

IN THE HIGH COURT OF SINDH AT KARACHI
CP. No. S--255 of 2025
(Zubaida v IGP Sindh & others)

Date	Order with signature of Judge
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Date of hearing and Order: 07.04.2025

Mr. Raj Ali Wahid advocate for the Petitioner.
Mr. Ali Safdar Depar AG
Mr. Qamaruddin Nohri, DPG along with Waqar Azeem PS Soldier Bazar
Mr. Raza Mian DSP (Legal-II) CPO

ORDER

Adnan-ul-Karim Memon, J : The Petitioner has filed this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking disclosure before this Court of any pending inquiries, investigations, FIRs, or complaints against the Petitioner by the Respondents.

2. This court issued notice to the Respondents, the learned Assistant Advocate General Sindh, and the learned Deputy Prosecutor General Sindh for today's appearance. In the interim, the I.G. Police Sindh was directed to provide details of FIRs/cases registered against the Petitioner.

3. In response to the Court's order, the DIGsP of Sukkur, Hyderabad, Larkana, Shaheed Benazirabad, Mirpurkhas, CTD Sindh, South Karachi, West Karachi, and CIA Karachi have reported that no case is registered against the Petitioner, namely Zubaida w/o Muhammad Irfan, residing at Flat No. 202, Eden Wala Apartment, 2nd Floor, Soldier Bazar, Mohalla Garden East, Karachi. However, DIGP East Zone, Karachi, vide No. DIGP/East Zone/Legal/583/2025, dated April 3, 2025, reported that three (03) FIRs have been registered against the Petitioner, with the following details (copy enclosed as ANNEXURE-A):

DETAIL OF FIRs

S. No.	FIR No.	U/S	PS	Status	Name of I.O.
1	242/2019	5/5-A	Soldier Bazar	Pending Trial	SIP Muhammad Ali Abro
2	243/2019	6/9-C	Soldier Bazar	Pending Trial	SIP Gull Wali Khan
3	432/2024	5/5-A	Soldier Bazar	Pending Trial	SIP Gull Wali Khan

4. Learned counsel for the petitioner submits that the police is harassing the petitioner and conducting raids at her residence which is not a public place in terms of section 5 of the prevention of Gambling Act 1977, as such petitioner is entitled to the protection of life and liberty in the meanwhile the IGP Sindh may be directed to investigate the excess of police. He prayed for allowing the petition.

5. Admittedly, this is the case of harassment at hands of police in connivance with private respondents, who are conducting the raids at the house of the petitioner under the garb of preventing the gambling. The issue of cognizable offence if any is to be looked into by the concerned police and this Court will not

travel into that aspect of the case, however can deal with the issue of harassment at the hands of police.

6. The meaning of the word “harass” has been explained as “Injure and injury” these words have numerous and comprehensive popular meanings, as well as having legal import. A line may be drawn between these words and the word “harass” excluding the latter from being comprehended within the word “injure” or “injury”. The synonyms of “harass” are: To weary, tire, perplex, distress, tease, vex, molest, trouble and disturb. They all have relation to mental annoyance.” In the Oxford Dictionary of New Words, the meaning of the word “harassment” has been explained, which reads as “The subjection of a person to aggressive pressure or intimidation. “Harassment” should be interpreted as potentially producing some unreasonably adverse impact on the victim. The conduct should produce more than “worry” “trouble” “discomfort” or “unease” unless perhaps these are experienced to an extreme degree.”

7. The main objectives of police is to apprehend offenders, investigate crimes, and prosecute them before the courts also to prevent commission of crime, and above all ensure law and order to protect citizen’s life and property.

8. The law enjoins the police to be scrupulously fair to the offender and the Magistracy is to ensure a fair investigation and fair trial for an offender. Unfortunately, these objectives have remained unfulfilled. Aberrations of police officers and police excesses in dealing with the law and order situation have been the subject of adverse comments from this Court as well as from other courts but they have failed to have any corrective effect on it. The police has the power to arrest a person even without obtaining a warrant of arrest from a court. The plenty of this power casts an obligation on the police and it must bear in mind, as held by this Court that if a person is arrested for a crime, his constitutional and fundamental rights must not be violated. However it is made clear that police is free to take action against any person who is indulged in criminal activities subject to law. However no harassment shall be caused to the petitioner, if she acts within the bonds of law. Police shall also ensure respect of the family shed in accordance with law and if they have reasonable ground to prevent the cognizable offence they can act, so far as raiding the house is concerned the police shall secure concrete evidence and obtain necessary permission from the concerned high police official/Magistrate as a issue of security of the house is concerned, which is not public place under the Act 1977.

9. Considering the aforementioned details, the objective of filing this petition has been achieved. Consequently, this petition is hereby disposed of in the terms stated above.

JUDGE