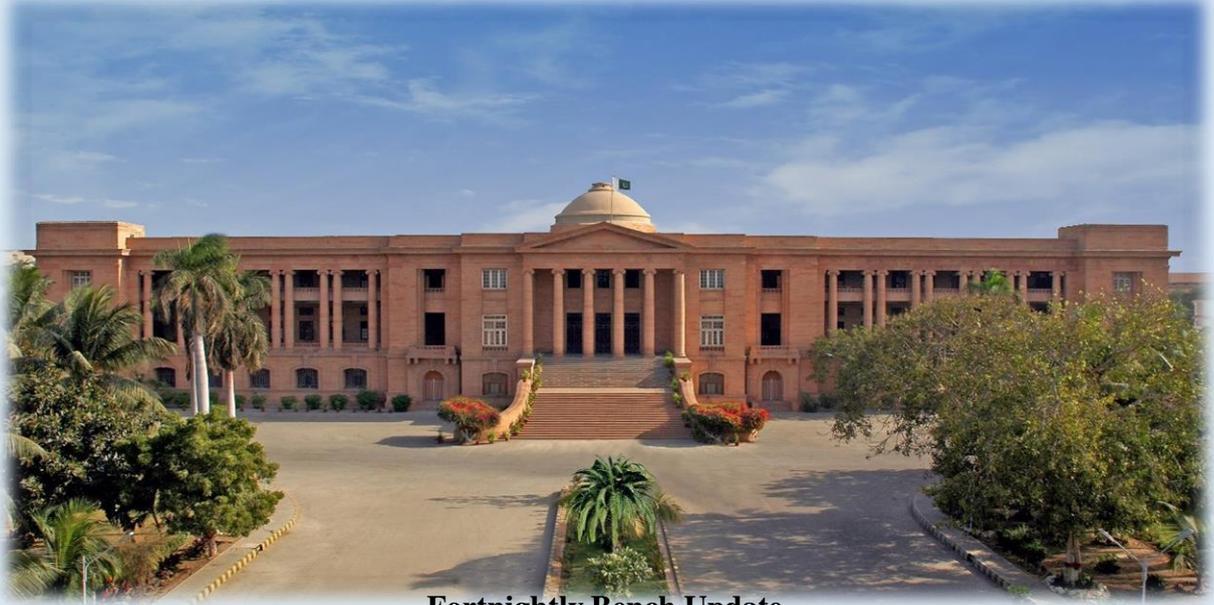




HIGH COURT OF SINDH

Case Law Review



Fortnightly Bench Update



Published by: Legal Research Cell,
High Court of Sindh

Volume II | Issue V | 01ST-March-2026 to 15TH -March-2026



FORTNIGHTLY BENCH UPDATE

(01-03-2026 to 15-03-2026)

An Overview of Recent Judgments of the Federal Constitutional Court of Pakistan, Supreme Court of Pakistan, Islamabad High Court, Lahore High Court, Peshawar High Court and High Court of Sindh, Latest Legislative Amendments and Important Articles, Compiled and Published by the Legal Research Cell, High Court of Sindh, Karachi

NOTABLE JUDGMENTS

Sr. No.	Court	Subject	Area of Law	Page
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2	Federal Constitutional Court of Pakistan	whether the respondents had acquired a vested or accrued right to appointment under Rule 11-A upon the death of the civil servant, and whether the subsequent judgment of the Supreme Court striking down the rule would retrospectively extinguish such right.	Services Law	10
3	Federal Constitutional Court of Pakistan	whether the appointments made on the recommendation of the second committee were legally valid, whether candidates could be penalized for procedural irregularities committed by authorities, and how to resolve competing claims of two sets of candidates arising from the same recruitment process while ensuring fairness and legality.	Services Law	11
4	Federal Constitutional Court of Pakistan	whether the respondent, despite being overage, was entitled to age relaxation under the applicable legal framework, and whether the High Court rightly directed consideration of her appointment.	Services Law	13
5	Federal Constitutional Court of Pakistan	whether a civil servant has a vested or enforceable right to continue on deputation indefinitely on the basis of wedlock policy, and whether repatriation by the parent department was lawful.	Services Law	14
6	Federal Constitutional Court of Pakistan	whether a review petition was maintainable against an order of the Supreme Court where a petition under Article 184(3) had been held to be incompetent, and whether such jurisdiction could be invoked to challenge a final judicial determination of the Supreme Court.	Constitutional Law	16

7		whether the testimony of the victim, allegedly containing improvements and lacking corroboration, was reliable; whether the absence of DNA support and non-recovery of the alleged video created reasonable doubt; and whether medical and circumstantial evidence sufficiently corroborated the prosecution case..	Criminal Law	17
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1. Federal Constitutional Court of Pakistan (Appellate Jurisdiction)

C.P.L.A.1089-K/2021

Pakistan National Shipping Corporation Versus Nasir Kamal & another

Present: Justice Aamer Farooq
Justice Rozi Khan Barrech

Source:

<https://www.fccp.gov.pk/download/eyJpdiI6IlFqOTdyM2FRVmFRm9nWmZpaStjdGc9PSIsInZhbHVlIjoiQlBKR3U0L3pOOGk0THdCeDBSYzE4UT09IiwibWFjIjoiNmU1YWYzMGFjM2M4NTFmZjUwZjE1MDA0YWE2YTc2ODFhMTMzMTM3ODQ4ODAyYmE2MTIzYTQ4ZTA3YTJhZGQ4OCIsInRhZyI6IiJ9>

Facts: The petitioner, Pakistan National Shipping Corporation, assailed the judgment of the High Court of Sindh dated 03.06.2021 whereby a constitutional petition filed by the respondent regarding pension benefits was allowed. The petitioner contended that the High Court, while deciding the matter, made certain general observations directing future compliance with Supreme Court judgments, which were not sought by the respondent and could prejudice the petitioner. It was further argued that since the service rules of the Corporation were non-statutory, the constitutional petition under Article 199 was not maintainable. Additionally, objection was raised that the High Court pronounced its judgment after a delay of about ten months.

Issue: The core issues were whether the High Court could issue general directions beyond the relief claimed in the petition, whether a constitutional petition concerning pension was maintainable despite non-statutory service rules, and whether delay in pronouncement of judgment affected its validity.

Rule: It is settled law that High Courts, while exercising constitutional jurisdiction, cannot grant relief or pass directions beyond the scope of pleadings, as such exercise amounts to exceeding jurisdiction and encroaches upon suo motu powers. It is further established that matters relating to pension constitute enforcement of fundamental rights, thereby making writ petitions maintainable even if the governing rules are non-statutory. Moreover, judicial discipline requires that reserved judgments be pronounced within a reasonable time, ordinarily within 90 days, though delay does not automatically render a judgment void but is disapproved.

Application: Applying these principles, the Court held that the High Court rightly entertained the constitutional petition since pension is a fundamental right and the non-statutory nature of service rules does not bar jurisdiction. However, the High Court exceeded its jurisdiction by issuing general directions in paragraph 17 of its judgment concerning future compliance, as no such relief had been sought by the respondent. These observations were therefore considered superfluous and liable to be expunged. Regarding the delayed pronouncement, the Court acknowledged that although the delay of ten months was contrary to the requirement of expeditious justice and reflected poorly on judicial discipline, it did not

invalidate the judgment. The Court further elaborated upon the importance of timely pronouncement, adherence to procedural rules, and confidentiality of reserved judgments as essential elements of the rule of law.

Conclusion: The Court held that no interference was warranted on the merits of the case or on the question of maintainability; however, the general observations made by the High Court beyond the scope of the pleadings were expunged. Consequently, the petition was disposed of to that extent and leave was refused. The ratio decidendi is that a High Court cannot grant relief or issue directions beyond what is specifically prayed for in a writ petition, as it amounts to exceeding jurisdiction, while pension-related claims fall within the ambit of fundamental rights and are maintainable under constitutional jurisdiction. The obiter dicta consists of the Court's observations regarding delay in pronouncement of judgments, the necessity of adhering to prescribed timelines, and the importance of maintaining confidentiality and procedural discipline in judicial functioning.

2. Federal Constitutional Court of Pakistan (Appellate/Original Jurisdiction)

F.C.P.L.A. Nos. 508, 591, 346, 347, 348, 589, 267, 593, 130 & 353 of 2025
The Province of Sindh Versus Muhammad Rizwan Khan & others (and connected matters)

Present: Justice Aamer Farooq
 Justice Syed Arshad Hussain Shah

Source: <https://www.fccp.gov.pk/download/eyJpdiI6IkFLL0FTRUdLRUV5RGtLN3gzK1drQUE9PSIsInZhbHVlIjoId3pJUHU3YzNwVzhnMjhhdkpxak5Hdz09IiwibWFjIjoMmY3Y2NmMDdmNzI4N2NhOWJmNjc2MWY3MDhmZDhhZWY1MjRhMGNiMGU4MmNhMDdhZDYyNzQ1NGRmZDc3NzI5YSIsInRhZyI6IiJ9>

Facts: The petitioner, Province of Sindh, challenged various judgments of the High Court of Sindh, Circuit Court Larkana, whereby writ petitions filed by the respondents were allowed and directions were issued to appoint them under the deceased employee son/spouse quota in terms of Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974. The respondents, being children or spouses of deceased civil servants, had claimed such appointments after the death of the government employees. The petitioner contended that Rule 11-A had already been struck down by the Supreme Court in *General Post Office, Islamabad v. Muhammad Jalal* (PLD 2024 SC 1276), and therefore no appointments could be made under the said rule. It was further argued that no vested right had accrued to the respondents as no formal appointment letters had been issued.

Issue: The central issue was whether the respondents had acquired a vested or accrued right to appointment under Rule 11-A upon the death of the civil servant, and whether the subsequent judgment of the Supreme Court striking down the rule would retrospectively extinguish such right.

Rule: The governing principle is that rights which have already accrued or vested cannot be taken away retrospectively unless expressly provided, and judgments of the Supreme Court generally operate prospectively. It is further settled that administrative steps such as submission of application or issuance of appointment letters do not create the right but are merely procedural, whereas the right itself accrues upon the occurrence of the relevant event. Additionally, subsequent clarification by the Supreme Court has affirmed that striking down of Rule 11-A does not affect past and closed transactions or accrued rights.

Application: Applying these principles, the Court held that the crucial event giving rise to the respondents' right was the death of the civil servant, upon which one eligible family member acquired entitlement to appointment under the relevant rule. The absence of a formal appointment letter did not negate the existence of this right, as such issuance is merely an administrative formality. Since the rights had already accrued prior to the Supreme Court's judgment striking down Rule 11-A, the said judgment could not be applied retrospectively to defeat those rights. The Court also relied upon subsequent clarification by the Supreme Court that the earlier judgment does not affect accrued rights or past transactions. Consequently, the reasoning adopted by the High Court in allowing the writ petitions and directing appointments was found to be legally sound and free from infirmity.

Conclusion: The Court held that the petitions filed by the Province of Sindh were without merit, as the respondents had acquired vested rights upon the death of the civil servants which could not be defeated by a subsequent judicial pronouncement. Accordingly, all petitions were dismissed and leave was refused. The ratio decidendi is that the right to appointment under the deceased employee quota accrues at the time of death of the civil servant and such vested rights cannot be retrospectively extinguished by subsequent invalidation of the governing rule, as judicial decisions ordinarily operate prospectively. The obiter dicta includes the Court's reaffirmation of the principle that administrative formalities do not determine the existence of a right and that accrued rights and past transactions remain protected despite subsequent changes in law.

