

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Const. Petitions No.D-1136, 1239, 1350 &1359 of 2024 a/w
Disposed of C.P.No.D-1764 of 2021

Date of hearing	Order with signature of Judge.
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Hearing of Case

- 1.For orders on o/objections
- 2.For hearing of main case

10-10-2024

M/s Achar Khan Gabol, Shabbir Ali Bozdar, Waseem Iqbal, Deedar Ali M. Chohan, Badaruddin Memon & Hajan Shah, Advocates for the petitioners.

Mr. Ali Raza Baloch, Assistant A.G – Sindh a/w Inspector Akhtar Pathan on behalf of DIGP, Sukkur and Inspector Naveed Akbar Pirzada on behalf of SSP, Ghotki.

Learned AAG has filed statement and placed reliance on at least two judgments, one dated 23.04.2024 passed by learned Divisional Bench of this Court in C.P.No.D-6135 of 2023 etc. and another by Hon'ble Supreme Court, however perusal of the judgment of Hon'ble Supreme Court (**2022 SCMR 1770 – Faraz Naveed v. District Police Officer Gujrat**), it reflects that in fact matter pertained to commission of crime by a police officer during his service and seemingly the same judgment became foundation of judgment passed by learned D.B of this Bench.

On the other hand, numerous Benches of this Court have already passed a number of orders including order dated 20.12.2023 in C.Ps No.D-969 & 1018 of 2022 and order dated 09.02.2022 in C.P.No.D-1049 of 2019, where in these circumstances, where petitioners therein were candidates for the post of Police Constable and shown as accused persons in some FIRs and their offer orders were either cancelled or their candidatures were rejected, such adverse actions were set aside.

Learned counsel for petitioners cited a particular order dated 27.01.2023, passed by learned D.B of this Court in C.P.No.D-1316 of 2022, operative part whereof is reproduced as under:

“7. The offence in which the present petitioner was allegedly involved, was the result of private dispute which offence is not against the society. Accordingly, this petition is allowed and respondents are directed to issue appointment order in favor of the petition within one month’s time under compliance report to this Court through Additional Registrar”.

Whereas, in Contempt Application filed in C.P.No.D-1764 of 2021, learned AAG has placed reliance on the case reported as *President National Bank of Pakistan and others v. Waqas Ahmed Khan (2023 SCMR 766)*, which is distinguished as having been passed in master and servant circumstances.

In the circumstances, respondents are directed to re-consider the cases of the petitioners and applicant in listed contempt application for the post of Constable under the above guidelines and pass appropriate orders.

The listed petitions and application(s) are disposed of accordingly in the above terms. ***Office to place a signed copy of this order in captioned connected matters.***

JUDGE

JUDGE

Ahmad