JUDGMENT SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.4105 of 2026

Awais Altaf
Vs.
The Superintendent, Central Prison Adiala, Rawalpindi, and others

Date of hearing : 27.08.2026
Petitioner by : Syed Jaffar Hussain Baqari, Advocate.
Respondent No.1, 3 to 6 by : M/s. Barrister Zafarullah Khan, Advocate General Punjab, Barrister Awais Arshad, Assistant Attorney Punjab.
Respondent No.2 by : M/s. Rashid Hafeez, Additional Attorney General, Shaista Tabusam, AAG, Naveed Malik, Advocate General, Islamabad a/w Nafees Khan, Samiullah Jovia, Iffra Muzammil and Asfandyar Khan, State Councils.

MUHAMMAD ASIF, J.- Through the instant writ petition, the petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 ("**the Constitution**"), seeking the following relief:

> *"In view of the facts and grounds stated hereinabove, it is most respectfully prayed that this Honorable Court may graciously be pleased to:*
>
> *I. declare that the failure and omission of the Respondents to provide the Petitioner with medically necessary and specialized treatment is unlawful, arbitrary and violative of Articles 4, 9 and 14 of the Constitution of the Islamic Republic of Pakistan, 1973;*
> *II. Direct the Respondents to immediately constitute an independent Medical Board comprising qualified specialists from Shifa International Hospital and Quaid-e-Azam International Hospital to conduct a comprehensive medical examination and*

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assessment of the Petitioner's disease and overall medical condition, and to recommend appropriate treatment accordingly;

III. *direct the Respondents to produce before the said Medical Board the complete medical record of the Petitioner, including all previous reports, investigations, prescriptions, treatment history and prison medical records;*

IV. *direct the Medical Board to determine the nature and severity of the Petitioner's illness, the treatment immediately required, the urgency thereof;*

V. *Direct the Respondents, in terms of Rule 197 of the Pakistan Prison Rules, 1978, to immediately transfer and admit the Petitioner to a suitably equipped Private Hospital, Preferably Shifa International Hospital or Quaid-e-Azam International Hospital;*

VI. *direct the Respondents to ensure that the Petitioner receives all necessary consultations, investigations, procedures, medicines, surgery/intervention and follow-up treatment as recommended by the concerned specialists;*

VII. *direct the Respondents to submit a comprehensive medical report before this Honorable Court regarding the Petitioner's condition and treatment within such period as may be fixed by this Honorable Court;*

VIII. *grant any other relief which this Honorable Court may deem just, proper and appropriate in the circumstances of the case."*

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2. The brief facts giving rise to the instant petition are that the petitioner is presently confined in Central Jail, Adiala, Rawalpindi, as an under trial prisoner in FIR No.854/2025, registered under Section 489-F of the Pakistan Penal Code, 1860, at Police Station Ramna. The petitioner claims to be suffering from rheumatic fever, inflammatory arthritis, polyarticular joint pains and lower back pain, for which he has been examined at PIMS and Rawalpindi Institute of Cardiology. His medical record reflects elevated ASO titre, ESR, CRP and uric acid levels, and the specialists have advised further investigations, including MRI of

the pelvis for suspected sacroiliitis, besides specialized rheumatology care. He has also undergone consultations with Rheumatology, Neurosurgery and Cardiology departments and has been prescribed the requisite medication. According to the petitioner, his condition requires continued specialist treatment and facilities available at a reputable private hospital. He, therefore, approached the respondent No.1 seeking specialized treatment and permission for transfer to a private hospital; however, his request was rejected by the Superintendent, Central Jail, Rawalpindi, vide Office Order dated 02.08.2026. Aggrieved thereof, and having no other adequate and efficacious remedy, the petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution.

3. Learned counsel for the petitioner contended that the petitioner, being in State custody, remains entitled to the protection of his fundamental rights under Articles 4, 9 and 14 of the Constitution, and that the respondents are under a corresponding obligation to safeguard his life, health and dignity. Relying upon the Order dated 18.08.2026 passed by the Hon'ble Supreme Court of Pakistan in Crl.A.No.400/2025 and connected matters, learned counsel submitted that incarceration does not deprive a prisoner of humane treatment and necessary medical care. He further referred to Rules 197, 788, 977 and 981 of the Pakistan Prison Rules, 1978, contending that where specialized treatment is not conveniently available within the prison, the Rules contemplate removal of a prisoner to an outside hospital. Learned counsel further submitted that the petitioner's request for specialized treatment is supported by medical record and cannot be declined merely on administrative or custodial considerations. Reliance was also placed upon the Nelson Mandela Rules, particularly Rules 24 and 27, and Article 10(1) of the International Covenant on Civil and Political Rights, which recognize the State's responsibility to provide appropriate healthcare to persons deprived of liberty, including specialized treatment where necessary. It was contended that any security concerns arising from outside hospitalization can adequately