3. Federal Constitutional Court of Pakistan (Appellate Jurisdiction)

C.P.L.A. No. 3119, 3905, 4824, 4825, 4826 & 4827 of 2025

Muhammad Bilal & others Versus Government of Khyber Pakhtunkhwa & others

Present: Justice Syed Hasan Azhar Rizvi
Justice Syed Arshad Hussain Shah

Source:

<https://www.fccp.gov.pk/download/eyJpdiI6IjBIMTdQTXNwTINCdDlubEZiK1pCUEE9PSIsInZhbHVlIjoiaHdHS3VDbGYzSTI2ME1tNkkrMVlhUT09IiwibWFjIjoia2I1Mjc2YjgwZjJkMzU5N2ViNWZIMTE1NDE4ZTIkN2IyMThlMGI1N2JiZDcyNWJlOTk0ZDcwN2Q5ZDYxNjZzOSIsInRhZyI6IiJ9>

- Facts:** The case arose out of recruitment to Class-IV posts in DHQ Hospital, Karak, where initially a Departmental Selection Committee constituted in February 2020 conducted a recruitment process but no appointments were made due to a restraining order of the High Court. Subsequently, after disposal of that writ petition, a second committee was constituted in September 2020, which recommended candidates and appointment orders were issued to the present petitioners. Shortly thereafter, the Director General Health cancelled and suspended these appointments, leading to multiple constitutional petitions before the High Court by two competing groups: one comprising candidates recommended by the first committee and the other comprising those appointed on the recommendation of the second committee. The High Court dismissed the petitions of the present petitioners and partly allowed those of the first group, directing appointments in their favour. Aggrieved, the present petitions were filed before the Federal Constitutional Court. The record further revealed conflicting inquiry reports, allegations of irregularities in recruitment, absence of proper record of the first committee proceedings for several months, and competing equitable claims of both groups of candidates.
- Issue:** The main issues were whether the appointments made on the recommendation of the second committee were legally valid, whether candidates could be penalized for procedural irregularities committed by authorities, and how to resolve competing claims of two sets of candidates arising from the same recruitment process while ensuring fairness and legality.
- Rule:** The settled rule of service jurisprudence is that where appointments are made through a process initiated by a competent authority and candidates possess requisite qualifications, they ordinarily should not suffer for procedural lapses or irregularities attributable to the authorities, particularly in absence of fraud or misrepresentation. However, public employment must adhere to transparency, fairness, and legality, and any recruitment tainted with illegality or serious procedural defects can be declared void. Courts are also required to balance competing equities and ensure that no group is unjustly preferred where multiple claimants arise from the same flawed process.
- Application:** Applying these principles, the Court undertook a detailed appraisal of the record and noted that although the second committee was competent and the petitioners were otherwise eligible, serious irregularities existed in the recruitment process, including procedural violations, conflicting inquiry findings, and questionable conduct of officials. At the same time, the Court recognized that another group of candidates had earlier been recommended by the first committee but were deprived of appointments due to circumstances beyond their control, including a restraining order and non-availability of official record. The Court observed that both groups were innocent and had acted in good faith, and therefore granting relief to one group alone would result in inequity. The High Court was found to have erred by not properly considering material facts, including the delayed production of the first committee's record and the broader factual matrix. In these peculiar circumstances, the Court held that neither the recommendations of the first committee nor the appointments made by the second committee could be sustained, as the entire process stood vitiated. To balance competing rights and ensure fairness, the Court directed that the recruitment process be re-initiated from the stage of the existing candidate list, with a fresh and lawful evaluation by a newly constituted committee, while also directing action against responsible

Conclusion: The Court held that the impugned judgment of the High Court could not be sustained in its existing form and required modification. Both the recommendations of the first committee and the appointments made on the basis of the second committee were declared void ab initio, and directions were issued to re-conduct the recruitment process in accordance with law while safeguarding fairness for all candidates. Accordingly, the petitions were converted into appeals and partly allowed. The ratio decidendi is that where a recruitment process is fundamentally tainted by procedural irregularities and gives rise to competing claims of equally placed candidates, the entire process may be set aside and re-conducted to ensure fairness, transparency, and equal opportunity. The obiter dicta includes the Court's emphasis on the constitutional importance of fair public employment under Article 18, the need for transparency in recruitment, and the accountability of authorities entrusted with public appointments.

4. Federal Constitutional Court of Pakistan (Appellate Jurisdiction)

C.P.L.A. No.116-P of 2025

Director General Education Monitoring Authority, Peshawar & others Versus Mst. Lubna

Present: Justice Aamer Farooq
Justice Syed Arshad Hussain Shah

Source:

<https://www.fccp.gov.pk/download/eyJpdiI6IitDdmN4dG5uWWhCd09RcU0veDZHM1E9PSIsInZhbHVlIjoiR29DRytxSGNHS2E0OUE2MjFCQitPZz09IiwibWFjIjoiNmQ3OTdjNGQwOTJlYzMyOTdmMDk4ODY3ZTdkZTc3ZDZjNGFjN2ZhODNmMTZhMjQ3M2QyNTFlYzNjMTM2YTc0NyIsInRhZyI6IiJ9>

Facts: The controversy arose from the appointment process for the post of Data Collection and Monitoring Assistant (BS-16) in the Khyber Pakhtunkhwa Education Monitoring Authority, wherein the respondent, Mst. Lubna, secured first position among successful candidates but was denied appointment solely on the ground of being overage. Aggrieved, she filed a constitutional petition before the Peshawar High Court, which was allowed, and directions were issued to consider her case for age relaxation. The petitioners challenged this decision before the Federal Constitutional Court, contending that under the Rules 2021 no relaxation in upper age limit was permissible, while the respondent maintained that her case fell within the ambit of the KPK Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008, entitling her to such relaxation.

Issue: The primary issue was whether the respondent, despite being overage, was entitled to age relaxation under the applicable legal framework, and whether the High Court rightly directed consideration of her appointment.

Rule: The relevant legal principle is that candidates belonging to backward areas are entitled to automatic age relaxation under Rule 3(i) of the KPK Initial Appointment to Civil Posts

(Relaxation of Upper Age Limit) Rules, 2008, along with additional discretionary relaxation available to general candidates under the same rule. Furthermore, such candidates may avail cumulative benefit of these relaxations as provided under the proviso to Rule 4 of the Rules 2008.

Application: Applying these provisions, the Court observed that the respondent belonged to District Buner, which falls within the category of backward areas, thereby entitling her to three years automatic relaxation. In addition, she qualified as a general candidate and was eligible for further relaxation by the appointing authority under the Rules 2008. The Court noted that her merit position, availability of vacancy, and participation in the selection process were undisputed, and the only impediment was the question of age. Since the governing rules clearly permitted relaxation in such circumstances, the objection raised by the petitioners was found to be without substance. The Court further held that the High Court had correctly interpreted the law and applied it to the facts of the case.

Conclusion: The Court held that the respondent was legally entitled to age relaxation and there was no infirmity in the impugned judgment of the High Court. Consequently, the petition was dismissed and leave was refused. The ratio decidendi is that candidates belonging to backward areas are entitled to cumulative age relaxation under the Rules 2008, and denial of appointment solely on the ground of age in such circumstances is unlawful. The obiter dicta includes the Court's implicit affirmation that merit cannot be defeated by misapplication of age rules where statutory relaxation provisions clearly apply.

5. Federal Constitutional Court of Pakistan (Appellate Jurisdiction)

C.P.L.A. No. 760-P of 2025

Mst. Salma Raza Versus Government of Khyber Pakhtunkhwa & others

Present: Justice Aamer Farooq
Justice Rozi Khan Barrech

Source:

<https://www.fccp.gov.pk/download/eyJpdiI6ImhtYVJRUFQzZUFPUep6ek4vY3VDN2c9PSIsInZhbHVlIjoiz2FHbVlBSUpMR2pLSWlZS0N4V0ZmQT09IiwibWFjIjoizMzQ3ODk5NGY3NTc4MjgzMWEyOWIwZGYxOTBjMjNjNTkxY2NkYjFkYTkyYjczZWMIjDMDM3ZDU3MGUwMzZwNjZkYSIsInRhZyI6IiJ9>

Facts: The petitioner, a certified teacher belonging to Khyber Pakhtunkhwa, was initially posted on deputation to a Federal Government educational institution in Rawalpindi under the wedlock policy after her marriage to a federal employee. She remained on deputation for approximately eleven years and sought further extension of her deputation period; however, her parent department declined the request and repatriated her to her original cadre. The petitioner challenged this repatriation before the High Court, which dismissed her petition, leading to the present appeal before the Federal Constitutional Court. The petitioner's contention was that, in light of the wedlock policy and issuance of No Objection Certificates,

she was entitled to continue on deputation, whereas the respondents maintained that deputation beyond the permissible period was not a matter of right and was subject to consent of the parent department.

Issue: The primary issue was whether a civil servant has a vested or enforceable right to continue on deputation indefinitely on the basis of wedlock policy, and whether repatriation by the parent department was lawful.

Rule: The governing legal principle is that deputation is a temporary administrative arrangement, ordinarily limited to a specified period, and any extension is subject to consent of both the borrowing and parent departments. A civil servant has no vested right to remain on deputation or to seek posting at a particular station. The wedlock policy, though a beneficial policy aimed at facilitating spouses to serve at the same station, is merely a policy guideline and does not override statutory service rules nor create an enforceable legal right. Furthermore, principles of policy under the Constitution are not enforceable rights and remain subject to administrative feasibility and availability of resources.

Application: Applying these principles, the Court held that the petitioner had already remained on deputation far beyond the permissible period, and continuation of deputation required consent of the parent department, which had been expressly denied. The Court emphasized that deputation cannot be converted into a permanent arrangement under the guise of wedlock policy, as doing so would undermine service rules and administrative discipline. The reliance placed on wedlock policy was found misplaced, as it does not confer an absolute or enforceable right to remain posted at the same station as one's spouse. The Court further critically examined prior jurisprudence, particularly the decision in *Mubashir Iqbal*, and clarified that such interpretation cannot be extended to create binding rights out of policy considerations. It was reiterated that transfer and posting fall within administrative discretion, and courts should not interfere unless actions are mala fide or contrary to law. In the present case, the repatriation was found to be lawful and consistent with service rules.

Conclusion: The Court held that the petitioner had no vested right to continue on deputation and that the wedlock policy does not override statutory rules governing deputation. The repatriation order was lawful, and no interference was warranted. Consequently, the petition was dismissed and leave was refused. The ratio decidendi is that deputation is a temporary arrangement and cannot be extended indefinitely on the basis of wedlock policy, which does not create enforceable rights and remains subordinate to statutory service rules and administrative exigencies. The obiter dicta includes the Court's detailed observations on the constitutional status of policy principles, the limits of judicial intervention in transfer and posting matters, and the caution against converting policy guidelines into binding legal rights.

6. Federal Constitutional Court of Pakistan (Original/Appellate/Advisory/Review Jurisdiction)

**C.R.P. No. 463 of 2024 (in C.M. Appeal No.167/2023 in Const. Petition Nil/2023)
Syeda Nasreen Zohra (deceased) through L.Rs Versus Government of Punjab & others**

Present: Chief Justice Amin-ud-Din Khan
Justice Ali Baqar Najafi

Source:

<https://www.fccp.gov.pk/download/eyJpdiI6IndEc1lSZkI3ZWZlZGZlZC9PZSIsInZhbnVlIjoiaUpna2ZsNlFDTmJMSFJtQVBzOXBadz09IiwibWFjIjoiaWVjYjYjYjVmNjA4ZDBmMTUyMGVlOGU2ZjBkYzA1NTNjNmZmOWM4MDY5YzgwNTNhYWVhOWU1N2NkOGQ1ZTU4NyIsInRhZyI6IiJ9>

Facts: The petitioner filed a review petition under Article 188 of the Constitution seeking review of an order of the Supreme Court whereby a Civil Miscellaneous Appeal was dismissed, sustaining office objections against a petition filed under Article 184(3) of the Constitution. The original petition sought a declaration that certain judgments of a two-member bench of the Supreme Court were per incuriam as they allegedly contradicted an earlier three-member bench judgment granting rights to the petitioner. The office of the Supreme Court objected to the maintainability of such petition under Article 184(3), as it did not involve a question of public importance relating to enforcement of fundamental rights and was merely an individual grievance. The appeal against these objections was dismissed, and thereafter the present review petition was filed before the Federal Constitutional Court challenging that dismissal.

Issue: The principal issue was whether a review petition was maintainable against an order of the Supreme Court where a petition under Article 184(3) had been held to be incompetent, and whether such jurisdiction could be invoked to challenge a final judicial determination of the Supreme Court.

Rule: The settled legal principle is that Article 184(3) (and its subsequent constitutional equivalent) confers original jurisdiction only in matters of public importance relating to enforcement of fundamental rights and cannot be invoked for redress of individual grievances or to reopen concluded judicial determinations. The Constitution provides a limited review mechanism under Article 188, and the doctrine of finality of judgments prohibits endless re-litigation. Furthermore, constitutional jurisdiction cannot be used as a substitute for appeal or review, nor can it serve as a collateral challenge to final judgments of the Supreme Court.

Application: Applying these principles, the Court held that the petitioner had already exhausted all available remedies, including appeal and review before the Supreme Court, and the subsequent invocation of Article 184(3) was an attempt to re-agitate a concluded matter

under the guise of constitutional enforcement. The Court found that the dispute pertained to an individual grievance relating to compensation in land acquisition proceedings and did not involve any question of public importance or enforcement of fundamental rights. It was further held that allowing such petitions would undermine the doctrine of finality and render Article 188 redundant. The Court emphasized that neither Article 184(3) nor its post-amendment counterpart confers jurisdiction to review or sit in appeal over final judgments of the Supreme Court. Accordingly, the office objections were found to be legally justified, and the dismissal of the Civil Miscellaneous Appeal was upheld.

Conclusion: The Court held that the review petition was not maintainable as it sought to indirectly challenge a final judgment of the Supreme Court through constitutional jurisdiction, which is impermissible in law. Consequently, the petition was dismissed. The ratio decidendi is that constitutional jurisdiction under Article 184(3) (or its equivalent) cannot be invoked to reopen concluded judicial determinations or to address purely individual grievances, as the doctrine of finality and the limited scope of review under Article 188 must be preserved. The obiter dicta includes the Court's broader observations emphasizing the importance of judicial finality, the limits of constitutional jurisdiction, and the need to prevent perpetual litigation within the judicial system.

