence, however the postmortem report and investigation of the case will reveal the truth which is only possible when the investigation takes place without influence of the SSP of SIU and other officers who are instrumental to this inhuman treatment to suspect; and it is for the FIA to take stock of all things at their end and submit an investigation report with the concerned Court after its conclusion for appropriate orders and the trial Court will look into the all aspect of the case.

4. During proceedings, learned counsel for the intervener PC Asif Ali, accused in the subject F.I.R., filed two applications under Section 151 CPC and under Order I Rule 10 CPC to become a party in the proceedings, recalling and deleting the aforesaid portion of the order dated 27.10.2025, starting from the aforesaid relevant paragraph as contained in the order, as the petitioner not prayed for in the petition nor disclosed in the Memo of Petition. Prima facie no observation has been recorded against the accused in the subject FIR which is always tentative in nature subject to final say of the trial Court. However it is urged that the order was passed Suo Moto, exceeding the jurisdiction of this Court under Article 199 of the Constitution, thereby overreaching and overstretching its constitutional limits, as held in Federal Government Employees Housing Authority v. Ednan Syed (PLD 2025 SC 11), Commissioner Inland Revenue Lahore v. SUI Southern Gas Pipeline Limited Lahore PLD 2023 SC 241, Gul Hassan Jatoi & others v. Faqir Muhammad Jatoi 2016 SCMR 1254, Shahnaz

Begum v. Hon'ble Judges of Balochistan High Court and another **PLD 1971 SC 677** and unreported order in C.P. No. 5841 of 2018 and other connected petition passed by this Court. Learned counsel prayed to allow the applications, so the proper assistance be provided to this Court on the subject issue.

5. I am not persuaded by the counsel for the intervener's submissions, as the matter of custodial torture by police officials requires examination by the concerned authority. Since the F.I.A. is already conducting criminal proceedings, no further interference by this Court is necessary at this stage. So far as the subject custodial death as well as jurisdiction of the Court is concerned. On the subject issue, I am guided by the decision of the Supreme Court in the case reported as **PLD 2011 SC 799** (Suo Motu Case No. 10 of 2011, Brutal Killing of a Young Man by Rangers), in 2011, the Supreme Court took suo moto notice of a viral video showing Sindh Rangers officials shooting and killing an unarmed young man, **Sarfraz Ahmed**, in Karachi. The video showed Rangers personnel catching him, shooting him even after he was subdued, and then failing to provide medical help as he cried for his life. The police registered misleading FIRs to portray the deceased as a robber and to cover up the incident. The Supreme Court found this to be a case of barbarism and misuse of authority, violating Article 9 of the Constitution (**right to life**). Finding that senior police and Rangers officials were concealing facts and would not ensure a fair investigation, the Court ordered that the Provincial Police Officer (PPO) Sindh and the DG Rangers Sindh be transferred within three days, and that a DIG Karachi should conduct an impartial investigation under Section 7 of the Anti-Terrorism Act, 1997, and submit the challan within seven days. The trial Court was directed to decide the case within 30 days. The Supreme Court also condemned the custodial killing of an unarmed citizen by law enforcement personnel and held that such actions are a gross violation of the right to life and an abuse of power by state agencies. The Court emphasized that no one is above the law, that accountability of senior officials is essential, and that law enforcement agencies must protect, not destroy, life. Judicial overreaching (or judicial overreach) is concerned the same occurs when a Court goes beyond its constitutional limits and interferes in the functions of the executive or legislature, effectively taking over duties that are not judicial in nature. It is different from judicial activism, which means proactive enforcement of fundamental rights or ensuring adherence to the Constitution. This Court is not assuming executive powers or conducting the investigation itself; this Court wants to ensure that the lawful authorities act impartially and promptly, which is well within its constitutional jurisdiction. The facts brought before this Court concerning the protection of fundamental rights; hence, the Court's intervention cannot be termed judicial overreach. So the point of view of the counsel is overruled. This Court's purpose is merely to examine whether such a brutal act by the police occurred due

to inaction and collusion of high police officials that undermined the course of justice. Therefore, applications of the intervener are dismissed, as directions issued under Article 199 of the Constitution merely ensure lawful performance of duty and cause no prejudice to any party. Office to assign proper numbers to the application(s) accordingly.

6. The IGP Sindh confirmed the ongoing FIA investigation but submitted an incomplete report, failing to address departmental accountability of senior SIU Police officials. This custodial torture is not permissible under the law as such this is unlawful under the Cr.P.C. and Police Rules, and this Court emphasizes that accountability within the police hierarchy cannot be ignored.

7. Accordingly, this Court orders a departmental inquiry against all SIU Police officials, from the SSP downward, to be supervised by the Chief Secretary Sindh through a DIGP of good repute, with a report to be submitted to this Court within fifteen (15) days for appropriate orders. The Chief Secretary Sindh and the IGP Sindh are directed to ensure strict compliance, without fail, enforcement of guidelines, and accountability to prevent recurrence of such incidents, meanwhile all the officers shall not be given posting to avoid undue influence in the departmental inquiry as well as criminal investigation by the FIA in terms of law laid down by the Supreme Court in reported case **PLD 2011 SC 799**. Chief Secretary and IGP Sindh to comply this direction forthwith.

8. This petition stands disposed of along with all pending application(s) in the above terms.

9. The office shall fax this order to the Chief Secretary Sindh and the IGP Sindh, for information and strict compliance.

JUDGE

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