Legal Guide

Can a Police Officer Be Both the Complainant and the Investigating Officer in Pakistan?

Can the officer who lodged the FIR investigate it? See when Pakistani courts find prejudice, how to test the evidence and when Section 22-A CrPC can help.

By Shahbaz Shah · 21 November 2026



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A sub-inspector says he stopped a suspect and recovered narcotics. His report becomes the basis of the FIR. He then records witness statements and handles the seized property as the investigating officer (IO). Can he investigate the case he reported? Yes. The harder question is whether the prosecution can prove what happened at each step that the officer controlled.

Two Supreme Court of Pakistan decisions show how that question works. In Fakhar Abbas, a second recovery witness and evidence tracing the sample to the laboratory supported the conviction. In Abdul Raheem, the basis for assigning both roles to the same officer was unclear, and gaps in the handling of the seized material helped create reasonable doubt.

What Pakistani law allows

Section 156 of the Code of Criminal Procedure, 1898 provides for police investigation of cognizable cases. In Fakhar Abbas, the Supreme Court applied Advocate General Sindh v. Bashir (PLD 1997 SC 408) and Zafar v. The State (2008 SCMR 1254). The Court held that a police officer who reports an offence they witnessed may investigate it, provided doing so causes no prejudice to the accused.

An investigation must still satisfy the demands of fairness under Article 10A of the Constitution. In Abdul Raheem, the Supreme Court drew on Rule 25.2(3) of the Police Rules, 1934, which directs investigators to seek the truth and identify the real offender. The judges discouraged assigning both roles to the complainant in serious narcotics cases. They called for cogent reasons from the assigning authority and close judicial scrutiny of the evidence where the officer serves in both capacities.

Why the two Supreme Court cases ended differently

Fakhar Abbas v. The State, 2026 SCMR 1553

A police constable who witnessed the recovery gave an account the Court found consistent under cross-examination. The evidence also accounted for the sample's storage and its delivery to the Punjab Forensic Science Agency. The complainant himself delivered the sample, and the laboratory report recorded that delivery and identified the substance as charas. The Court found no prejudice from the dual role on that record and dismissed the appeal. Read paragraphs 3–8 of Fakhar Abbas.

The Court also distinguished Raham Gul v. The State (2026 SCMR 584). That case involved a disputed joint recovery from four people travelling in a vehicle and an unproved chain of safe custody. In Fakhar Abbas the Court applied the principle laid down by the earlier four-member benches in Bashir and Zafar. A comparison with Raham Gul therefore starts with the facts that made the combined role prejudicial there.

Abdul Raheem v. The State, 2026 SCMR 1516

The FIR referred generally to directions from senior officers. In court, the complainant named the station house officer as the person who instructed him to investigate. The Court found the justification for that assignment unclear. It also examined differences in the evidence about the seals, a disputed signature on the recovery document and gaps in the record of who held the parcels, including material returned by the laboratory. These defects, considered together, left the recovery and custody evidence in doubt. The Supreme Court allowed the appeals and acquitted the appellants. Read paragraphs 2–6 of Abdul Raheem.

How to test the investigation against the record

Read the FIR, recovery memo, relevant custody entries, dispatch papers and laboratory report together where available. Put the events in order from seizure to laboratory receipt. Start with the first point at which the records or witnesses diverge.

1. Assignment. Who assigned the investigation to the complainant? When was that direction given, where was it recorded and why was this officer selected?
2. Recovery. Who saw the seizure, weighing, sampling and sealing? Whose signature appears on the recovery memo? Ask each witness what they personally observed.
3. Safe custody. Who took the sealed parcels to the malkhana, the police property store? What entry identifies the parcels and seal, and who received them?
4. Transmission. Who collected the sample from the store? Compare the dispatch document with the laboratory receipt for the carrier, dates, parcel description and condition of the seal.
5. Other evidence. If a witness, CCTV recording or separate recovery record could test the complainant's account, establish when the IO learned of it and what they did to obtain or preserve it.

The most productive cross-examination starts with the document the witness can identify. If the seizure memo records one seal and the laboratory receipt records another, establish which parcel each entry concerns, who handled it in between and whether a contemporaneous record explains the difference. That gives the court a specific factual issue to decide.

When to seek a transfer of investigation

While the investigation is pending, raise a documented concern with the competent supervisory police authority under the applicable procedure. Identify the FIR, the investigating officer and the step that needs corrective action. For example, if footage could verify where an alleged recovery occurred, specify the camera, the relevant time window and any prior request for preservation.

Section 22-A(6)(ii) CrPC also empowers an ex officio Justice of Peace to issue appropriate directions to the police authorities regarding transfer of an investigation from one officer to another. In Younas Abbas v. Additional Sessions Judge, Chakwal, the Supreme Court described the exercise of that power as quasi-judicial. Frame the application around the reasons for reassignment and the supporting record. The investigation itself remains with the police.

At trial, tie any unfairness to the reliability of the evidence the prosecution relies on. A broken link between the recovery memo and the tested sample, or a significant witness whose account the IO failed to pursue, gives the court a concrete basis to review the alleged prejudice and assess reasonable doubt.

Frequently asked questions

Can the police officer who lodged the FIR investigate the same case?

Yes. Pakistani law imposes no blanket bar merely because the officer reported an offence they witnessed. The court can examine whether the assignment prejudiced the accused and whether the evidence remains reliable.

Does the dual role invalidate the FIR or automatically lead to acquittal?

The dual role alone does neither. A court assesses how the investigation was conducted, what evidence supports the prosecution account and whether defects create reasonable doubt. A credible objection identifies the step, record or evidence affected.

Can another police officer corroborate the recovery?

Yes. In Fakhar Abbas, the Supreme Court accepted the evidence of another police officer who witnessed the recovery. The value of that evidence depends on what the witness personally saw, how the account stands up in cross-examination and how it fits the rest of the record.

Does a positive laboratory report prove the chain of custody?

A positive report identifies what the laboratory tested. The prosecution must also connect that sample to the seizure through evidence of its identity, safe custody and transmission.

Which CrPC provision allows a request to transfer the investigation?

Section 22-A(6)(ii) allows an ex officio Justice of Peace to issue appropriate directions to police authorities regarding transfer from one officer to another. The application should identify the alleged unfairness and explain why it warrants reassignment.