**7. High Court of Sindh, Karachi
Criminal Appeal No.532 of 2025
Shahbaz @ Shabi v. The State**

Present: Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Syed Fiaz ul Hassan Shah

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA3MjE3Y2Ztcy1kYzgz>

2026 SHC KHI 541

Facts The appellant was tried by the learned Additional Sessions Judge-VII, Karachi East, on charges of abducting a minor girl aged about 15/16 years, administering intoxicating substance, committing rape along with co-accused, and recording the incident on his mobile phone. According to the FIR dated 18.06.2021, the appellant, a neighbor of the complainant, lured the victim on the false pretext that her father was being beaten near Gora Qabrstan and took her on a motorcycle. He allegedly drugged her and shifted her to an unknown place where she was raped by him and two other accused. She was later dropped near her house and disclosed the incident to her parents. Due to social stigma, the matter was initially not reported; however, upon threats of making a video viral, FIR was lodged. During investigation, the appellant was arrested; the victim was medically examined and her statement under Section 164 Cr.P.C. was recorded. The prosecution examined eleven witnesses including the victim, her parents, medical officers, and investigating officials. The appellant, in his statement under Section 342 Cr.P.C., denied the allegations and claimed false implication on account of a monetary dispute. He neither examined himself on oath nor produced defence evidence. The trial Court convicted and sentenced him under Sections 365-B, 337-J, 376, 292-C and 506 PPC, awarding multiple sentences including twenty years' rigorous imprisonment under Section 376 PPC. Hence, the present appeal.

Issues The principal issues were whether the prosecution had proved beyond reasonable doubt that the appellant abducted and raped the minor victim; whether the testimony of the victim, allegedly

containing improvements and lacking corroboration, was reliable; whether the absence of DNA support and non-recovery of the alleged video created reasonable doubt; and whether medical and circumstantial evidence sufficiently corroborated the prosecution case.

Rules

The Court reiterated that conviction in rape cases can be based on the sole testimony of the victim if it is confidence-inspiring and free from material contradictions. Minor discrepancies between statements under Sections 161 and 164 Cr.P.C. and deposition before the Court are natural and do not affect credibility unless they go to the root of the case. It was further held that medical evidence is corroborative in nature and absence of injuries or delay in examination does not negate the offence where circumstances explain such absence. The Court also held that lapses in investigation, including non-recovery of evidence, do not benefit the accused unless they create a reasonable doubt in the prosecution case.

Application

Upon reappraisal of evidence, the Court found that the complainant and the victim consistently narrated the prosecution story in line with the FIR. The victim, being a minor, gave a detailed, coherent, and confidence-inspiring account explaining how she was induced by the appellant, drugged, and subjected to rape by him and co-accused. Her testimony remained consistent on all material aspects and was not shaken in cross-examination.

The defence contention regarding improvements in her testimony, particularly about threats and recording of video, was held to be immaterial. The Court observed that such discrepancies did not affect the core of the prosecution case and are natural variations in human narration. Only material contradictions affecting the substance of the case can discredit testimony, which were absent in the present case.

Medical evidence showing an old torn and healed hymen was found consistent with the prosecution case, especially considering the delay of about fourteen days in medical examination. The absence of injuries was reasonably explained by the fact that the victim had been drugged and was in a semi-conscious state, thus negating resistance and consequent physical marks.

The argument regarding negative DNA report and non-recovery of the alleged video was rejected. The Court held that such deficiencies were attributable to lapses on the part of the investigating agency and could not outweigh reliable ocular testimony. The victim's account was further corroborated by her mother and surrounding circumstances, including her disappearance and return in a distressed condition.

The defence plea of false implication due to a monetary dispute was found to be absurd and inherently improbable. The Court observed that no prudent parent would expose his minor daughter to social disgrace merely to settle a trivial financial dispute.

Conclusion:

The Court held that the prosecution proved the appellant's guilt beyond reasonable doubt. The victim's testimony, corroborated by medical and circumstantial evidence, was reliable. No material contradiction or doubt was found. Consequently, the appeal was dismissed, and the trial Court's conviction and sentences were upheld.

8. High Court of Sindh, Karachi

Criminal Accountability Appeal No.28 of 2021

Muhammad Ilyas S/o Muhammad Kamal Versus The STATE through D.G. NAB, Karachi

Present: Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Syed Fiaz ul Hassan Shah

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA3MjQ5Y2Ztcy1kYzgz>
2026 SHC KHI 549

Facts: The appellant, Muhammad Ilyas, was convicted by Accountability Court No. III, Karachi, in NAB Reference No. 23-A of 2015 for preparing and using a fraudulent General Power of Attorney (GPA) purportedly executed in his favor by Mst. Lal Bai, who had died in 2000. Using this GPA, he executed two lease deeds over government land measuring 21 acres 20 ghuntas, classified as Na-class land in Deh Safooran, Karachi, transferring it to third parties, Muhammad Arif Rogatia and Khursheed Alam. The prosecution alleged that he acted in connivance with revenue officers, including convicted co-accused Khadim Hussain Kutrio and Mushtaq Ali Solangi, and the deceased sub-registrar Muhammad Zafar Baloch, manipulating the record of rights and causing a loss of approximately Rs. 430 million to the State. As a result, the appellant was sentenced to ten years rigorous imprisonment and a fine of Rs. 430 million, along with disqualification from holding any public office or financial facility for ten years.

Issue: The primary legal issues were whether the appellant could be held criminally liable under the National Accountability Ordinance (NAO) for transferring State-owned Na-class land using a fraudulent GPA, whether the prosecution had established the essential elements of mens rea or corrupt intention and financial loss to the State, and whether the sentence imposed by the trial court required modification in light of subsequent facts, including the restoration of the land to the State.

Rule: It is established that Na-class land constitutes State land and cannot be claimed as private property unless lawfully allotted with valid survey numbers. Private land may either be Kabuli land, which is ancestral land with survey numbers created during the British era, or State-allotted land for which new survey numbers are issued upon lawful allotment and payment of occupancy value. Under the NAO, criminal liability arises only when an accused has a corrupt intention to obtain unlawful gain or cause financial loss to the State. Mere use of fraudulent documents or procedural violations, without evidence of mens rea or actual financial loss, does not suffice to sustain criminal accountability.

Application: Testimony by PW-4, Chandan Kumar, a retired City Surveyor, and PW-8, Abdul Wajid Shaikh, confirmed that the subject land was Na-class State land, unsurveyed, and not lawfully allotted to any private individual. The appellant misused a GPA claiming it represented private ownership and executed two lease deeds over the State land. However, investigation revealed that the land was subsequently resumed by the State, no financial loss occurred, and the appellant did not secure any unlawful gain. While his actions were dishonest, the prosecution failed to establish the existence of mens rea or corrupt intent, which are necessary under the NAO to sustain criminal liability. The evidence showed that the essential elements of wrongful gain or State loss were absent.

Conclusion: The appeal was dismissed with modifications. The Court reduced the appellant's imprisonment to the period already served and set aside the fine. The Nazir was directed to cancel all revenue entries, including the GPA and lease deeds, and restore the land fully to the State. The judgment reinforces that Na-class land remains State property, that criminal accountability under the NAO requires proof of mens rea and financial loss, and confirms that in the absence of these elements, continuation of criminal liability is legally unsustainable.

9. High Court of Sindh, Karachi

Criminal Appeal No.323 of 2025

Abdullah s/o Haji Nadir Shah Versus The STATE through Mr. Rubina Qadir DPG.

Present: Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Syed Fiaz ul Hassan Shah

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA2NjUxY2Ztcy1kYzgz>
2026 SHC KHI 456

Facts: The appellant, Abdullah, was convicted by the III-Additional Sessions Judge, Karachi South, under sections 376 and 377 PPC for committing rape and carnal intercourse against the order of nature, and sentenced to ten years rigorous imprisonment and a fine of Rs. 50,000 for each count, to run concurrently, with the benefit of section 382-B Cr.P.C. The case arose from FIR No. 130/2023, registered at P.S. Chakiwara, Karachi South, on 2nd August 2023. The complainant, Mst. Aneesa, originally a resident of Dera Ghazi Khan, Punjab, met the appellant at his shop in Ahmedpur, Punjab, and exchanged phone numbers. Over time, the appellant persuaded her to come to Karachi on the promise of marriage, sending her Rs. 6,000 via jazcash for the purpose. Upon arrival, he took her to a house in Gulistan Colony, Chakiwara, where he confined and repeatedly raped her for 11–12 days. When she requested marriage, he avoided committing to it. Her cries eventually attracted neighbors, leading to police involvement and her registration of the FIR. Medical examination confirmed sexual abuse, and DNA evidence linked seminal material found on the victim and at the place of incident to the appellant.

Issue: The principal legal issues were whether the appellant's acts constituted rape and carnal intercourse under sections 375 and 377 PPC, whether the consent alleged by the appellant could negate criminal liability, and whether the conviction and sentence imposed by the trial court were sustainable.

Rule: Rape is defined under section 375 PPC as sexual intercourse committed without the woman's consent or by obtaining consent through manipulation, coercion, or false pretenses, such as a promise of marriage. Consent obtained under manipulation is not valid, as it undermines free choice. Carnal intercourse against the order of nature under section 377 PPC constitutes an independent offense punishable irrespective of consent. Mere claims of consensual sexual activity cannot absolve an accused from criminal liability when the acts fall within these definitions.

Application: The evidence, primarily the victim's testimony, was consistent and corroborated by medical reports and DNA evidence. The victim described the appellant's manipulation through the promise of marriage, his confinement of her in the house, and repeated sexual abuse. Cross-examination did not materially contradict her account; minor details elicited during cross-examination did not amount to discrepancies but rather clarified the circumstances. Medical evidence showed old

healed hymen rupture and traces of seminal material matching the appellant's DNA, confirming the repeated sexual assault and sodomy. The sequence of events, including the appellant's refusal to marry her, her emotional collapse, and intervention by neighbors and police, corroborated the lack of free consent. The defense's plea that the sexual activity was consensual or amounted to fornication was inconsistent with the established manipulation and coercion, and in the case of carnal intercourse against the order of nature, consent is irrelevant to liability.

Conclusion: The prosecution successfully established the appellant's guilt beyond a reasonable doubt for both rape and carnal intercourse. The findings of the trial court, after careful evaluation of the evidence, were justified. Consequently, the appeal is dismissed, and the conviction and sentence of the appellant are maintained in their entirety.

10. HIGH COURT OF SINDH

High Court Appeal No.182 of 1997

Kamaluddin Qureshi through Legal Heirs v. Messrs Ali International Company

Present: Mr. Justice Muhammad Faisal Kamal Alam,
Mr. Justice Sana Akram Minhas

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA2OTE3Y2Ztcy1kYzgz>

2026 SHC KHI 478, 2026 SHC KHI 481

Facts: The appeal arose from the order dated 12.11.1996 whereby the learned Company Judge declined the application filed by Kamaluddin Qureshi seeking deletion of Plot No. ST-12/4, Sector 37-K, Korangi, Karachi measuring 2483 square yards from the liquidation proceedings of M/s. Ali International Company. The company had already been ordered to be wound up on 02.12.1990. The applicant claimed that he had purchased the subject property from Syed Muhammad Ali, a former director of the company, prior to initiation of liquidation proceedings and therefore the property could not be treated as part of the company's assets. The application for deletion of the property was filed on 27.09.1993 but was dismissed by the Company Judge. The legal heirs of Kamaluddin Qureshi challenged the order through the present High Court Appeal.

Issues: Whether an appeal against an order passed after the winding-up order of a company in liquidation is maintainable before the High Court, or whether such appeal lies exclusively before the Supreme Court under Section 10(1) of the Companies Ordinance, 1984.

Rules: The Court examined Section 10 of the Companies Ordinance, 1984 and the principles laid down by the Supreme Court in *Shoaib Ullah Cheema v. Additional Registrar of Companies, SECP* (2019 SCMR 306) and *Ibrahim Shamsi v. Bashir Ahmed Memon* (2005 SCMR 1450). It was held that an appeal against a winding-up order and any decision or order passed subsequent to the winding-up order lies before the Supreme Court under Section 10(1) of the Ordinance. The Court also noted that the earlier decision in *Kamaluddin Qureshi v. Ali International Company* (PLD 2009 SC 367), which had

permitted such appeals before the High Court, had been declared not to be good law in view of the ruling in *Cheema case*.

Analysis: The Court observed that the winding-up order against the respondent company had been passed on 02.12.1990, whereas the application for deletion of the property and the impugned order both arose after the winding-up order. Consequently, the controversy clearly related to proceedings subsequent to the winding-up order. In view of the authoritative pronouncement in *Cheema case*, such post-winding-up orders fall within the category of matters appealable directly before the Supreme Court under Section 10(1) of the Companies Ordinance. The Court rejected the argument that the earlier judgment in *Brother Steel Mills v. Mian Ilyas Miraj* (PLD 1996 SC 543) controlled the matter, holding that the said decision dealt with circumstances where no winding-up order had been passed and therefore Section 10(2) was applicable. The Court further held that the ruling in *Cheema case* had expressly overturned the earlier *Qureshi case* relied upon by the appellants. Accordingly, the present appeal was not maintainable before the High Court.

Conclusion: The High Court held that in view of the law laid down in *Shoaib Ullah Cheema v. Additional Registrar of Companies* (2019 SCMR 306), appeals against orders passed after a winding-up order lie before the Supreme Court under Section 10(1) of the Companies Ordinance, 1984. Consequently, the High Court Appeal was dismissed as not maintainable, leaving the appellants at liberty to seek remedy before the appropriate forum in accordance with law.

