



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE,  
SINDH, KARACHI.

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Dated: 03 February 2021.

All Addl: IGsP/Sindh.

All DIGsP/Sindh.

All SSsP/SsP Sindh.

Subject: - STANDARD OPERATING PROCEDURE FOR ARREST IN COGNIZABLE CASES

Please find enclosed herewith a Standard Operating Procedure regarding arrest in cognizable cases, issued by the competent authority.

I am directed to convey that it shall be ensured that all Police officers/officials are well aware of these SOPs related to arrest in cognizable cases. For this purpose these shall be widely circulated among all ranks of force.

(TAUQEER MUHAMMAD NAEEM) PSP

AIGP/Operations,  
For Inspector General of Police,  
Sindh, Karachi.

Copy forwarded to the following for information, please.

1. PS to IGP/Sindh.
2. PS to DIG/Headquarters, Sindh.

719 /DIT/CPO/Karachi  
Date: 4-2-2021

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Issuing Authority: AIGP/Operations,  
CPO Sindh, Karachi

Date February 2021.

Classification: Operational.

PROPOSED STANDARD OPERATING PROCEDURE FOR ARRESTS IN  
COGNIZABLE CASES



## PROPOSED STANDARD OPERATING PROCEDURE FOR ARRESTS IN COGNIZABLE CASES

### Introduction:

The constitution of Pakistan guarantees fundamental rights to citizens. Infringement of an individual's liberty save in accordance with law is considered a serious violation of the rights as enshrined in the Constitution. The Criminal Procedure Code 1898 and the Police Rules 1934 authorize a Police officer to arrest a person involved in a cognizable offence. This power to arrest is subject to the restrictions laid down in the relevant laws and the judgments of the superior courts. Arbitrary and unbridled use of this power results into complaints against Police officers and overburdening of criminal justice system. There is need to have clearly spelt out guidelines for the Police officers to regulate their power to arrest in accordance with the law.

### Objectives:

- A. To familiarize Police officers with the relevant provisions in different laws about the power of arrest;
- B. To make Police officers aware of their responsibilities in dealing with the citizens accused of an offence;
- C. To prevent abuse of authority and unnecessary arrests and detentions by police
- D. To protect and safeguard human rights;
- E. To regulate Police conduct through internal accountability mechanism and prevent such matters being taken up by the superior courts.

### Legal Provisions relating to arrest:

1. **Section 154 of Criminal Procedure Code** makes it mandatory for Station House Officer (SHO) to register FIR where a complaint is received from the contents of which a cognizable offence is made out. There is a general perception that if a person is nominated in FIR, he is to be arrested for further investigation of the case. This general perception is contrary to the spirit of **Police Rules 26.1 and 26.2**. Despite that the power to arrest has been misused by certain Police officers resulting into unjustified deprivation of liberty of citizens and increased number of complaints against Police officers.
2. The superior courts have laid down elaborated guidelines for exercise of and restraint on such power of arrest. Two landmark cases, **Khizar Hayat and others v IGP Punjab** cited at **PLD 2005 Lahore 470** and **Sughran Bibi v. State** **PLD 2018 Supreme Court 595** have laid down principles to be followed by the Police officers making arrest of a person alleged of an offence.
3. The Police officers must follow the responsibilities laid down in the provision in Police Rules 1934 related to arrest. They follow the principles laid down in **Police Rules 26.1**.

**Section 54 of Criminal Procedure Code** authorizes any Police officer to arrest without a warrant any person who has been concerned in any cognizable offence or against whom reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been so concerned. The authority given under this section to the Police to arrest without a warrant is, however, permissive and not obligatory. Whenever escape from justice or inconvenient delay is likely to result from the Police failing to arrest they are bound to do so; but in no other cases. The law allows a Police officer to apply to a magistrate for a warrant or a summons instead of making the arrest immediately and this discretion shall be exercised whenever possible and expedient. The law also allows a Police officer in any



bailable case to take security under **section 170 of Criminal Procedure Code** from an accused person to appear before a magistrate without arresting him.

