

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. S – 210 of 2026

[Abida Parveen v. Province of Sindh and others]

Petitioner by : Mr. Yasir Javed, Advocate

Respondents No.1 to 7 by : Mr. Ali Raza Baloch, Additional Advocate General Sindh along with Mir Rohal Khoso, SSP Naushahro Feroze, Qurban Ali, DSP Legal Naushahro Feroze and Inspector Ghulam Mustafa Meerani, SHO Police Statio Mehrabpur

Respondent No.8 by : Nemo

Date of Hearing : **28.09.2026**

Date of Decision : **28.09.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioner has, through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, prayed for a number of reliefs. The principal grievance urged before this Court is the failure of the police to arrest respondent No.8, Abdul Khaliq, a proclaimed offender, and to provide protection to the petitioner, her family members and her counsel.

2. Briefly, the petitioner lodged FIR No.143/2025 at Police Station Mehrabpur on 19.08.2025 under Sections 376, 511, 337-A(i), 337-F(i), 337-L(2), 114 and 324, PPC (Section 354-A, PPC being added later), against four accused including respondent No.8. The application of respondent No.8 for pre-arrest bail was dismissed by the learned Additional Sessions Judge, Moro / Gender Based Violence Court, Naushahro Feroze, on 13.10.2025. He obtained interim pre-arrest bail from this Court on 28.10.2025 in Cr. Bail Application No. S-1044/2025. That application was disposed of as not pressed on 03.02.2026, and the interim order was recalled. He has since absconded and has been declared a proclaimed offender under

Sections 87 and 88, Cr.P.C. It is the petitioner's case that he is said to be roaming freely in the locality, threatening the petitioner and her counsel, and to have committed further offences. The petitioner alleges that despite repeated applications and complaints, the police have not arrested him and have failed to protect her.

3. Notice was issued. Respondents No.5, 6 and 7 filed comments. The Investigating Officer reported that respondent No.8 is also an accused in FIR Nos.131/2024, 87/2026, 88/2026, 99/2026 and 102/2026, all registered at Police Station Mehrabpur. By order dated 24.08.2026, the SSP was directed to make efforts in accordance with law to arrest the proclaimed offender. By order dated 14.09.2026, he was directed to take all necessary steps for the arrest and to appear in person on 28.09.2026, and to provide necessary protection to the petitioner in the meantime.

4. In compliance, the SSP has filed a report and appeared in person. According to the report, a Special Task Team under the DSP/SDPO Mehrabpur was constituted, and raids were conducted at suspected places, but respondent No.8 could not be arrested. Two of his sons, Sajid Ali and Habibullah, were arrested in FIR Nos.87/2026 and 88/2026 and remand was obtained. His CNIC has been obtained, and NADRA has been approached to block it. The SSP undertook before this Court that efforts to arrest respondent No.8 will continue and that he will be produced before the concerned trial Court.

5. I have heard learned counsel for the petitioner and the learned Additional Advocate General Sindh, and have perused the record with their assistance.

6. The police are under a statutory and constitutional duty to protect the life, liberty and property of citizens, and to execute processes of the Court, including warrants and proclamations, in accordance with the Code of Criminal Procedure, 1898 and the Police Rules, 1934. The petitioner is the

complainant and a prosecution witness in a case triable by the Gender Based Violence Court. The State must ensure that she and her witnesses can attend the trial without fear, in aid of the right to a fair trial under Article 10-A. The statutory scheme for the protection of victims and witnesses under the Anti-Rape (Investigation and Trial) Act, 2021 is also relevant.

7. The record shows that respondent No.8 has been declared a proclaimed offender and remains unarrested despite a considerable lapse of time. It also shows that several other FIRs are registered against him, the majority of them subsequent to the FIR lodged by the petitioner. At the same time, the police have taken some steps, as noted in paragraph 4. Whether the efforts so far have been adequate, and whether any official has been negligent or has favoured the accused, are disputed questions of fact. The remaining prayers, namely the declaration against the police officials, the initiation of departmental proceedings, and the relief regarding the watercourse, depend on findings of fact that cannot be recorded in this jurisdiction, and are left to be pursued before the competent forums.

8. The jurisdiction of this Court under Article 199 is extraordinary and supervisory in nature. It is exercised to require public functionaries to perform duties cast upon them by law, and not to conduct a fact-finding inquiry on disputed questions, or to supervise or direct the manner of investigation, which the law entrusts to the police and the criminal courts. Accordingly, this Court's jurisdiction in the present matter is confined to directing the functionaries concerned to perform their duty in accordance with law, and it is exercised to that extent only.

9. Accordingly, this petition is **disposed of** in the following terms:

- (i) The SSP Naushahro Feroze shall, through the DSP/SDPO and the SHO, Police Station Mehrabpur, continue the efforts, strictly in accordance with law, to arrest the proclaimed offender Abdul Khaliq (respondent No.8) and to produce him

before the concerned trial Court. As undertaken by the SSP, these efforts shall not be relaxed until he is arrested. It shall also be open to the prosecution to move the learned trial Court for proceedings under Section 88, Cr.P.C., if the same have not already been initiated. The SSP shall place a progress report before the learned trial Court every month until the arrest is effected.

- (ii) The SSP Naushahro Feroze shall ensure that adequate protection is provided to the petitioner and her family members, and to her counsel, so that the petitioner is able to attend the proceedings before the trial Court without fear.
- (iii) The official respondents shall act strictly in accordance with law.
- (iv) So far as the FIRs are concerned, and for any other grievance regarding the registration of a case, the conduct of investigation, the alleged threats, interference with the petitioner's land, or any departmental action against any official, the petitioner is at liberty to approach the concerned Courts and forums as provided by law. Any such proceedings shall be decided on their own merits, without being influenced by this order.
- (v) The trial Court shall proceed with the trial in accordance with law. Any observation made in this order is limited to the disposal of this petition and shall not prejudice the case of any party before the trial Court or any other forum.

10. Office shall communicate a copy of this order to the SSP, Naushahro Feroze and the Inspector General of Police, Sindh, for information and compliance, and to the learned Additional Sessions Judge, Moro / Gender Based Violence Court, Naushahro Feroze, for information.

J U D G E