11. HIGH COURT OF SINDH
High Court Appeals Nos. 83, 84 & 85 of 2014
Province of Sindh & Others v. Muhammad Faisal Ahmed & Others; Metro Estates (Pvt.) Ltd. & Others; Artistic Denim Mills Ltd. & Others

Present: **Mr. Justice Muhammad Faisal Kamal Alam,**
Mr. Justice Sana Akram Minhas

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA3MjI3Y2Ztcy1kYzgz>
 2026 SHC KHI 542, 2026 SHC KHI 545, 2026 SHC KHI 548

Facts: The appeals arose from judgments dated 17.01.2014 passed by a learned Single Judge in Suit Nos.1004, 1005 and 1006 of 2007 whereby the suits filed by the private respondents concerning land measuring about 69 acres and 11 ghuntas situated in Deh Phihai, Korangi Township, Karachi, were decreed under Order XII Rule 6, C.P.C. on the basis of an alleged admission contained in a letter dated 05.08.2013 issued by government functionaries. Certain defendants had been debarred from filing written statements and the decree was passed against them on admission, while the contesting defendants who had filed written statements disputing the plaintiffs' title were subsequently dropped from the suits when the plaintiffs chose not to press the claim against them. The appellants, including government authorities and contesting defendants claiming the land to be part of a larger government tract falling in Naiclass No.376, challenged the decrees on the ground that

serious questions of title and fact existed which required trial and could not be decided summarily on the basis of an alleged admission.

Issues: Whether the suits could validly be decreed under Order XII Rule 6, C.P.C. on the basis of an alleged admission made by some non-contesting defendants when other defendants had already contested the suits, filed written statements disputing the plaintiffs' title, and raised substantial questions requiring adjudication through evidence.

Rules: The Court reiterated that a decree under Order XII Rule 6, C.P.C. may be passed only where there exists a clear, unequivocal and unconditional admission of fact sufficient to dispose of the entire lis. The admission must be read as a whole and must conclusively establish the plaintiff's entitlement. The provision is discretionary and cannot be invoked where serious questions of fact or title remain unresolved or where evidence is required for determination of the dispute. It was further held that an admission made by one party binds only that party and cannot prejudice the rights of another party asserting an independent claim. Reliance was placed upon the principle laid down in *Pakistan Refinery Limited v. Government of Sindh* (1988 MLD 1927) that judgment on admission should not be granted where contesting defendants have raised triable issues.

Analysis: The Court observed that the contesting defendants had already filed written statements disputing the plaintiffs' title and asserting that the suit land formed part of a larger tract belonging to the Livestock and Fisheries Department. Issues had been framed and the matter had reached the stage of evidence, demonstrating the existence of substantial factual controversy. The alleged admission letter dated 05.08.2013 was itself disputed in terms of authenticity, authority and interpretation, and therefore could not be treated as a clear and unequivocal admission capable of conclusively determining the dispute. The Court further held that by dropping the contesting defendants at the stage of decree and seeking judgment only against non-contesting defendants, the plaintiffs attempted to secure a decree without full adjudication of competing claims. Such a decree could not effectively resolve the dispute and would prejudice the rights of contesting defendants who claimed independent title. In these circumstances, the learned Single Judge was held to have exercised discretion improperly in granting decree on admission.

Conclusion: The appeals were allowed. The judgments and decrees dated 17.01.2014 were set aside and the suits were restored for regular trial before the competent Court. The Court held that Order XII Rule 6, C.P.C. cannot be invoked where admissions are disputed, where they do not bind all necessary parties, and where substantial issues of title require adjudication through evidence.

12. High Court of Sindh at Karachi
IInd Appeal No. 193 of 2024.
Muhammad Ashraf Khan and others vs. Mst. Shumaila Abdul Aziz and others

Present: Mr. Justice Arshad Hussain Khan

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA4MjU1Y2Ztcy1kYzgz>

2026 SHC KHI 643

Facts: The appellants, claiming to be legal heirs of deceased Muhammad Mustaqeem Khan, filed a suit seeking declaration, cancellation of a sale deed, partition, and injunction over a portion of immovable property in Landhi, Karachi. They alleged that the sale deed dated 27.11.2013 executed in favor of deceased Azhar Imran was forged and fraudulently obtained, asserting continued possession and inheritance rights. The respondents denied these claims and maintained that the sale deed was validly executed and registered, and that the appellants had no ownership or possessory rights. The trial court dismissed the suit due to failure of proof. The appellate court upheld this finding. The appellants then filed a second appeal under Section 100 CPC before the High Court.

Issue: Whether in a second appeal under Section 100 CPC, the High Court can interfere with concurrent findings of fact when the appellants allege fraud in a registered sale deed without producing cogent evidence, and whether such allegations raise a substantial question of law?

Rule: Under Section 100 of the Code of Civil Procedure, a second appeal is maintainable only where a substantial question of law arises. Concurrent findings of fact by lower courts cannot be interfered with unless such findings are perverse, based on misreading or non-reading of evidence, or involve a legal error of substantial nature. Further, a registered sale deed carries a presumption of validity. Allegations of fraud must be specifically pleaded and strictly proved through strong, independent, and reliable evidence. Mere assertions or denial are insufficient to invalidate such a document.

Application: In the present case, both the trial court and the appellate court concurrently held that the appellants failed to discharge the burden of proof. They did not produce attesting witnesses, documentary proof, financial records, or any corroborative evidence to substantiate allegations of fraud or forgery. The High Court noted that the appellants neither initiated criminal proceedings nor sought forensic examination of the disputed sale deed. In contrast, the respondents relied on a duly registered sale deed, which enjoys legal presumption of correctness. The Court further observed that the appellants also failed to prove possession or contribution to construction of the property. The appellate court had already reappraised the evidence and affirmed the trial court's findings with proper reasoning. Importantly, the High

Court emphasized that the appeal was essentially an attempt to re-open factual controversies, which is impermissible in second appeal jurisdiction. No misreading of evidence, perversity, or legal infirmity was demonstrated.

Conclusion: The High Court held that no substantial question of law arose in the case. The appeal was dismissed in limine as being devoid of merit.

13. High Court of Sindh at Karachi
Misc. Appeal No.10 of 2013
Muhammad Abdullah vs. Sanofi Aventis and another

Present: Mr. Justice Arshad Hussain Khan

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA4MzE3Y2Ztcy1kYzgz>

2026 SHC KHI 655

Facts: The appellant applied for registration of the trademark “PROGREL” in Class-5 for pharmaceutical products. The mark was accepted and advertised, but respondent No.1, Sanofi Aventis, filed opposition on the ground that the mark was deceptively similar to the International Non-Proprietary Name (INN) “CLOPIDOGREL,” particularly due to the common suffix “GREL.” The Registrar of Trade Marks allowed the opposition and refused registration, relying mainly on Sections 14 and 16 of the Trade Marks Ordinance, 2001, and INN guidelines. The appellant challenged this decision before the High Court, arguing that the mark was distinctive, not descriptive, and that the shared suffix was common in the pharmaceutical trade and could not create confusion.

Issue: Whether a trademark containing a suffix similar to an INN stem can be refused registration under Sections 14 and 16 of the Trade Marks Ordinance, 2001, without proof of actual or likely confusion, and whether the Registrar correctly applied the law in refusing registration of “PROGREL.”

Rule: A trademark is registrable if it is capable of distinguishing the goods of one trader from another under Section 2(xlvii) of the Trade Marks Ordinance, 2001. Section 14 bars registration only where a mark is devoid of distinctiveness or is descriptive of the goods. Section 16 prohibits registration of marks that consist of or are identical to chemical names or International Non-

Proprietary Names (INNs). The settled principle is that marks must be compared as a whole, and likelihood of deception or confusion must be established through evidence, not mere theoretical similarity. A common suffix, particularly if publici juris, does not by itself create deceptive similarity; emphasis is placed on dominant and distinctive portions of the mark.

Application: In the present case, the High Court found that the Registrar refused registration based on a theoretical assessment rather than evidence of actual or probable confusion. The Court held that the mark “PROGREL,” when considered as a whole, is an invented and distinctive word. The mere presence of the suffix “GREL,” even if derived from an INN, does not make the mark non-distinctive or deceptive. It was further observed that multiple registered pharmaceutical marks already contained the same suffix, demonstrating that it is common in the trade and cannot be monopolized. The Court emphasized that similarity must be judged on overall impression, where prefixes and dominant features carry greater weight. The Registrar misapplied Sections 14 and 16 by treating the presence of an INN stem as an automatic bar, without establishing that the mark itself was an INN or descriptive. Additionally, no concrete evidence of confusion among consumers, medical practitioners, or pharmacists was produced. The Court also considered that the mark had been allowed for use under the Drugs Act, which supported its market distinction, though not conclusively. Thus, the refusal was found to be based on misapplication of legal principles and lack of proper evaluation of evidence.

Conclusion: The High Court held that the mark “PROGREL” is distinctive, not deceptive, and does not violate Sections 14 or 16 of the Trade Marks Ordinance, 2001. The appeal was allowed, and the Registrar was directed to register the mark.

14. High Court of Sindh at Karachi
Misc. Appeal No.24 of 2026
Lubna Ayub and another vs. Faisal Ayub

Present: **Honourable Mr. Arshad Hussain Khan**

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA4MzMxY2Ztcy1kYzgz>

2026 SHC KHI 656

Facts: After the death of Mst. Parveen Ayub, Letters of Administration were granted in 2021 in favor of one of the heirs without objection from other legal heirs, including the present appellant. Later, through a consent order dated 31.10.2022, the Court directed mutation of the estate in

favor of all legal heirs. Subsequently, the appellant filed an application under Section 263 of the Succession Act, 1925 seeking revocation of the Letters of Administration on the basis of alleged gift deeds claimed to have been executed by the deceased in her favor. The trial court dismissed the application on the ground that no “just cause” was shown for revocation. The present appeal challenged that dismissal.

Issue: Whether Letters of Administration can be revoked under Section 263 of the Succession Act, 1925 on the basis of documents (gift deeds) that were within the knowledge of the applicant at the time of original proceedings but were not disclosed, and whether prior consent to mutation proceedings bars such revocation.

Rule Under Section 263 of the Succession Act, 1925, a grant of Letters of Administration can only be revoked upon proof of “just cause,” which includes fraud, concealment of material facts, misrepresentation, or discovery of new and material circumstances. Proceedings for grant or revocation of Letters of Administration are summary in nature and do not finally determine questions of title. A party who has participated in proceedings without objection or has consented to an order is estopped from later challenging the same matter.

Application In the present case, the High Court observed that the Letters of Administration were granted in a non-contentious proceeding where all legal heirs, including the appellant, were present and raised no objection. The alleged gift deeds, which formed the basis of the revocation application, were admittedly within the knowledge of the appellant at the time of the original proceedings but were not disclosed. The Court held that such omission cannot constitute “just cause” under Section 263. Further, the appellant had expressly consented to the order directing mutation of the property among all legal heirs. This consent order had attained finality. The Court held that the appellant, having agreed to the distribution, was estopped from reopening the matter through revocation proceedings. The Court also clarified that even if the gift deeds were to be considered, questions of title cannot be conclusively decided in succession proceedings, which are summary in nature. Accordingly, the Court found that no fraud, concealment by the opposite party, or new material circumstance was established to justify revocation.

Conclusion: The High Court held that no “just cause” existed for revocation of the Letters of Administration, and the appeal was dismissed.

Constitutional Petition No.D-6002 of 2025

Present: Mr. Justice Muhammad Saleem Jessar
Mr. Justice Nisar Ahmed Bhanbhro

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA2NzMzY2Ztcv1kYzgZ>
2026 SHC KHI 461

Facts: The petitioner, Muhammad Moosa, filed a constitutional petition before the High Court of Sindh challenging the order dated 06.11.2025 passed by the learned District Judge/Ex-Officio Justice of Peace, Sujawal. The said order had dismissed his application filed under Section 22-A(6) of the Code of Criminal Procedure, 1898, through which he sought directions for the registration of an FIR against the respondents. The petitioner claimed that the respondents had cut trees at Dargah Qureshi Badshah and assaulted him when he resisted. The police, however, after referring the petitioner for medical examination, recorded that he had suffered only minor injuries categorized as “other hurts” under Section 337-L(ii) PPC, which is a non-cognizable offence, and entered the complaint in the register under Section 155 Cr.P.C instead of registering an FIR. During inquiry conducted by the Police Complaint Cell, it was also reported that the dispute between the parties was related to possession of the Dargah and that the petitioner had fabricated the story to pressurize the respondents. The learned Ex-Officio Justice of Peace declined the request for FIR registration, which led the petitioner to file the instant constitutional petition.

Issue: Whether the learned Ex-Officio Justice of Peace committed any illegality or jurisdictional error in refusing to direct the police to register an FIR under Section 154 Cr.P.C pursuant to an application filed under Section 22-A(6) Cr.P.C?

Rule: Under the scheme of criminal law, when a person approaches the police with information about an offence, the Station House Officer is required to record the statement and determine whether the facts disclose a cognizable or non-cognizable offence. If the information reveals a cognizable offence, the police must register an FIR under Section 154 Cr.P.C; otherwise, the matter is recorded under Section 155 Cr.P.C. Sections 22-A and 22-B Cr.P.C empower the Ex-Officio Justice of Peace to ensure that police authorities perform their legal duties and to issue directions for FIR registration where a cognizable offence is disclosed. However, these provisions cannot be misused for settling personal vendettas or converting civil disputes into criminal proceedings, as emphasized by the Supreme Court of Pakistan in **Younas Abbas and others v. Additional Sessions Judge, Chakwal and others**.

