

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA  
Constitutional Petition No. D-559 of 2025  
(Mst. Saba Khatoon vs SHO PS A- Section Thull & Others)

DATE	ORDER WITH SIGNATURE OF JUDGE
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**PRESENT:**  
*Mr. Justice Shamsuddin Abbasi,*  
*Mr. Justice Ali Haider 'Ada',*

1. For orders an office objections.
2. For hearing of main case.

Mr. Safdar Ali Ghouri, Advocate alongwith the Petitioner.  
Mr. Aftab Ahmed Bhutto, Asst. A.G., along with Insp. Raza Muhammad Khoso, SHO PS Karim Bux and ASI Mashooque Ali, Incharge C-Section, Thul.

**Date of hearing & order: 24.06.2025.**

**ORDER**  
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The petitioner filed the present petition seeking issuance of a *Rule Nisi* for the production of the alleged detainee, namely, Hafeezullah, who is stated to be the son of the petitioner. On the previous date of hearing, notices were issued to the respondents and in compliance thereof, today, Inspector Raza Muhammad Khoso, SHO Police Station Kareem Bux, self and on behalf of the SSP Jacobabad, one ASI Mashooque Ali, Incharge Police Station C-Section, Thull on behalf of SHO, filed their respective statements. In their joint stance, it has been stated that the alleged detainee is not in illegal custody, but has been lawfully arrested in connection with FIR No. 11 of 2025, registered on 30.05.2025, under Section 9(1),(3)(c) of the Control of Narcotic Substances Act, as contraband material was recovered from him. In view of the above, the purpose of the petition appears to have been served.

Learned counsel for the petitioner submits that the learned Magistrate having jurisdiction merely granted *Rahdari* remand instead of passing proper judicial remand, which renders the confinement of the alleged detainee unlawful and not in accordance with law.

On the other hand, learned Asst. A.G. submits that the purpose of the petition has been served, and if the petitioner has any further

grievance, he may avail the appropriate remedy available to him under the law.

Heard the arguments of the learned counsel for the parties and perused the material available on record.

The term *Habeas Corpus* refers to a legal writ that safeguards an individual's fundamental right to liberty by ensuring that any person under arrest is brought before a Court to determine the legality of his/their detention. It serves as a vital Constitutional mechanism to protect individuals from unlawful, arbitrary, or indefinite imprisonment by compelling the detaining authority to justify the grounds of such custody. The phrase "*Habeas Corpus*" is derived from Latin, meaning you shall have the body.

So, at the very outset, it appears that the purpose of this petition has been served. To the extent of its limited scope, as it sought the production of the alleged detainee, who has now been shown arrested in connection with a criminal case. As such, the alleged detainee whereabouts have been discovered, and he is no longer missing or held in undisclosed custody. The remaining grievance pertains to the remand order passed by the learned Magistrate, even in shape of *Rahdari Remand*. However, any challenge to the legality or propriety of such judicial action falls outside the scope of Habeas Corpus petition. The petitioner, if aggrieved by the Magistrate's action, has an adequate and alternate remedy available under the relevant procedural law. Therefore, such question cannot be adjudicated in this limited jurisdiction. Reliance is placed upon case of **Syed Masood Ali vs Mst. Feroza Begum and another, (PLD 2025 SC 339)** wherein it has been held by Honourable Apex Court that: "*When an alternative and efficacious remedy is available under ordinary legal framework, Constitutional jurisdiction cannot be invoked to bypass statutory mechanism in place. Constitutional Petition is not intended to substitute ordinary remedies provided under law.*"

In view of the above, the petition has served its purpose and, as such, has become infructuous. Accordingly, it is disposed of in the above terms.

*J U D G E*

*J U D G E*