

**IN THE FEDERAL CONSTITUTIONAL COURT OF PAKISTAN**

(Appellate Jurisdiction)

**Present**

Justice Syed Hasan Azhar Rizvi  
Justice Muhammad Karim Khan Agha

**C.P.L.A. Nos. 1199-K & 1200-K of 2025**

*(against the order dated 27.10.2025, passed by the High Court of Sindh at Karachi in Const. No. S-1139 of 2025)*

*Amjad Ahmed Sheikh (in CPLA 1199-K/25)*

*Asif Ali (in CPLA 1200-K/25)*

.....Petitioner(s)

**Versus**

*Government of Sindh & others (in both cases)*

.....Respondent(s)

For the Petitioner(s) : Mr. Aamir Mansoob Qureshi, ASC  
Mr. K. A. Wahab, AOR  
*(in both cases)*

On Court's Notice : Mr. Jawad Dero, AG Sindh  
Syed Ghulam Shabbir Shah, PG Sindh  
Mr. Mohsin Hussain Shah, Asst. AG Sindh  
Mr. Asif Hyder Shah, Chief Secy. Sindh  
Mr. Javed Alam Odho, IGP Sindh

Date of Hearing : 29.06.2026

**ORDER**

**Syed Hasan Azhar Rizvi, J.-** We have heard the learned counsel for the petitioners as well as the learned Law Officers at length and scanned the material available on record.

2. Learned counsel for the petitioners contends that the directions regarding internal police reforms and monitoring of inquiry proceedings by the High Court in writ jurisdiction, when the matter was not before the Court in the subject petitions, amount to judicial encroachment on executive and administrative functions.

3. Learned Prosecutor General, Sindh submits that the Guidelines contained in the impugned order dated 27.10.2025, available at page 33 of the paper-book, primarily concerning arrest and detention of suspects/accused, have been borrowed from the judgment dated 18.12.1996, passed by the Supreme Court of India in Writ Petition (CRL) No. 592 of 1987 titled Shri D. K. Basu, Ashok K. Johri v. State of West Bengal, State of U.P., available at page 84 of the concise statement filed by the Prosecutor

General, Sindh. Reference is drawn to the paragraph 14 of the aforementioned judgment which is around 30 years old. Further submits that the Government of Sindh has passed several amendments in legislation such as Sindh Act No. XI of 2019, Police Order 2002, Amendments in Police Rules 1934 (2021), Torture and Custodial Death (Prevention and Punishment) Act, 2022, IGP's Standard Operating Procedure for Arrest in Cognizable Offences, 2021 and the IGP's directives dated 15.06.2022 wherein all the aforementioned observations referred to in the impugned orders have already been considered and framed by the Legislature in a more comprehensive and up-to-date fashion considering the advancement of technology, hence, the 1996 Guidelines shall have no legal effect having been superseded by the aforementioned Pakistani Rules, Acts, SOPs and directives which are more recent in time.

4. Learned Advocate General, Sindh points out that the learned judge of the High Court has committed judicial overreach while passing the impugned orders in terms of jurisdiction and has failed to consider that courts, as a general rule, must not interfere with policy guidelines which position we are in full agreement with.

5. These petitions are converted into appeals and disposed of in the terms that the impugned orders dated 27.10.2025 and 03.11.2025, passed by the High Court of Sindh in constitutional petition No. S-1139 of 2025, to the extent of exercising suo moto jurisdiction against the police officials and interfering in policy guidelines without justification, are set aside as being the result of assumption of suo moto jurisdiction which is not vested with the High Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 as the observations contained therein amount to judicial overreach. However, the inquiries initiated and the investigation to be conducted against the petitioners, in both these petitions, shall continue in accordance with law without being influenced by any observation(s)/direction(s), those were beyond the *lis* which were fixed before the learned single judge of the High Court in the constitution petition.

Judge

Judge

Karachi  
29.06.2026

**APPROVED FOR REPORTING**

*M. Farhan*/\*