Application: In the present case, the High Court examined the record and found significant contradictions in the petitioner’s version. In the application filed before the Justice of Peace, the petitioner alleged that the incident occurred on 16.10.2025, whereas the medical record showed that

he had appeared for treatment on 12.10.2025. This inconsistency rendered his claim doubtful. Furthermore, the medical examination revealed only minor injuries categorized as “other hurts,” which fall within the scope of a non-cognizable offence under Section 337-L(ii) PPC. Consequently, the police had rightly recorded the complaint under Section 155 Cr.P.C rather than registering an FIR under Section 154 Cr.P.C. The inquiry conducted by the Police Complaint Cell also suggested that the dispute between the parties revolved around possession of Dargah Qureshi Badshah and that the petitioner had attempted to use criminal proceedings to pressure the respondents. In light of these circumstances, the Court concluded that the Ex-Officio Justice of Peace had properly exercised jurisdiction and that the petitioner appeared to be misusing the mechanism provided under Sections 22-A and 22-B Cr.P.C to settle personal scores.

Conclusion: The High Court held that no illegality, perversity, or jurisdictional defect existed in the impugned order of the Ex-Officio Justice of Peace. Since the facts did not disclose a cognizable offence and the petitioner’s version was inconsistent and doubtful, the direction for FIR registration was rightly refused. Therefore, the constitutional petition lacked merit and was dismissed.

16. SINDH HIGH COURT
Sohail Ahmed and others v. The State and others
Constitutional Petition No.D-3991 of 2024

Present: **Mr. Justice Muhammad Saleem Jessar**
Mr. Justice Nisar Ahmed Bhanbhro

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA3NDYzY2Ztcy1kYzgZ>
2026 SHC KHI 564

Facts: The petitioners, who were the Chief Executive Officer, Directors, and Secretary of Bays International (Pvt.) Limited, filed a constitutional petition challenging the order of the XI-Additional Sessions Judge / Ex-Officio Justice of Peace, Karachi East, which directed the registration of FIR No. 529 of 2024 at Police Station Ferozabad under sections 420, 468, 471 and 34 PPC. The FIR was lodged on the complaint of Respondent No.3, an advocate, who alleged that the petitioners had fraudulently used his name as a legal adviser in Form-29 submitted to SECP during the company’s registration and continued this misrepresentation for about ten years without his consent. The petitioners contended that Respondent No.3 had voluntarily allowed his name to be associated with the company without remuneration and that the dispute, if any, was civil or regulatory in nature and fell within the jurisdiction of SECP under the Companies Act, 2017 and the Companies

(Appointment of Legal Advisers) Act, 1974. They therefore sought quashment of the FIR and the order directing its registration.

Issues: (i) Whether the alleged act of fraud, mis-declaration, or misuse of the name of a legal adviser by a company incorporated under the Companies Act, 2017 constituted a cognizable offence that could be investigated by the local police under section 154 CrPC and tried by ordinary criminal courts?

(ii) Whether such allegations relating to the affairs of a company fell exclusively within the jurisdiction of SECP under the special laws governing corporate regulation?

Rule: The Court examined the relevant statutory framework governing companies and appointment of legal advisers. Under Section 3 of the Companies (Appointment of Legal Advisers) Act, 1974, every company is required to appoint at least one legal adviser on retainership, and Section 4 mandates payment of a minimum retainer fee. Section 7 of the Act provides penalties for contravention of its provisions, while Section 7-A criminalizes false statements made in documents submitted under the Act. Additionally, the Companies Act, 2017 provides mechanisms for investigation of company affairs through SECP, particularly under Section 257, which empowers the Commission to appoint inspectors to investigate allegations of fraud or misconduct in the affairs of a company. If offences are revealed, Section 263 allows SECP to initiate prosecution. Furthermore, Section 37 of the SECP Act, 1997 stipulates that offences punishable with imprisonment under the administered legislation can only be taken cognizance of by a Court of Sessions upon a complaint filed by an officer authorized by SECP. The Court reiterated the settled principle that where a special law provides a specific mechanism for investigation and prosecution, it overrides the general provisions of criminal law such as those contained in the Pakistan Penal Code.

Application: Applying these principles, the Court observed that the allegations of Respondent No.3 related to false declarations and fraudulent conduct in the affairs of a company registered with SECP. Such matters were governed by special statutes, namely the Companies Act, 2017 and the Companies (Appointment of Legal Advisers) Act, 1974. The alleged false statement had been made in documents filed before SECP, and therefore the proper forum to investigate such allegations was the SECP itself. The Court held that if fraud or misrepresentation was committed in relation to company affairs, SECP had the authority to investigate the matter under Section 257 of the Companies Act, 2017 and thereafter initiate prosecution if necessary. Since Section 37 of the SECP Act mandates that cognizance of such offences can only be taken upon a complaint filed by SECP, the involvement of local police through registration of an FIR was legally unwarranted. Consequently, the application filed before the Ex-Officio Justice of Peace under section 22-A CrPC seeking registration of FIR was incompetent, and the order directing registration of the FIR was

without jurisdiction. The Court further held that proceedings initiated by a forum lacking jurisdiction are coram non iudice and therefore void. Although a report under section 173 CrPC had already been submitted, the Court held that allowing the trial court to proceed would amount to allowing it to exercise jurisdiction not vested in it.

Conclusion: The Court concluded that the dispute arose out of alleged fraud and false declarations in the affairs of a company governed by special corporate laws, and therefore the proper forum for investigation and prosecution was SECP rather than the local police. The order of the Ex-Officio Justice of Peace directing registration of FIR and the subsequent FIR No. 529 of 2024 registered at Police Station Ferozabad were declared illegal, void ab initio, and without jurisdiction. Accordingly, the constitutional petition was allowed and the FIR along with all criminal proceedings arising from it were quashed. However, the Court directed that the complaint already filed by Respondent No.3 before SECP be treated as an application for investigation under Sections 257 and 258 of the Companies Act, 2017 read with Sections 7 and 7-A of the Companies (Appointment of Legal Advisers) Act, 1974, and ordered SECP to decide the matter in accordance with law within sixty days.

17. SINDH HIGH COURT

Aijaz Ali v. Chairman NAB and others
Const. Petition No. D-7717 of 2018

Present: Mr. Justice Muhammad Saleem Jessar
 Mr. Justice Nisar Ahmed Bhanbhro

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA3NTQ1Y2Ztcy1kYzgZ>
2026 SHC KHI 575

Facts: The petitioner, Aijaz Ali, claimed ownership of two properties located in DHA Karachi and KDA Scheme-1A, which he allegedly purchased from Fareeda Aziz Memon, wife of Abdul Aziz Memon. These properties had earlier been involved in NAB Reference No. 44/2001, filed by the National Accountability Bureau against Abdul Aziz Memon and Fareeda Aziz Memon for corruption. The Accountability Court convicted the accused on 28-06-2002 under Section 10 of the National Accountability Ordinance, 1999 and ordered forfeiture of the properties to the Federal Government. The conviction and forfeiture were upheld by the Supreme Court of Pakistan. Despite this, the petitioner claimed he had purchased the properties in 2009 and later obtained civil decrees directing execution of sale deeds in his favour. When he applied to the Accountability Court for release of the properties, the

application was dismissed, leading him to file the present constitutional petition seeking declaration of ownership and release of the properties.

Issue: Whether a person claiming to be a bona fide purchaser of property forfeited under the National Accountability Ordinance, 1999, can claim ownership and seek release of such property through a constitutional petition when the forfeiture order had already attained finality?

Rule: The Court relied on Section 10 of the National Accountability Ordinance, 1999, which provides that if a person is convicted of corruption or corrupt practices, any assets acquired through such illegal means or disproportionate to known sources of income shall be forfeited to the Government or concerned authority. Once forfeiture is ordered by the Accountability Court and upheld through appellate forums, the property legally vests in the Government. Furthermore, such orders are appealable under Section 32 of NAO, and once appeals are exhausted, the matter becomes final and cannot be reopened through collateral proceedings.

Application: Applying these principles, the Court observed that the properties originally belonged to Abdul Aziz Memon and Fareeda Aziz Memon, who were convicted in 2002 and whose properties were forfeited as proceeds of corruption. This forfeiture order had been upheld by the appellate court and later by the Supreme Court, thereby attaining finality. The petitioner claimed to have purchased the properties in 2009, which was seven years after the forfeiture order. Therefore, at the time of the alleged sale, the properties had already vested in the Government and the sellers had no legal title to transfer. Consequently, the purported sale transaction was void and unenforceable. The Court further noted that although the petitioner obtained decrees from civil courts directing execution of sale deeds, those decrees were obtained without impleading NAB as a party and therefore were ineffective against the Government. The Court also observed that the petitioner appeared to have created an interest in forfeited property in collusion with the convicted persons. In such circumstances, the petitioner could not claim ownership or seek release of the properties; his remedy, if any, was to seek damages or compensation from the sellers.

Conclusion: The Court concluded that since the properties had been lawfully forfeited to the Government under Section 10 of the National Accountability Ordinance and the forfeiture order had attained finality, the petitioner could not claim ownership as a subsequent purchaser. The alleged sale transaction was void and the civil decrees obtained without impleading NAB had no legal effect. Accordingly, the constitutional petition was dismissed for being devoid of merit, with no order as to costs.

18. **HIGH COURT SINDH**

Criminal Jail Appeal No.671 of 2024
Confirmation Case No.11 of 2024

Present: **MR. JUSTICE KHADIM HUSSAIN TUNIO**
MR. JUSTICE AMJAD ALI SAHITO (AUTHOR).

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA3MzkzY2Ztcy1kYzgz>

Facts: The complainant Juman lodged an FIR stating that on 11.07.2022, he along with his son Akash and relative Sajan attended an Eid Milan gathering at the house of their relative Jawaaid. After the gathering, while the complainant and Sajan were sitting outside, they heard cries from inside the house and rushed in, where they allegedly saw Jawaaid attacking his wife Mst. Uzma with a hatchet. When Akash intervened to rescue her, co-accused Irshad allegedly caught hold of him, enabling Jawaaid to strike Akash on the head with the hatchet, rendering both Akash and Uzma unconscious. The accused fled, and the injured were taken for medical treatment, but Akash later succumbed to his injuries. Initially, the FIR was registered for attempt and hurt offences, but after Akash's death, it was converted into a murder case, leading to the arrest of the accused, recovery of the alleged weapon, and their subsequent conviction by the trial Court.

Issue: The central question before the Court was whether the conviction and sentences of the appellants could legally be sustained when material and incriminating evidence was not put to them during their examination under Section 342 Cr.P.C?

Rule: The law is well settled that every piece of incriminating evidence appearing against an accused must be put to him during his examination under Section 342 Cr.P.C. so that he may explain the circumstances. The second part of Section 342 imposes a mandatory obligation upon the Court to confront the accused with all such material. Any evidence not put to the accused cannot legally be used against him for the purpose of conviction, as it amounts to denial of fair opportunity and violates principles of fair trial.

Application In the present case, the prosecution alleged that the appellants committed murder and caused injuries using a hatchet, supported by ocular account, recovery of the weapon, and forensic evidence. However, upon examining the record, the High Court found that after recording prosecution evidence, the trial Court failed to put several crucial incriminating circumstances to the accused during their statements under Section 342 Cr.P.C. These included the alleged recovery of the hatchet from accused Javed, the positive forensic report, the collection of blood-stained articles, and details relating to arrest and other material evidence. The omission was not a minor procedural lapse but a serious defect that deprived the accused of the opportunity to explain the evidence against them. In law, such unput evidence becomes legally unusable, and any conviction based upon it cannot be sustained. The Court also noted that even the Additional Prosecutor General conceded that the requirement of Section 342 Cr.P.C. is mandatory and supported the proposal for remanding the case. Considering the nature of the defect, the Court found that the entire evidentiary basis of conviction stood vitiated. However, instead of acquitting the appellants outright, the Court

deemed it appropriate, in the interest of justice, to remand the case to the trial Court for fresh recording of statements under Section 342 Cr.P.C., after properly confronting the accused with all incriminating material.

Conclusion: The High Court held that non-compliance with the mandatory requirement of Section 342 Cr.P.C. renders the incriminating evidence unreliable for conviction. Consequently, the convictions and sentences awarded by the trial Court were set aside, the case was remanded for fresh proceedings in accordance with law, and the death sentence reference was answered in the negative.

19. SINDH HIGH COURT

M/s Mall Developers Pvt. Ltd v. Federation of Pakistan and others
Constitutional Petition No.D-5483 of 2024

Present: Mr. Justice Adnan-ul-Karim Memon
 Mr. Justice Zulifqar Ali Sangi

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA3NTU3Y2Ztcy1kYzgz>
2026 SHC KHI 576

Facts: The petitioner, M/s Mall Developers (Private) Limited, a construction company, filed a constitutional petition under Article 199 of the Constitution of Pakistan challenging the actions of the respondents, including the Federation of Pakistan, Defence Housing Authority (DHA), and Cantonment Board Clifton (CBC). The dispute concerned a 3600 square yards plot located adjacent to Commercial Plot No. ZAM-1 in Zamzama Commercial Area, Phase-V, DHA Karachi. The petitioner claimed that under an agreement dated 17-07-1987 the entire land measuring 16,000 square yards was entrusted to it for development purposes, including construction of a commercial mall and provision of recreational amenities. According to the petitioner, it had paid all charges and later obtained an amended lease in 2005 expanding its leasehold area to 11,600 square yards, including the disputed 3600 square yards. However, the respondents took possession of the said land in execution of an earlier judgment of the Sindh High Court dated 04-02-2014 in a previous petition, which had declared the land an amenity plot meant for a park. That judgment was later affirmed by the Supreme Court of Pakistan, and the review petition was also dismissed. The petitioner argued that the earlier judgment related to a different master lease and therefore was not applicable to its property, and that taking possession without compensation violated its constitutional rights.

