

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-34 of 2026

(Nabi Bux Laghari versus The Court of III-Additional District & Sessions Judge Karachi (South) & another)

Date	Order with signature of Judge
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Before:

Mr. Justice Adnan-ul-Karm Memon

Mr. Justice Yousuf Ali Sayeed

Petitioner: Nabi Bux Laghari, in person

Date of hearing: **05.1.2026**

Date of order: **05.1.2026**

ORDER

Adnan-ul-Karim Memon, J. Petitioner prayed as follows:

a) Declare the impugned Confirmation/Clarification Order dated 22.12.2025 as illegal, void ab initio and coram non judice;

b) Set aside the said order and all consequential actions, including the illegal release of Respondent No.2;

c) Declare that Respondent No.2 was never granted bail under Section 324 PPC;

d) Cancel the bail of Respondent No.2 and direct his immediate re-arrest;

e) Issue Non-Bailable Warrants of Arrest against Respondent No.2;

f) Suspend the impugned order during pendency of this petition and restrain Respondent No.2 from leaving Pakistan;

g) Order an independent inquiry against Respondent No.1 and the concerned jail officials;

h) Transfer the case from the Court of Respondent No.1 to another competent court;

i) Direct fair and impartial investigation and action against Respondent No.2 for evidence tampering and intimidation;

j) Grant any other relief deemed just and proper.

2. The case of the petitioner is that he is an Advocate of this Court, actively practicing since 2018, and a member of the High Court Bar Association Karachi and Karachi Bar Association. He submitted that he has filed this petition under Article 199 of the Constitution of Pakistan, 1973, for the enforcement of his fundamental rights gravely violated due to unlawful and arbitrary acts of the Respondents.

3. The Petitioner is aggrieved by the impugned Confirmation / Clarification / Order dated 22.12.2025 passed by Respondent No.1 / III-Additional District &

Sessions Judge, GBV Court, Karachi South, whereby it was erroneously stated that bail had been granted to Respondent No.2 under Section 324 PPC, despite the admitted fact that no bail was ever sought, argued, considered or granted under the said provision in Bail Application No.4768 of 2025 or in the bail order dated 20.12.2025. He submitted that on 08.12.2025, the Petitioner and his wife, Assistant District Public Prosecutor, Government of Sindh were assaulted by Respondent No.2 at Khayaban-e-Shamsheer, DHA Phase-V, Karachi, following a road-rage incident. The Respondent No.2 physically assaulted the Petitioner, manhandled and abused his wife, and attempted to strike the Petitioner with a speaker, causing public panic. The incident was witnessed by bystanders, including Advocate Faheem Siddiqui. He further submitted that Respondent No.2 was arrested on the spot and FIR No.936/2025 was registered at Police Station Darakshan under Sections 279, 337-A(1), 354, 504, 506 PPC and Sections 3, 4 & 5 of the Lawyers Protection Act. He next submitted that on 15.12.2025, the learned Judicial Magistrate-XI added Sections 324, 354-A, and 506-B PPC and remanded Respondent No.2 to judicial custody, noting the availability of CCTV footage and other incriminating material. He submitted that the first bail application was dismissed for concealment of amended sections. The second bail application, No.4768/2025, was filed before Respondent No.1. However, no notice was issued to the Petitioner, and bail was heard and decided in his absence. He added that the bail was granted on 20.12.2025, excluding Section 324 PPC, as no such relief was claimed or judicially examined. However, on 22.12.2025, Respondent No.1 issued the impugned clarification confirming bail under Section 324 PPC, without jurisdiction, hearing or examination of record, resulting in illegal release of Respondent No.2. The subsequent conduct reveals predetermination, manipulation of Court and office diaries, fabrication of notice dated 18.12.2025 a non-working day due to KBA elections, and abuse of judicial authority in violation of Article 10-A of the Constitution. He added that Respondent No.2, after unlawful release, has attempted to influence witnesses, tamper with evidence, pressurize the Petitioner to withdraw the FIR, and is likely to abscond due to his international business connections.

4. Petitioner, who is also present in Court, submitted that the impugned clarification dated 22.12.2025 is without lawful authority, as it retrospectively created bail relief under Section 324 PPC, which was never sought or granted. Respondent No.1 became functus officio after passing the bail order dated 20.12.2025 and lacked jurisdiction to enlarge bail through a clarification. The proceedings are vitiated by gross violation of Article 10-A of the Constitution, as no notice was issued to the complainant, and material evidence was ignored. The bail order reflects non-application of mind, ignoring heinous and non-compoundable offences, amended sections, and judicial findings regarding

incriminating material. The impugned acts constitute malafide, colorable exercise of authority, manipulation of records, and abuse of process. He prayed to allow this Petition.

5. After hearing the petitioner in person and examining the material placed on record, we are of the considered view that the present petition does not warrant interference under Article 199 of the Constitution of Pakistan, 1973, for the reasons that the constitutional jurisdiction of this Court is extraordinary, discretionary and equitable, and is not to be exercised where an adequate alternate remedy is available or where the grievance essentially relates to the correctness or propriety of judicial orders passed by a Court of competent jurisdiction. The matters about grant, refusal or cancellation of bail fall squarely within the domain of the criminal Courts, for which the law provides specific statutory remedies.

6. The impugned order dated 22.12.2025, though described as a “clarification”, emanates from a judicial proceeding arising out of a bail matter. Any illegality, irregularity, or excess of jurisdiction in such an order could have been agitated through appropriate remedies available under the Criminal Procedure Code, including an application for cancellation of bail before the competent forum or through revision, rather than invoking constitutional jurisdiction of this Court.

7. The allegations of non-issuance of notice, improper appreciation of evidence, non-application of mind, and procedural irregularities, however serious, raise disputed questions of fact, which require detailed examination of the record, oral assertions, and factual controversy. Such factual determinations cannot be conclusively undertaken in constitutional jurisdiction of this Court, which is primarily meant for the enforcement of fundamental rights in cases of clear lack of jurisdiction or patent illegality. Furthermore, it is well-settled that judicial orders passed by a Court of competent jurisdiction are not amenable to constitutional challenge merely on the ground that they are erroneous, irregular, or even illegal, unless it is shown that the Court acted wholly without jurisdiction or that the order is a nullity on its face.

8. In the present case, Respondent No.1 was admittedly seized of the bail matter and was exercising judicial jurisdiction vested by law. The petitioner’s apprehensions regarding witness intimidation, tampering with evidence, or the likelihood of the accused’s absconding, though serious, are matters that can be appropriately addressed by moving the trial Court or a competent forum for cancellation of bail or for appropriate protective orders, rather than through constitutional intervention at this stage.

9. In view of the foregoing, and without prejudice to the petitioner's right to seek cancellation of bail under Section 497(5) Cr.P.C., we are of the considered view that the petitioner has failed to establish any exceptional circumstances, jurisdictional defect, or constitutional violation to warrant interference under Article 199 of the Constitution. The present petition is found to be misconceived and not maintainable in its present form. At the very outset, the petitioner was directed to first approach the competent forum for the aforesaid relief; however, he insisted on pressing the present petition for hearing. We were/are not persuaded by the said submissions and are of the view that the petition is liable to be dismissed.

10. For the aforesaid reasons, this petition is dismissed in limini, leaving the petitioner at liberty to avail the remedy as provided under the law.

11. These are the reasons for our short order on the same date.

JUDGE

JUDGE