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be addressed through appropriate escort and other safeguards rather than by denying treatment altogether. Learned counsel also argued that the impugned Office Order does not adequately address the medical evidence or disclose proper reasons for refusing the petitioner's request and, therefore, fails the requirement of reasoned decision-making. He submitted that the petitioner's medical grievance gives rise to a continuing cause of action involving potential irreparable harm and, where any doubt exists regarding the nature or urgency of the required treatment, an independent Medical Board comprising relevant specialists may be constituted to assess the petitioner. Reference was again made to the Supreme Court's Order dated 18.08.2026, wherein a multi-specialist medical board was directed to examine a prisoner. Lastly, learned counsel submitted that the relief sought is confined to medical examination, specialized treatment and, if necessary, hospitalization at a private facility, without seeking release from custody. The petitioner remains willing to comply with all security and custodial requirements. It was, therefore, contended that this Court may exercise its constitutional jurisdiction under Article 199 to ensure protection of the petitioner's life, health and dignity, particularly in view of the binding principles laid down by the Hon’ble Supreme Court under Article 189 of the Constitution.

4. Conversely, learned Advocate General, Punjab, learned Assistant Attorney General, Punjab, appearing on behalf of the respondents No.1, 3 to 6, and learned Additional Attorney General, Islamabad, learned Assistant Attorney General, Islamabad, learned Advocate General, Islamabad, along with the learned State Counsel appearing on behalf of the respondent No.2, strongly opposed the petition and submitted that the petitioner is being provided adequate medical care and that the respondents are conscious of their legal and constitutional obligations towards prisoners. Learned AG, Punjab, contended that the Pakistan Prison Rules, 1978 provide an adequate mechanism for medical examination and treatment of prisoners, including their referral to a civil/government hospital where necessary;

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however, the Rules do not confer upon a prisoner any right to insist upon treatment at a private hospital of his choice. He further submitted that the petitioner has neither challenged the vires of the Rules nor Rule 197 thereof and, therefore, this Court cannot travel beyond the relief sought in view of Article 199(1A) of the Constitution. Learned counsel further submitted that, under Rule 197, where specialized treatment cannot conveniently be provided within the prison, the prisoner may be referred to an appropriate civil/government hospital upon the recommendation of the competent medical authority. In this regard, reference was made to PIMS, Islamabad, and other government hospitals in Rawalpindi, where specialized treatment is available. It was argued that the State's obligation to provide medical care is discharged through the existing public health and prison medical infrastructure and does not create an unrestricted entitlement to treatment at a private facility. Reference was also made to certain statutory and historical material concerning the development of public health and medical services in the subcontinent to reinforce the submission that medical treatment of prisoners is primarily to be arranged through State-run institutions. Learned counsel further contended that the recent order of the Hon'ble Supreme Court relied upon by the petitioner was passed in its own peculiar factual and medical circumstances and cannot be construed as conferring an absolute right upon every prisoner to obtain treatment at a private hospital of his choice, contrary to the Pakistan Prison Rules, 1978. It was submitted that, unless the competent jail medical authority or Medical Board determines that the required treatment is unavailable within the prison or government medical institutions, the petitioner's demand for treatment at a private hospital does not constitute an enforceable legal right. On these grounds, dismissal of the instant petition was sought.

5. I have heard the learned counsel for the parties at considerable length and have gone through the available record with their able assistance. There is no cavil with the proposition that a prisoner, notwithstanding his incarceration, remains entitled to the

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protection of his fundamental rights guaranteed by the Constitution, subject to such lawful restrictions as necessarily flow from his detention. Article 9 of the Constitution protects life and liberty, while Article 14 guarantees the inviolability of the dignity of man. A person in custody, therefore, cannot be deprived of necessary medical care merely by reason of his incarceration. At the same time, the existence of such constitutional protection does not mean that every prisoner acquires an absolute or vested right to obtain treatment at a private hospital of his choice or to have a particular medical facility arranged according to his preference.