Issue: (i) Whether the present constitutional petition was maintainable when the status of the disputed 3600 square yards land had already been adjudicated in earlier proceedings and affirmed by the Supreme Court?

(ii) Whether the petitioner could seek restoration of possession or alternative commercial relief through constitutional jurisdiction despite the doctrine of res judicata and finality of judgments?

Rule: The Court relied on the doctrine of res judicata under Section 11 of the Code of Civil Procedure, 1908, which bars re-litigation of issues that have already been finally decided between the same parties by a competent court. The doctrine is based on public policy to ensure finality in litigation and prevent multiplicity of proceedings. The Court also relied on the principle that constitutional jurisdiction under Article 199 is limited to addressing illegality, jurisdictional errors, or violations of fundamental rights by public authorities, and cannot be used to reopen matters that have already been conclusively determined by courts, particularly when such determinations have been affirmed by the Supreme Court. Furthermore, disputes involving contractual rights, compensation claims, or contested questions of fact must ordinarily be resolved by competent civil forums after recording evidence rather than through constitutional petitions.

Application: Applying these principles, the Court observed that the status and nature of the disputed 3600 square yards land had already been directly examined in the earlier constitutional petition decided on 04-02-2014. In that case, the Court held that the land was an amenity plot reserved for a public park and that its annexation with the commercial plot was illegal. This finding was subsequently upheld by the Supreme Court of Pakistan in civil appeal proceedings, and even the review petition against the Supreme Court judgment was dismissed. Therefore, the issue had attained finality. The Court held that the petitioner's present attempt to distinguish the earlier judgment by arguing that it related to a different master lease was merely a re-framing of the same dispute and amounted to an indirect attempt to reopen a matter that had already been conclusively adjudicated. Granting the relief sought—either restoration of possession or allotment of an alternative commercial plot—would effectively nullify the earlier judgment, which the High Court had no jurisdiction to do. The Court further noted that the petitioner's claims regarding compensation or alternative land arose from contractual dealings with DHA and involved disputed factual questions, which could only be adjudicated by a civil court after recording evidence and not within constitutional jurisdiction.

Conclusion: The Court concluded that the controversy regarding the 3600 square yards land had already been finally determined in previous litigation and affirmed by the Supreme Court. Consequently, the present petition was barred by the doctrine of res judicata and constituted an attempt to re-litigate issues that had already attained finality. Moreover, the relief sought

involved disputed contractual and factual questions that could not be adjudicated under Article 199 of the Constitution. Therefore, the Sindh High Court held that the petition was not maintainable and dismissed the constitutional petition along with all pending applications.

20. SINDH HIGH COURT
Afzal Hussain Baloch v. Province of Sindh and others
Constitutional Petition No.D-769 of 2023

Present: Mr. Justice Adnan-ul-Karim Memon
 Mr. Justice Zulifqar Ali Sangi

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA3MjUxY2Ztcy1kYzgz>
2026 SHC KHI 550

Facts: The Petitioner, a journalist, filed a constitutional petition seeking a writ of quo warranto to challenge the legality of the appointments of Respondents No. 6 to 11 at the National Institute of Cardiovascular Diseases (NICVD). The Petitioner alleged that these individuals—occupying senior roles such as Head of Internal Audit and Head of HR—did not meet the mandatory qualification and experience criteria set out in the 2016 job advertisements. The case relied almost exclusively on "Proposed Draft Paras" (PDPs) from an Annual Audit Inspection Report for 2020–21, which indicated irregularities in recruitment, promotions, and salary packages. The Respondents and the AAG opposed the petition, arguing that it was barred by laches due to a five-to-seven-year delay, that the audit documents were merely preliminary internal working papers, and that all appointments were lawfully vetted by statutory selection committees.

Issues:

- (i) Whether the petition was maintainable despite the substantial lapse of time and the crystallization of the Respondents' service rights?
- (ii) Whether preliminary, unverified audit observations (PDPs) possess sufficient legal finality to sustain a writ of quo warranto?
- (iii) Whether the Respondents were holding public office without lawful authority in violation of the NICVD (Sindh Administration) Act, 2014?

Rule: Under Article 199(1)(b)(ii) of the Constitution of Pakistan, the High Court has the discretionary jurisdiction to require a person holding a public office to show the authority under which they claim to hold it. While the rules of *locus standi* are relaxed in quo

warranto proceedings to serve the public interest, the Court must still consider "unexplained delay" as a relevant factor. Legally, a writ of quo warranto is reserved for cases where there is a clear, patent violation of a mandatory statutory provision; it is not a mechanism for resolving disputed questions of fact or for the Court to act as an appellate body over the administrative merit-assessment of selection committees.

Application: The Court applied these principles by noting that the Respondents had served for several years and were confirmed in their posts, yet the Petitioner provided no plausible reason for the long delay in filing. Regarding the evidence, the Court observed that the "Proposed Draft Paras" were merely tentative observations subject to departmental scrutiny and had not been finalized by the Public Accounts Committee; thus, they could not be treated as conclusive proof of illegality. Furthermore, as the Respondents produced their respective degrees and experience certificates, the Petitioner's allegations regarding "insufficient experience" or "age relaxation" became disputed factual controversies. The Court held that summary constitutional proceedings are not the proper forum for a detailed evidentiary trial to scrutinize administrative decisions that do not show a patent breach of the law.

Conclusion: The High Court dismissed the petition, ruling that the Petitioner failed to establish that the Respondents were holding their offices without lawful authority. The Court emphasized that a writ of quo warranto cannot be premised on incomplete audit drafts or used to re-evaluate administrative discretion. However, it was clarified that the statutory audit mechanism remains free to proceed independently, and any competent forum may examine the audit observations on their own merits without being influenced by the dismissal of this petition.

21. SINDH HIGH COURT

Farhan Khan Qureshi v. Federation of Pakistan and others Constitutional Petition No.D-777 of 2026

Present: Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulifqar Ali Sangi

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA3MDU3Y2Ztcy1kYzgZ>
2026 SHC KHI 498

Facts: Farhan Muhammad Qureshi served as a Computer Technician at SUPARCO from 2007 until August 2022. While the petitioner claims he tendered his resignation in September 2022 to pursue higher education in the United Kingdom, SUPARCO contends he deserted

his post, leading to his formal termination in December 2022. Upon attempting to travel or return to Pakistan—specifically for his mother’s funeral—the petitioner discovered that his Passport (No. AP4913483) had been blocked and his name placed on the Exit Control List (ECL) at the request of his former employer. The petitioner challenged these actions, arguing that the restrictions were imposed without prior notice, a fair hearing, or lawful justification, thereby violating his constitutional rights.

Issue: (i) Whether the placement of a citizen’s name on the Exit Control List and the blocking of their passport based on an internal employment dispute (alleged desertion) constitutes a violation of the fundamental rights guaranteed under the Constitution?

(ii) Whether the current administrative action satisfied the requirements of due process and proportionality?

Rule: The case is governed by Article 15 of the Constitution of Pakistan (1973), which guarantees every citizen the right to remain in, enter, and move freely throughout the country, subject only to reasonable restrictions imposed by law in the public interest. Legal precedents, including *Benazir Bhutto v. Federation of Pakistan*, establish that any executive action restricting these rights must be backed by statutory authority and must follow the principles of natural justice, such as the right to a fair hearing. Additionally, under the relevant Exit from Pakistan (Control) Ordinance and Rules, the Ministry of Interior is identified as the sole competent authority empowered to manage the ECL, while the FIA and Immigration authorities act only as implementing agencies.

Application: The Court observed that the petitioner’s name was marked "Active" on the ECL with instructions to "Prevent from Leaving," purely due to his status as a former employee of a strategic organization. However, the Court found no evidence that the petitioner was afforded an opportunity to be heard before this restriction was applied. It ruled that a mere "inter se service dispute" or an allegation of desertion does not automatically justify the curtailment of a citizen's fundamental movement. Since the action was taken months after his termination and lacked immediate necessity or a formal legal determination of "desertion," the Court found the restriction to be procedurally flawed. While the High Court acknowledged it could not directly bypass the Ministry of Interior's administrative role, it asserted that the Ministry must exercise its power within the bounds of law rather than acting solely on the "wishes" of an employer.

Conclusion: The Court disposed of the petition by directing the petitioner to file a formal representation with the Ministry of Interior within 15 days. The Ministry is ordered to decide on the matter through a reasoned order within 30 days after giving the petitioner a proper hearing.

Crucially, the Court provided interim relief, ordering that no "bottleneck" or barrier be created to prevent the petitioner from entering Pakistan based on this specific ECL entry, ensuring his right to return is protected while the administrative review is pending.

- 22. SINDH HIGH COURT**
Akhtiar Ali Shaikh & others v. Deputy Controller, Civil Defense Kamber-Shahdaskot & others
Constitution Petition Nos. D-2357 of 2011, D-1204 of 2011, D-2417 of 2011, D-2312 of 2011, D-122 of 2016, D-232 of 2014
- Present:** Mr Justice Adnan Iqbal Chaudhry
 Mr Justice Abdul Hamid Bhurgri
- Source:** <https://caselaw.shc.gov.pk/caselaw/view-file/MzA3MDAxY2Ztcy1kYzgz>
 2026 SHC LAR 492
- Facts:** The petitioners were appointed between 2004 and 2010 as firemen, one as fire officer, and some as drivers on daily-wage basis in the Civil Defense Department under the erstwhile District Governments of Kamber-Shahdaskot and Larkana. Their appointments were made by the Controller or Deputy Controller of Civil Defense at the instance of the then District Nazim, and their wages were paid from District Government funds. After the abolition of the District Nazim system in 2011, the funds were stopped and the petitioners' services were terminated. Apprehending termination or after termination, the petitioners filed these constitutional petitions between 2011 and 2016 praying for regularization of their service.
- Issue:** Whether the petitioners, appointed as fireman, fire officer and drivers on daily-wage basis in the Civil Defense Department between 2004 and 2010, are entitled to regularization of their service under Article 199 of the Constitution.
- Rule:** In the absence of any statute or Government policy providing for regularization of contractual or daily-wage employees, no writ can be issued under Article 199 of the Constitution to regularize their service. Continuity in service is a pre-condition for seeking regularization. The High Court cannot revive expired contracts, alter terms of contract, or create a right of regularization where none exists in law. Mere long service on daily wages or contract does not confer any vested or fundamental right to regularization.
- Application:** The petitioners were appointed on daily wages by the Controller/Deputy Controller of Civil Defense at the instance of the then District Nazim. Their services were terminated in 2011 after abolition of the District Nazim system and stoppage of funds. Some petitions were filed even after termination. The Court held that a prayer for regularization cannot be entertained once the contract has already been terminated, as continuity in service is essential. Even if the contracts were subsisting, there is no provision in the Sindh (Regularization of Adhoc & Contractual Employees) Act, 2013 or any Government policy that entitles daily-wage employees in the Civil Defense Department to regularization. The Court relied upon binding

Supreme Court precedents and the Full Bench decision in Muhammad Arif v. Federation of Pakistan (2025 PLC (C.S.) 93), which clearly laid down that without a statutory right, the High Court cannot direct regularization.

Conclusion: All the constitutional petitions were dismissed as not maintainable. The petitioners have no legal right to regularization of their daily-wage service in the absence of any enabling statute or Government policy.

23. SINDH HIGH COURT

Abdul Fattah and another v. The President/ CEO ZTBL & others
Constitutional Petition No. D-1829 of 2023

Present: Mr Justice Amjad Ali Bohio
 Mr Justice Ali Haider ‘Ada’

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA2ODExY2Ztcy1kYzgZ>
 2026 SHC SUK 469

Facts: The petitioners, Abdul Fattah and another, obtained an agricultural loan from Zarai Taraqiati Bank Limited (ZTBL) by mortgaging their passbook. They claimed to have fully repaid the loan by depositing installments, but the Bank refused to acknowledge some deposit receipts, alleging them to be fake and bogus. Consequently, the Bank withheld the mortgaged passbook despite the petitioners’ requests for its release. Aggrieved by the Bank’s inaction, the petitioners filed a complaint before the Wafaqi Mohtasib (Ombudsman), Sukkur, who after inquiry directed the Bank to settle the loan account and release the passbook. The Bank’s review application against this order was rejected. When the Bank still failed to comply, the petitioners approached the High Court of Sindh, Sukkur Bench, through the instant constitutional petition seeking a direction for the return of their passbook.

Issue: Whether the petitioners are entitled to a writ under Article 199 of the Constitution directing the Zarai Taraqiati Bank Limited (ZTBL) to release their mortgaged passbook. The petitioners claimed they had fully repaid the agricultural loan, yet the Bank continued to withhold the passbook on the allegation that some deposit receipts were fake. They had earlier approached the Wafaqi Mohtasib, who directed the Bank to settle the account and release the passbook. The petitioners sought enforcement of that order through the constitutional petition.