4. The Police officers while exercising power of arrest, must strictly adhere to the **Police Rule 26.2**: power to defer arrest *"if the fact that suspicion rests upon a particular person has been kept secret, and there is no risk of his absconding, the Police shall defer making the arrest until the investigation is sufficiently complete; but if any interference with the liberty of the accused person is necessary to prevent him from absconding and, the facts justify arrest, the Police shall arrest him and shall not interfere with his liberty unless they arrest him."*

#### Guidelines for making arrest

1. Mere nomination of a person in FIR is not sufficient ground for arrest of a person alleged of an offence.
2. Arrest of a person accused of an offence is not mandatory but it is subject to evidence on record linking the accused with the crime alleged. The power to arrest is conditional upon fulfillment of the requisite legal requirements. A Police officer may choose to exercise his power to arrest where there is reasonable suspicion of involvement in the offence. The words reasonable suspicion do not mean a mere vague surmise, but a bona fide belief on the part of Police officer that an offence has been committed or is about to be committed.
3. A Police officer should consider if there is need for immediate arrest or it can be deferred to a later date. The factors justifying an immediate arrest may include:
  - a. Apprehension of escaping of Accused
  - b. Habitual Offender with previous record
  - c. Sufficient, irrefutable evidence against accused

- d. Apprehension of some serious dispute or offence in furtherance of such offence
  - e. Preservation of evidence
4. District SSP or SSP investigation shall have the authority of permitting an arrest in following cases where powers of arrests are excessively abused by police.
- a. Sections under the head of 'Rioting' 147, 148, 149 PPC 1860
  - b. Sections under the head 'Grievous and Simple Hurt' 337 A PPC 1860
  - c. Sections under the head 'Culpable Homicide not amounting to Murder' 322 and 319 PPC 1860
  - d. Sections under the head 'Attempt to Murder' 324 PPC 1860
  - e. Sections under the head 'Kidnapping' 365-B PPC 1860
  - f. Sections under the head 'Rape' 377 PPC 1860
  - g. Sections under the head 'Theft' 379, 382 PPC 1860
  - h. Sections under the head 'Burglary' 452, 454 and 457 PPC 1860
  - i. Sections under the head 'Financial Crimes' (406, 408, 420, 471, 489-F)
  - j. Offences relating to intimidation under section 506-B PPC 1860

Authorized officer may delegate such powers to any of his subordinate officer not below the rank of DSP.

5. Once it has been decided that attending circumstances necessitate arrest of a nominated accused, following calender of evidence shall be taken into account as a broad guideline by the investigation and the supervisory officer to weigh evidence that incriminate the alleged accused in a particular case.

Calendar of Evidence

- a) Presence of accused at the scene of crime according to the call data record.
  - b) Availability of independent eye witnesses. If the eye witness is related to complainant then other factors should be given due consideration before making an arrest in such cases.
  - c) Medical evidence if the case is of crime against person (337, 319, 322, 324 etc., PPC).
  - d) Establishment of Motive in each case.
  - e) Documentary evidence in form of cheques, pay orders, demand draft receipts, agreements, affidavits etc in cases of 420, 406, 468, 471 PPC.
  - f) Any CCTV Footage or Audio-Visual evidence of commission of offence.
  - g) Past criminal record of the accused.
  - h) Any other relevant evidence.
6. Officer making an arrest under immediate situations must inform his or her senior officer in hierarchy immediately **within two hours of the arrest**. The senior officers shall verify all arrests directly or through an officer subordinate to them to ensure no person has been arrested without a reasonable justification.
7. No person who has been arrested shall be denied the right to consult and be defended by a legal practitioner of his choice **within twentyfour hours of his arrest**.
8. When investigating officer decides to defer arrest, he shall obtain reasonable security that the accused will not leave jurisdiction of the local Police Station without express permission and will join in the investigation whenever summoned till he is cleared from the charges and allegations or formally arrested in the case.