6. The Rule 197 (Transfer of prisoners to civil hospitals in case of serious illness) of the Pakistan Prison Rules, 1978, which reads as under,

> *"Rule 197---(i) Where it is necessary to remove a convicted prisoner or an under trial prisoner to hospital outside the prison for operative or other special treatment which cannot conveniently be given in the prison itself:-*
>
> *(a) The orders of Government shall be obtained through the Inspector-General, in cases in which a convicted or under trial prisoner is to be admitted to the hospital for treatment provided that in, emergent cases the Superintendent of the prison is authorized to anticipate the sanction of Government and if he does so, he should make an immediate report through the Inspector-General.*
>
> *(b) In cases in which a convicted or under-trial prisoner is taken to hospital for treatment as an out-patient only or for X-ray examination, the Superintendent of the prison is empowered to authorise this visit himself.*
>
> *(ii) The discretion given to the Superintendent to anticipate the sanction of Government, does not apply to cases in which it is proposed to remove a prisoner to a hospital in another station. In such cases the orders of the Inspector General must be obtained in advance, and the Inspector General will make an immediate report to Government in all cases in which he allows prisoners to be so moved in anticipation of sanction.*

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> *(iii) In all cases in which a prisoner is removed to a hospital for the purpose of an operation, the removal should take place as close as possible to the time fixed for operation and the prisoner should be brought back to the prison hospital as soon as this can conveniently be done.*
>
> *(iv) Prisoners admitted in hospital outside the prison shall always be guarded by the Police.*
>
> *(v) All expenses incurred by the hospital authorities in connection with the treatment of prisoners from prison will be borne by the Health Department."*

7. The Pakistan Prison Rules, 1978 constitute the relevant statutory framework governing the medical treatment of prisoners. The Rules place a positive obligation upon the prison authorities to provide medical examination and treatment to prisoners and also prescribe the mechanism through which a prisoner requiring specialized treatment may be referred to an appropriate hospital outside the prison. Rule 197, in particular as produced hereinabove, contemplates removal of a prisoner to a hospital outside the prison where operative or other special treatment is necessary and cannot conveniently be provided within the prison. The Rule 197, however, does not confer an unfettered right upon a prisoner to demand admission to a particular private hospital. The determination whether treatment outside the prison is medically necessary is required to be made in accordance with the mechanism prescribed by the Rules and upon the basis of competent medical opinion.

8. In the instant case, the petitioner has relied upon his medical reports and the fact that he has been examined by doctors in different specialties. The record, as placed before this Court, undoubtedly indicates that the petitioner has complained of various ailments and has undergone medical consultations and investigations. The same, however, does not establish that the respondents have altogether denied him medical treatment. On the contrary, the petitioner's own case demonstrates that he has been examined at government medical institutions, including PIMS and Rawalpindi

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Institute of Cardiology, and has received consultations, investigations and medication. The petitioner has not been able to demonstrate from the record that the respondents have refused to provide him medical treatment altogether or that the treatment being provided to him is contrary to the advice of the competent medical authorities.

9. The principal grievance of the petitioner, therefore, is not denial of medical treatment as such, but his desire to be examined and treated at a private hospital, preferably Shifa International Hospital or Quaid-e-Azam International Hospital. Such a claim, in the absence of a competent medical recommendation establishing that the treatment required by the petitioner is unavailable within the prison or the government medical system, cannot be converted into an enforceable constitutional right. The jurisdiction under Article 199 of the Constitution is intended to ensure legality and protection of enforceable legal and fundamental rights; it cannot ordinarily be invoked for the purpose of substituting the petitioner's preference for the medical and administrative assessment of the competent authorities. Reliance in this regard is placed on case reported in **PLD 2017 Lahore 342**.

10. Learned counsel for the petitioner has placed considerable reliance upon Rule 197 of the Pakistan Prison Rules, 1978. The said provision, however, does not advance the petitioner's case to the extent asserted. Rather, Rule 197 provides a structured mechanism for removal of a prisoner to an outside hospital where special treatment is necessary and cannot conveniently be provided within the prison. The operative consideration is, therefore, medical necessity, and not the personal preference of the prisoner regarding the hospital in which he wishes to be treated. Unless the competent medical authority concludes that the required treatment cannot conveniently be provided within the prison or through an appropriate government hospital, the petitioner cannot claim, as of right, transfer to a private hospital.