Rule: The High Court applied the following legal rules and statutory provisions: Under Article 9 of the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983, the Wafaqi Mohtasib has jurisdiction to investigate allegations of mal-administration by any “Agency” of the Federal Government. However, banking disputes between customers or borrowers and banks fall outside the jurisdiction of the Wafaqi Mohtasib. Instead, Part IV-A of the Banking Companies Ordinance, 1962, particularly Section 82-B, establishes the Banking Mohtasib as the exclusive forum for entertaining and resolving complaints by

borrowers and customers against banks, including issues relating to loan adjustment, release of securities, and allegations of malafide or corrupt practices by bank officers. Furthermore, under the Financial Institutions (Recovery of Finances) Ordinance, 2001, an aggrieved party has an adequate statutory remedy by filing a suit before the Banking Court. When such an alternative remedy exists, a constitutional petition under Article 199 is not maintainable as a matter of routine. Any order passed by a forum lacking jurisdiction is coram non judge and a nullity.

Application: The Court analyzed that the petitioners had wrongly approached the Wafaqi Mohtasib instead of the Banking Mohtasib for resolution of their grievance regarding the loan adjustment and release of the passbook. The Wafaqi Mohtasib entertained the complaint, conducted an inquiry, and issued directions in favour of the petitioners. However, this exercise of jurisdiction was illegal because banking matters are expressly reserved for the Banking Mohtasib under Section 82-B of the Banking Companies Ordinance, 1962. The Court relied upon the Supreme Court judgment in Peshawar Electricity Supply Limited v. Wafaqi Mohtasib (PLD 2016 SC 940) and a recent Federal Court decision in Ghulam Abbas case to hold that the Wafaqi Mohtasib had no authority to entertain or decide the dispute. The proceedings and order of the Wafaqi Mohtasib were therefore without lawful authority and coram non judge. The Court further observed that even if the petitioners had a genuine grievance, they had an adequate alternative remedy before the Banking Court, making the constitutional petition incompetent. The Bank's contention that the petitioners were involved in forgery and did not come with clean hands was also noted, but the petition was primarily dismissed on jurisdictional grounds.

Conclusion: The High Court held that the order passed by the Wafaqi Mohtasib was without jurisdiction and declared it coram non judge. Consequently, the constitutional petition filed by the petitioners was dismissed as being devoid of merit. No order was passed as to costs. The petitioners, if so advised, may approach the competent forum i.e., the Banking Mohtasib or the Banking Court for redressal of their grievance.

24. SINDH HIGH COURT

Mst. Mehrun Nisa v. Province of Sindh and another
Constitution Petition No.D-1225 of 2025

Present: **Mr Justice Amjad Ali Bohio**
Mr Justice Ali Haider 'Ada'

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA3NTEyZTcy1kYzgZ>
 2026 SHC SUK 569

Facts: The petitioner, Mst. Mehrun Nisa, applied for the post of Early Childhood Teacher (ECT) BPS-15 advertised by the Education & Literacy Department, Government of Sindh, through Sukkur IBA Testing Services. She secured 53 marks out of 100 in the written test, whereas the minimum passing marks prescribed under the Teacher Recruitment Policy-2021 for the post of ECT were fixed at 55. Aggrieved by the fixation of higher passing marks for ECT as

compared to 45 marks for other teaching posts like PST and JEST, and claiming discrimination, the petitioner filed the instant constitutional petition seeking a declaration that the 55% cut-off is illegal and ultra vires the Constitution, along with a direction to award her two grace marks so that she may be considered for appointment against the advertised post.

- Issue:** Whether the fixation of 55% marks as the minimum passing score for the post of Early Childhood Teacher (ECT) under the Teacher Recruitment Policy-2021 is illegal, discriminatory and ultra vires the Constitution, and whether the petitioner who secured 53 marks is entitled to two grace marks or 2% relaxation to qualify for appointment.
- Rule:** The Teacher Recruitment Policy-2021 framed by the School Education & Literacy Department, Government of Sindh, specifically prescribes 55% marks as the minimum passing score for the post of Early Childhood Teacher (ECT), while 45% is fixed for Primary School Teacher (PST) and Junior Elementary School Teacher (JEST). Courts do not interfere in policy matters of the executive unless the policy is shown to be arbitrary, mala fide, patently illegal or wholly unreasonable. Mere participation or securing marks below the prescribed threshold does not create any enforceable right to appointment or grant of grace marks. Preference criteria in the policy apply only among candidates who have already qualified with equal marks, not between successful and unsuccessful candidates. Judicial review in recruitment policy is highly restrained.
- Application:** The High Court examined the Teacher Recruitment Policy-2021 along with the Early Childhood Care & Education (ECCE) Sindh Policy 2015 and National Education Policy 2021, and found that Early Childhood Education is a specialized field requiring higher standards because it lays the foundation for a child's cognitive, emotional and social development. The higher cut-off of 55% for ECT was therefore held to be a conscious, rational and non-discriminatory policy decision aligned with the specialized nature of the post. The Court observed that granting grace marks to the petitioner (who scored 53) would first benefit 83 candidates who scored 54, but no such power exists under the policy. The policy's tie-breaker rule applies only to already qualified candidates, not to unsuccessful ones. The Division Bench of the same Court had earlier upheld the Teacher Recruitment Policy-2021 as rational, transparent and merit-based. The petitioner failed to show any illegality, arbitrariness or mala fide in the fixation of 55% marks.
- Conclusion:** The constitutional petition was dismissed. The fixation of 55% minimum passing marks for Early Childhood Teacher was held to be lawful, reasonable and within the policy domain of the Provincial Government. The petitioner, having scored only 53 marks, was not entitled to any grace marks or appointment. No order as to costs.
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25. HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Syed Farhan Ahmed Shah v. Federal Ombudsman Secretariat for Protection against Harassment of Women
C.P No.D-161 of 2024

Present: Mr. Justice Arbab Ali Hakro
Mr. Justice Riazat Ali Sahar

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA3NTgzY2Ztcv1kYzgz>
2026 SHC HYD 577

Brief Facts: The petitioner, an Officer In-charge at the National Savings Directorate Hyderabad, challenged a final order of the Federal Ombudsman Secretariat for Protection against Harassment of Women (FOSPAH) which had imposed a major penalty and fine against him on a complaint of harassment filed by respondent No.3. The petitioner asserted that the complainant was merely the daughter of a customer of the National Savings Centre and had no employment or professional connection with the workplace. He further argued that the Ombudsperson acted without jurisdiction, relied on unverified digital evidence, and passed the order without properly hearing final arguments. The respondents defended the order, contending that the complaint fell within the ambit of the harassment law and that the petitioner had an alternate statutory remedy before the President.

Issue: Whether the Ombudsperson under the Protection against Harassment of Women at the Workplace Act, 2010 had jurisdiction to entertain a harassment complaint filed by a person who was not an employee or otherwise connected to the workplace, and whether the proceedings were lawful where procedural safeguards and evidentiary standards were allegedly not followed.

Rule: The Protection against Harassment of Women at the Workplace Act, 2010 is a workplace-specific statute that regulates harassment occurring within a professional or employment relationship. Jurisdiction of the Ombudsperson arises where the complainant falls within the statutory scheme of workplace relations such as employee, trainee, intern or another person connected with the organization in a professional capacity. Additionally, when a quasi-judicial authority imposes a major penalty, it must comply with due process, including a meaningful opportunity of hearing and reliance on credible and verifiable evidence.

Analysis: The High Court examined the statutory definitions and observed that the complainant was not an employee, intern, trainee, or service provider connected with the organization. Her presence at the National Savings Centre was only incidental because her father was an investor there. The Court held that the phrase “any person” in the definition of complainant cannot be interpreted in isolation; it must be read in harmony with the purpose of the Act, which governs workplace relationships. The Court also noted procedural defects in the inquiry. The record did not clearly show that final arguments were heard, despite the imposition of a major penalty. Moreover, the Ombudsperson relied mainly on screenshots of alleged messages that were neither verified through forensic means nor supported by metadata, even though the petitioner denied their authenticity. The Court found that the burden of proof remained on the complainant and that drawing adverse inference against the petitioner without proper proof was legally unsound.

Conclusion: The High Court allowed the constitutional petition and set aside the Ombudsperson’s order,

holding that the forum assumed jurisdiction where the complainant had no workplace relationship with the organization and that the proceedings were also flawed due to procedural irregularities and reliance on unverified evidence. The core legal principle derived from the judgment is that harassment proceedings under the 2010 Act can only be invoked where a genuine workplace nexus exists between the parties. Observations regarding evidentiary weaknesses and procedural lapses were additional explanatory remarks made while examining the validity of the order.

26. High Court of Sindh, Circuit Court, Hyderabad

**Muhammad Saqib Saghir v. Federation of Pakistan & others
C.P No.D-636 of 2024**

Present: Mr. Justice Arbab Ali Hakro
Mr. Justice Riazat Ali Sahar

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA2ODkxY2Ztcy1kYzgZ>
2026 SHC HYD 476

Brief Facts: The petitioner, an employee of the Civil Aviation Authority (CAA), challenged an order dated 16-11-2023 by which he was compulsorily retired on allegations of unauthorised absence. He maintained that his absence was due to serious cardiac and diabetic ailments and that his medical leave had been supported by medical certificates and verified by Medical Boards constituted by the Authority. Despite these recommendations for regularisation of leave, the department treated his absence as misconduct, dispensed with a regular inquiry, and imposed the major penalty. The petitioner therefore invoked constitutional jurisdiction under Article 199, alleging violation of mandatory procedure and denial of fair opportunity.

Issue: Whether the High Court could exercise constitutional jurisdiction in a service dispute involving a CAA employee and whether the disciplinary authority could impose the penalty of compulsory retirement without holding a regular inquiry where the allegations were disputed and supported by medical evidence.

Rule: A public authority, even while acting under non-statutory service regulations, must adhere to its own procedural framework and the principles of natural justice. Constitutional jurisdiction under Article 199 can be invoked where the action of a public body is arbitrary, taken without lawful authority, or carried out in violation of mandatory procedure. In disciplinary matters, summary punishment without inquiry is permissible only where allegations are admitted or where undisputed documentary evidence conclusively establishes misconduct.

Analysis: The Court observed that the Civil Aviation Authority is a statutory body and its actions are subject to constitutional scrutiny when it violates its own regulations or principles of

fairness. The petitioner had denied the allegations and produced medical documents along with the Medical Board's recommendation that his leave be regularised. This created a factual controversy regarding the reasons for his absence. Despite this, the authorised officer dispensed with a regular inquiry and relied on a summary procedure, merely repeating the allegations without explaining why inquiry was unnecessary. The Court held that where the employee disputes the allegations and provides supporting material, the disciplinary authority must conduct a proper inquiry so that evidence can be examined and tested. Bypassing this process deprived the petitioner of the opportunity to defend himself and therefore violated the procedural safeguards contained in the regulations and the guarantee of fair trial.

Conclusion: The High Court set aside the order of compulsory retirement and the subsequent appellate order, holding that the disciplinary proceedings were conducted in breach of the prescribed procedure and principles of fairness. The petitioner was reinstated with consequential benefits and his medical leave was directed to be regularised in accordance with the Medical Board's recommendations. The central legal principle established is that when allegations are disputed and carry serious civil consequences, a public authority cannot impose a major penalty without holding a proper inquiry. Additional remarks of the Court discussed the importance of adherence to procedural safeguards in disciplinary proceedings.

27. HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Habibullah & Others v. Muhammad Aslam & Others

Civil Revision Application No. S-20 of 2024

Present: Mr. Justice Miran Muhammad Shah.

Source: <https://caselaw.shc.gov.pk/caselaw/view-file/MzA3NDI3Y2Ztcv1kYzgZ>

2026 SHC MPK 562

Brief Facts: The plaintiff Habibullah filed a suit for pre-emption claiming that agricultural land sold by his brother to the defendants should be transferred to him because he owned adjoining land and had asserted his pre-emptive right immediately after learning about the sale. He pleaded that the required demands of pre-emption were made through his son and attorney in the presence of witnesses. The trial court accepted the claim and decreed the suit. However, the appellate court set aside that decree on the ground that the demands of pre-emption were not properly proved and that the plaint did not clearly disclose the person who made the demand. The plaintiff therefore filed a civil revision before the High Court challenging the appellate decision.

Issue: Whether the appellate court was justified in reversing the decree of the trial court by holding that the legal demands required for enforcement of the right of pre-emption were not validly made or proved under Muhammadan law.