11. It is also significant that the petitioner has not placed on record any definitive opinion of a competent medical authority stating

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that the treatment presently available to him through the prison or government medical institutions is inadequate or that the investigations and treatment advised to him cannot be undertaken at those institutions. The medical reports relied upon by the petitioner may justify continued medical supervision and specialist consultation, but they do not, by themselves, establish an obligation upon the respondents to transfer him to a particular private hospital. This Court, exercising constitutional jurisdiction, cannot itself undertake a medical assessment or determine which hospital would be medically appropriate for the petitioner. Reliance in this regard is placed on case reported in **2019 PLD 343 Islamabad**.

12. The submission that the impugned Office Order is non-speaking or arbitrary also does not persuade this Court. The order has to be examined in the context of the applicable Prison Rules and the material available before the competent authority. The petitioner has not demonstrated that the decision refusing his request for transfer to a private hospital was actuated by mala fide, discrimination, extraneous considerations or any disregard of a binding medical recommendation. Nor has he established that the respondents have refused to provide him the treatment prescribed by the competent medical authorities. In the absence of such material, the impugned order cannot be characterized as violative of Articles 4, 9 or 14 of the Constitution merely because the petitioner's request for treatment at a private hospital was not accepted.

13. The reliance placed upon Rules 788, 977 and 981 of the Pakistan Prison Rules, 1978 also does not alter the position. These provisions undoubtedly emphasize the responsibility of prison medical authorities towards the health of prisoners and provide for their examination, treatment and, where necessary, hospitalization. They do not, however, create an entitlement in favour of a prisoner to bypass the prison medical system and insist upon treatment at a private institution of his own selection. The obligation of the respondents is to ensure appropriate and necessary medical care, and the material before this

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Court does not establish that such obligation has been breached in the petitioner's case.

14. Now turning to the merits of these petitions and having gone through the Pakistan Prison Rules, 1978, with the assistance of the learned counsel, it is obvious that the aforesaid rules do not envisage treatment at a private hospital. These rules refer to the prison hospital, civil hospital and district headquarter hospital (DHQ) for the purposes of treatment of prisoners. As stated above, the petitioner has not placed anything on record to show that the treatment he has asked for is not available at a government hospital in Islamabad. Had that been the case, this Court would have considered referring it to a medical board constituted by a government hospital seeking their input on whether the ailment can be treated at such government hospital or not. Needless to say, if the medical board had so recommended, this Court would have passed necessary orders for treatment of the petitioner at a private facility so as to protect his right to life under Article 9 of the Constitution. However, this Court cannot, at this stage, proceed with the matter without an opinion expressed by the medical experts.

15. The international instruments relied upon by learned counsel for the petitioner, including the Nelson Mandela Rules and Article 10(1) of the International Covenant on Civil and Political Rights, embody important principles concerning humane treatment and healthcare of persons deprived of liberty. However, even these principles do not support the proposition that every prisoner possesses an absolute right to treatment at a private hospital of his choice. The State is required to ensure humane conditions and appropriate medical care; the precise manner and institutional arrangement through which such care is to be provided remains subject to the domestic legal and administrative framework.

16. Learned counsel for the petitioner has also referred to the Order dated 18.08.2026 passed by the Hon'ble Supreme Court of Pakistan in Crl.A.No.400/2025 and connected matters.

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> *"13. We are mindful of the constitutional and legal obligations of the State, and consequently of the Court, to safeguard the life, health, dignity and security of persons in custody. A prisoner does not, by reason of his incarceration, cease to be entitled to humane treatment and necessary medical care. Accordingly, as an interim arrangement and without prejudice to the rights and contentions of the parties, we are include to issue the following directions, which shall be complied with by the respondents, including the Government, its officers and agencies, in letter and spirit until the next date of hearing:*
> *(i) ……*
> *(ii) ……*
> *(iii) ……*
> *(iv) The prisoner shall, within the next two days, be shifted to Shifa International Hospital, Islamabad.*
>
> *(v) The concerned officer/Government, in consultation and coordination with the management of Shifa International Hospital, shall constitute a medical board comprising a physician, a general surgeon, a specialist in internal medicine, an eye specialist and a cardiologist for the medical examination and treatment of the prisoner."*

17. The said order has been considered. However, the directions issued therein were rendered in the factual and medical circumstances of those proceedings. No material has been placed before this Court demonstrating that the factual circumstances of the present petitioner are identical in all material respects. More importantly, the said order cannot be read as laying down an absolute proposition that every prisoner who claims to require specialized treatment is entitled, as a matter of right, to be transferred to a private hospital or to have an independent Medical Board constituted at his request. The petitioner's entitlement in the present case must be determined on the basis of the Constitution, the applicable Prison Rules and the medical record available on record.

18. The petitioner has placed considerable reliance upon the order dated 18.08.2026 passed by the Hon'ble Supreme Court of

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Pakistan in Crl.P.L.A. No.1370 of 2026, whereby leave to appeal was sought against the order dated 12.03.2026 passed by this Court in C.M. No.04 of 2026 in Criminal Appeal No.273 of 2023. The relevant portion of paragraph 13 of the said order has already been reproduced hereinabove. The petitioner particularly rely upon directions contained in clauses (iv) and (v), whereby the prisoner concerned was directed to be shifted to Shifa International Hospital, Islamabad, and a Medical Board comprising a physician, general surgeon, specialist and cardiologist was directed to be constituted for his medical examination and treatment.

19. The reliance so placed requires examination in its proper constitutional context. There can be no dispute with the general proposition that judgments of the Hon'ble Supreme Court of Pakistan interpreting the Constitution or a law are binding upon all courts in Pakistan by virtue of Article 189 of the Constitution. The constitutional command contained in Article 189 is founded upon the hierarchical structure of the judicial system and ensures uniformity and certainty in the interpretation and application of law. Consequently, where the Hon'ble Supreme Court, while deciding a matter within its jurisdiction, lays down a principle of law or interprets a constitutional or statutory provision, this Court is constitutionally bound to follow and apply such principle in cases falling within its ambit. Reliance in this regard is placed on case reported in **2025 SCMR 532**.

20. The distinction is of considerable significance in the present case. A careful perusal of the order dated 18.08.2026 shows that leave to appeal was not granted in Crl.P.L.A. No.1370 of 2026. The directions contained in paragraph 13 were issued *in limine*, expressly as an interim arrangement and without prejudice to the rights and contentions of the parties. The language employed in paragraph 13 itself makes the nature of the directions evident. The Hon'ble Supreme Court expressly recorded that the directions were being issued "as an interim arrangement" and "without prejudice to the rights and contentions of the parties" and were to remain operative only "until the next date of

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hearing". The direction to shift the prisoner to Shifa International Hospital and the direction for constitution of a Medical Board were, therefore, issued in peculiar factual and medical circumstances of that case and for the purpose of securing appropriate interim relief during the pendency of the proceedings.

21. Learned counsel for the petitioner has correctly emphasized that an incarcerated person does not, by reason of his incarceration, cease to enjoy fundamental rights and that the State remains under an obligation to ensure humane treatment and necessary medical care. This proposition is not disputed. The question, however, is one of the extent and manner in which that obligation is to be discharged. The existence of a constitutional obligation to provide necessary medical care cannot, without a further determination based upon the applicable law and competent medical opinion, be equated with an absolute right of a prisoner to select the hospital, doctors or mode of treatment of his choice.

22. The petitioner has vehemently contended that denial of similar concessions to him, as sought through the instant petition, amounts to discriminatory treatment and therefore, violates his fundamental right to equality guaranteed under Article 25 of the Constitution. However, this contention cannot be examined in isolation from the prevailing legal position. At this stage, it is significant to note that Crl.P.L.A. No.1360 of 2026 is still pending adjudication before the August Supreme Court of Pakistan. Consequently, the order dated 18.08.2026 passed by the Hon'ble Supreme Court cannot, at this juncture, be treated as a judgment in rem having general application to all similarly placed persons. Rather, the said order is a judgment in personam, confined to the facts and circumstances of the case before the Hon'ble Supreme Court. It, therefore, cannot be construed as laying down a binding declaration of law or as creating an enforceable right in favour of the petitioner to seek identical directions in every case involving a prisoner's medical complaint, including a direction for transfer to Shifa International Hospital or for constitution of a Medical

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Board comprising specialists from a private hospital. Each such request has to be considered on its own facts, upon the basis of the medical condition of the prisoner, the opinion of the competent medical authorities, and the applicable legal framework. Mere reliance upon an order passed in a particular case, without demonstrating that the same was founded upon a general declaration of law applicable to all similarly situated prisoners, would not, by itself, establish a case of discrimination within the meaning of Article 25 of the Constitution.

23. This conclusion, however, should not be understood as weakening the constitutional obligation of the State towards persons in custody. The respondents remain bound to provide the petitioner with necessary medical examination and treatment in accordance with law and the Pakistan Prison Rules, 1978. If the competent medical authority, upon examination of the petitioner, determines that specialized treatment is necessary and cannot conveniently be provided within the prison, the respondents are required to proceed in accordance with the mechanism prescribed under Rule 197. What does not follow from the constitutional guarantee, however, is an unrestricted entitlement of the petitioner to select a private hospital and require the State to arrange his transfer thereto in the absence of a medical determination establishing such necessity.