- Rule:** Under Muhammadan law governing pre-emption, the pre-emptor must make two essential demands after learning of the sale: the immediate declaration of intention (Talab-i-Muwasibat) and the subsequent formal demand in the presence of witnesses (Talab-i-Ishhad). These demands need not necessarily be made personally by the pre-emptor and may validly be made by an authorized agent or attorney acting on his behalf.
- Analysis:** The High Court examined the record and observed that the plaintiff had executed a power of attorney authorizing his son to perform acts necessary to enforce the right of pre-emption. Evidence on record showed that the son, acting under this authority, made the immediate demand after knowledge of the sale and later made the formal demand before witnesses. The Court held that the appellate court had taken an overly technical approach by emphasizing that the attorney's name was not specifically repeated in a particular paragraph of the plaint and by treating minor inconsistencies in witness statements as fatal defects. According to the Court, the evidence of witnesses and the documentary proof of authorization established that the required legal demands were made in accordance with Muhammadan law. The appellate court therefore misread the evidence and failed to consider the legal principle that a demand may be made through an authorized representative.
- Conclusion:** The High Court allowed the revision application, set aside the appellate court's judgment, and restored the decree of the trial court in favor of the plaintiff. The governing principle drawn from the decision is that the demands required for exercising the right of pre-emption can validly be made through a duly authorized agent, and minor discrepancies in witness testimony do not defeat a claim when the essential requirements of pre-emption are otherwise proved. Additional observations of the Court explained the proper appreciation of evidence in civil proceedings.
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**28. HIGH COURT OF SINDH
Criminal Bail Applications No. 3137 & 2327 of 2025
Muhammad Rehan @ Kaka & another v. The State & another**

- Present:** Mr. Justice Jan Ali Junejo
- Source:** High Court of Sindh at Karachi, Order dated 12.03.2026
- Facts:** The matter arose out of FIR No.198/2025 registered at P.S. Docks, District Keamari, wherein the complainant reported that his 16-year-old nephew had gone missing and was subsequently found to have been abducted, subjected to unnatural offence, and murdered by firearm. During investigation, both applicants were implicated. Applicant Muhammad Rehan @ Kaka was assigned a specific role of firing upon the deceased and a 9mm pistol was recovered from his possession, whereas applicant Moinuddin was not nominated in the FIR, was initially placed in Column No.II, and was later implicated primarily on the basis of co-accused statement without any recovery or specific role attributed to him. Both applicants sought post-arrest bail under Section 497 Cr.P.C. after their applications had been declined by the Sessions Court.

- Issue:** The core question for determination was whether, in a case falling within the prohibitory clause of Section 497(1) Cr.P.C., there existed reasonable grounds to believe that applicant Muhammad Rehan @ Kaka was guilty of the offence and whether the case of applicant Moinuddin fell within the ambit of further inquiry under Section 497(2) Cr.P.C. so as to entitle him to the concession of bail.
- Rule:** The Court applied the settled principle under Section 497 Cr.P.C. that in offences punishable with death or life imprisonment, bail is to be declined where reasonable grounds exist connecting the accused with the commission of offence, while bail may be granted if the case calls for further inquiry within the meaning of Section 497(2) Cr.P.C. It was further reiterated that at the bail stage only a tentative assessment of the material is permissible and that statements of co-accused, though not substantive evidence under the Qanun-e-Shahadat Order, 1984, may be considered as corroborative material.
- Analysis:** Upon tentative assessment of the record, the Court found that applicant Muhammad Rehan @ Kaka had been attributed a direct and specific role of firing at the deceased, which was corroborated by medical evidence showing death due to multiple firearm injuries, and further supported by recovery of a 9mm pistol from his possession along with statements recorded under Section 161 Cr.P.C. These circumstances, taken together, constituted strong incriminating material sufficient to form reasonable grounds of guilt, thus bringing his case squarely within the prohibitory clause of Section 497(1) Cr.P.C. Conversely, in the case of applicant Moinuddin, the Court noted that he was neither nominated in the FIR nor any recovery had been effected from him, and no specific overt act of abduction, assault or firing was attributed to him. His implication rested mainly on the statement of co-accused and his mere presence with them, while the Call Detail Record indicated his presence at a different location at the relevant time. In these circumstances, the Court held that his role required deeper appreciation of evidence, thereby creating doubt and bringing his case within the scope of further inquiry under Section 497(2) Cr.P.C. The Court also observed that the opinion of the Investigating Officer is not binding and that pleas such as previous enmity or delay in lodging FIR are matters of defence to be examined at trial.
- Conclusion:** The High Court held that there existed reasonable grounds to believe that applicant Muhammad Rehan @ Kaka was connected with the commission of the offence, therefore his case did not fall within further inquiry and his bail application was dismissed, whereas applicant Moinuddin was found entitled to the concession of bail as his case fell within the ambit of further inquiry under Section 497(2) Cr.P.C., and he was admitted to bail subject to surety in the sum of Rs.300,000/- (Rupees Three Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court. In the offences falling within the prohibitory clause, bail is to be refused where specific role, recovery and corroborative medical evidence establish reasonable grounds of guilt, while absence of overt act and weak linkage justifies grant of bail on the ground of further inquiry; whereas the observations regarding evidentiary value of co-accused statements, non-binding nature of police opinion, and treatment of defence pleas at bail stage constitute obiter dicta.

SELECTED ARTICLES

Why Pakistan Must Add Clear Laws to Punish Those Who Abet, Conspire in, or Compel Suicide:

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Abstract: Pakistan’s criminal law presently lacks clear and modern provisions to effectively hold accountable those who instigate, aid, conspire in, or deliberately compel another person to die by suicide, particularly where such conduct occurs through domestic cruelty (family-related causes), workplace harassment, custodial violence, abuse or torture, or coordinated online harassment carried out through physical, emotional, or psychological means. This legislative gap enables offenders, in certain circumstances, to evade punishment, complicates the process of investigation, and constrains the courts in administering justice owing to the absence of specific provisions or the inadequacy of existing legal mechanisms that fail to encompass the full range of such situations. In contrast, the law in India addresses the offence of abetment of suicide, albeit within a comparatively narrow framework, through Sections 305 and 306 of the Indian Penal Code, which also provide enhanced liability where the victim is a child or otherwise vulnerable. This article therefore proposes targeted amendments to the Pakistan Penal Code and complementary reforms to the Prevention of Electronic Crimes Act, 2016, so as to expressly cover abetment to suicide through physical, digital, and social-media channels. The proposed reforms also contemplate calibrated penalties, appropriate evidentiary presumptions, and safeguards that remain sensitive to mental-health considerations. The present study has been prompted by the recent suicide of the Chief Medical Officer of Tharparkar at Mithi, Dr. Abdul Karim Shaikh, an incident that underscores the urgent need for legislative reform in Pakistan.

Keywords Abetment; Suicide; PPC 1860; PECA; IPC 305/306; Domestic cruelty; Cyber-harassment; Mens rea; Evidence; Policy reform

1. Introduction

Suicide devastates families and communities, and legal systems must address not only the act but also those who push or pressure others toward it. Pakistan’s PPC recognizes abetment in general terms but lacks a dedicated offense for abetment of suicide and aggravated forms for vulnerable victims. Modern abuse often includes digital instigation and coordinated online pile-ons, which are not expressly captured. India’s Indian Penal Code (IPC) Section 306 criminalizes abetment of suicide; Section 305 provides stiffer penalties when the victim is a child or otherwise vulnerable. Indian evidence law also allows courts, in narrow circumstances, to presume abetment in marriage-related cruelty cases. Together, these provisions offer a structured approach that Pakistan can adapt.

This article was constrained and prompted by the recent suicide of Chief Medical Officer Dr. Abdul Karim Shaikh. His tragic death shows how abetment and compulsion can occur face-to-face and online, demanding coordinated reforms in the PPC and PECA.

2. Concepts and Elements

2.1 Suicide

Suicide is the intentional taking of one's own life.

2.2 Abetment

Abetment encompasses:

- Instigation: urging, provoking, or goading a person to die by suicide.
- Intentional aid: providing tools or means, or otherwise facilitating the act.
- Conspiracy: agreeing to pursue conduct that foreseeably culminates in suicide, coupled with an overt act.
- Coercive control: sustained cruelty, blackmail, humiliation, or threats intended, or known to be likely, to drive a person to suicide.

2.3 Mens Rea and Causation

- Mens rea: intent to cause suicide or knowledge that suicide is a likely consequence.
- Causation: a proximate, fact-sensitive link between the accused's conduct and the suicide, assessed in context (vulnerability, power imbalance, duration and intensity of abuse).

3. Comparative Frame: Indian Law

- IPC Section 305: aggravated abetment of suicide when the victim is a child or otherwise vulnerable; enhanced penalties.
- IPC Section 306: abetment of suicide; up to ten years' imprisonment and fine.
- Evidence Act Section: 113-A (India): rebuttable presumption of abetment in certain marriage-related cruelty cases when suicide occurs within seven years of marriage.
- Judicial themes: pattern of cruelty; digital harassment; workplace humiliation; custodial violence/abuse, need for intent/knowledge; proximate nexus.

4. Gaps in Pakistan's Current Framework

- No dedicated PPC section for abetment of suicide, causing reliance on general abetment provisions ill-suited to complex, pattern-based or digital conduct.
- Limited tools for courts to address domestic cruelty, harassment at workplace, custodial abuse, or online pile-ons connected to suicide.
- PECA does not explicitly define or penalize digital abetment intended or known to likely drive a person to suicide.

5. Proposed Legislative Reforms (Plain-Language Outline)

5.1 PPC: Abetment of Suicide (new core offense)

- Make it a distinct offense to abet suicide, punishable by up to ten years' imprisonment and fine.
- Define abetment to include instigation, conspiracy with an overt act, and intentional aid, occurring via words, conduct, or digital communication.
- Clarify exclusions for trivial quarrels, ordinary workplace directives, or speech lacking intent/knowledge of likely suicidal outcome.

5.2 PPC: Aggravated Abetment Involving Vulnerable Victims

- Stronger penalties where the victim is under 18, has mental illness or diminished capacity, is intoxicated or delirious, or is in custody/detention. In the most serious cases, penalties may extend to life imprisonment.

5.3 PPC: Abetment of Attempted Suicide

- Punish abetment of attempts with up to five years' imprisonment and fine, regardless of the status of attempt decriminalization (which should follow a health-based approach).

5.4 PPC: Domestic Cruelty Presumption

- Where a close relative has subjected the victim to cruelty and the victim thereafter commits suicide, a rebuttable presumption of abetment may be drawn against such relative. The term "cruelty" should be defined to include any wilful conduct of such a nature as is likely to drive the person to commit suicide, as well as harassment for unlawful demands or for any other form of persistent physical, emotional, or psychological mistreatment.

5.5 PPC + PECA: Digital Abetment

- Criminalize intentional instigation, coercion, or aid via electronic means, with aggravation for:
 - coordinated or anonymous campaigns,
 - non-consensual intimate imagery,
 - targeting of women, children and vulnerable persons.
- Cross-reference PECA for evidence handling and platform cooperation.

6. PECA Amendments (Coordination with PPC)

- Define "digital abetment to suicide" and "coordinated online harassment" intended or known to likely drive a person to suicide.
- Fast-track preservation and disclosure mechanisms for platforms; require rapid takedown of clearly harmful content on judicial or authorized orders.
- Harsher penalties for organized, repeated, or anonymous abuse, and for targeting minors or persons with mental illness.

- Clear mens rea thresholds to protect legitimate speech.

7. Evidence and Procedure

7.1 Investigation Standards

- Prompt scene visit; preservation and imaging of devices; chain-of-custody integrity.
- Forensic collection of chats, posts, call logs, and metadata; platform liaison for preservation and production.
- Psychological autopsy and mental health records where appropriate.
- Documentation of prior complaints, domestic violence risk factors, and workplace grievances.

7.2 Safeguards Against Overreach

- Require proof of intent or knowledge; exclude mere failure to prevent suicide.
- Avoid criminalizing ordinary management or trivial disputes.
- Weigh pattern, duration, and context rather than isolated incidents.

8. Sentencing Guidance

- Consider: intent and knowledge; duration and intensity of abuse; victim vulnerability; coordination and amplification (including online); remorse and cooperation.
- Non-compoundable treatment for aggravated forms; limited scope for compromise or negotiated settlement between the parties.
- For lesser forms (e.g., abetment of attempt), consider restorative elements alongside deterrent penalties.

9. Public Health Alignment and Attempted Suicide

- Encourage decriminalization of attempt and provision of treatment and support.
- Keep abetment fully criminal to deter exploitation of vulnerable individuals.

10. The Immediate Impetus

The recent suicide of Chief Medical Officer Dr. Abdul Karim Shaikh has brought into sharp focus how abetment and compulsion can be exerted physically, emotionally, digitally, and through social media ecosystems. This tragedy compels coordinated reforms in the PPC and PECA so that abettors, conspirators, and coercers cannot evade accountability regardless of the medium used.

11. Conclusion

Pakistan requires clear, modern, and humane legal provisions to hold accountable those who instigate, aid, conspire in, or deliberately compel another person to die by suicide, particularly where such conduct manifests through domestic cruelty (family-related causes), workplace harassment, custodial violence, abuse or torture, or coordinated online harassment perpetrated through physical, emotional, or psychological means, whether within the home, at the workplace, in prisons or police

lock-ups, or through digital platforms. Adopting appropriate provisions in the Pakistan Penal Code and introducing complementary amendments to the Prevention of Electronic Crimes Act, 2016, on lines analogous to Sections 305–306 of the Indian Penal Code, while incorporating aggravated forms of liability where the victim is a child or otherwise vulnerable, and updating PECA to address digital forms of abetment, would achieve the following objectives:

- **Close doctrinal gaps** relating to intent, causation, and emerging forms of harmful conduct;
- **Provide investigators and courts with clear legal tools**, including calibrated presumptions, to effectively address such offences;
- **Deter systematic cruelty and coordinated digital harassment** that may drive vulnerable persons to suicide; and
- **Demonstrate a strong societal commitment** to protect women, children, and other vulnerable persons, while strengthening the justice system’s capacity to deliver effective remedies.

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