24. It is also relevant to bear in mind the limited scope of judicial review in matters involving medical and administrative assessment. The Court is not ordinarily required to substitute its own opinion for that of the competent medical authorities unless the decision is shown to be arbitrary, mala fide, without jurisdiction or based upon no material. In the present case, no such exceptional circumstance has been demonstrated. The petitioner has been examined at government medical institutions and has been provided medical consultations and medication. There is nothing on record to establish that the respondents have deliberately withheld medically necessary treatment or have acted in a manner exposing the petitioner to an unlawful threat to his life or dignity.

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25. The prayer for constitution of an independent Medical Board comprising specialists from Shifa International Hospital and Quaid-e-Azam International Hospital is also not capable of being granted as a matter of course. Constitution of a Medical Board is a matter to be determined where the existing medical record or competent medical opinion demonstrates a genuine necessity for an independent assessment. A prisoner cannot, merely by asserting dissatisfaction with the treatment being provided, compel the prison authorities or the Court to constitute a board of specialists of institutions selected by him. To hold otherwise would effectively permit every prisoner to bypass the medical mechanism established under the Prison Rules.

26. There is another important aspect of the matter. The petitioner is an under-trial prisoner in FIR No.854/2025 registered under Section 489-F of the Pakistan Penal Code, 1860. His custodial status has admittedly not been challenged in the present proceedings, nor has he sought his release from custody. Consequently, the question before this Court is confined to the legality of the decision concerning his medical treatment. The Court must, therefore, balance the petitioner's legitimate entitlement to necessary medical care with the statutory scheme governing custody and prison administration. The record does not disclose any circumstances warranting interference with the administrative decision under the extraordinary constitutional jurisdiction of this Court.

27. The petitioner's contention that the existence of security concerns cannot justify denial of medical treatment is correct as a general proposition, but it is of no assistance to him in the present circumstances. The respondents have not denied that a prisoner may, where medically necessary, be taken to an outside hospital. Indeed, Rule 197 itself provides such a mechanism. The dispute is whether the petitioner has established the medical necessity for the particular relief claimed by him. For the reasons discussed above, he has failed to do so.

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28. It bears repetition that this Court does not hold that the petitioner is disentitled to any future medical treatment outside the prison. If, at any subsequent stage, the competent Medical Officer or other authorized medical authority recommends that the petitioner requires specialized treatment, investigation, procedure or hospitalization which cannot conveniently be provided within the prison or an appropriate government hospital, the respondents shall consider and process such recommendation strictly in accordance with the Pakistan Prison Rules, 1978. The dismissal of the present petition, therefore, cannot be construed as authorizing the respondents to disregard any genuine future medical emergency or medically established requirement.

29. In view of the foregoing discussion, the petitioner has failed to establish that the respondents have violated Articles 4, 9 or 14 of the Constitution or any enforceable right by declining his request for transfer to a private hospital. He has also failed to demonstrate that the impugned Office Order dated 02.08.2026 suffers from any illegality, jurisdictional defect, mala fide, arbitrariness or violation of the applicable Prison Rules warranting interference by this Court in exercise of its constitutional jurisdiction.

30. In view of the foregoing, the petitioner may approach the concerned authorities in terms of Rule 197 of the Pakistan Prison Rules, 1978, who shall proceed with the matter strictly in accordance with law. It is, however, made clear that if the facilities to treat the petitioners' ailments are not available at any Government Hospital in Islamabad, the concerned authorities shall constitute a medical board and if so recommended by such medical board, the petitioner shall be treated at any private hospital where the treatment can adequately be provided to them.

31. Consequently, the instant writ petition No.4105 of 2026, being devoid of merit, is hereby **dismissed**. It is, however, clarified that the respondents shall continue to provide the petitioner with such

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medical examination, consultation, investigation and treatment as may be medically advised in accordance with the Pakistan Prison Rules, 1978. In the event that the competent medical authority, at any stage, determines that specialized treatment or hospitalization outside the prison is medically necessary and cannot conveniently be provided within the available government medical facilities, the respondents shall deal with such recommendation strictly in accordance with Rule 197 of the Pakistan Prison Rules, 1978. There shall be no order as to costs.

(MUHAMMAD ASIF)
JUDGE

/MALIK KAKAR/

APPROVED FOR REPORTING

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