

Order Sheet

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 2059 of 2025
[Sadam Hussain v. Province of Sindh & others]

Before :

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Riazat Ali Sahar

Petitioner : In person

Respondents : Through Mr. Sajjad Ahmed Chandio, Advocate
9 to 11

Mr. Siraj Ahmed Bijarani, A.P.G.

Mr. Muhammad Ismail Bhutto, Addl. A.G. along with DSP Bakhtiar Malik for SSP Kambar, Insp. Abrar Hussain SIO PS Daur Bandhi, SIP Abdul Ghafoor SHO Bandhi, DSP Daur and PDSP Shaheed Benazirabad.

Date of Hearing
& Decision: 11.12.2025

ORDER

ADNAN-UL-KARIM MEMON, J.- Through the captioned Constitutional Petition, the Petitioner has prayed as under:-

- a) That this Honourable court may be pleased to issue a writ of Habeas Corpus, calling upon the official Respondents 2 to 4 to produce the detenues Ms. Sumera and Ms. Zulekhan, before this Honourable Court on a fixed date and time.
- b) Direct the Respondents, particularly the official Respondents No. 2 to 4, to take immediate and concrete steps for the safe and immediate recovery of the detenues from the illegal custody of Respondents No. 9 to 11.
- c) Direct the official respondents 05 to 08 to conduct immediate raids and recover the abducted detainees, namely Mst. Sumera and Mst.Zulekhan, from the unlawful custody of private respondents' Nos. 09 to 11, and produce them before this Honourable Court.
- d) Direct the Senior Superintendent of Police (SSP) of District Shaheed Benazir Abad to personally supervise the fair investigation of FIR No. 102/2025 and ensure the swift arrest of the accused persons.
- e) Pass any other order(s) which this Honourable Court may deem fit and proper in the peculiar facts and circumstances of the present case.

2. It is the case of the Petitioner that the detainee, Mst. Sumera is his legally wedded wife and, at the time of her unlawful abduction, she was approximately nine months pregnant. The other detainee, Ms. Zulekhan, is his sister, who is medically fragile as she has undergone a kidney transplant and requires continuous medical care and medication. The Petitioner solemnized a free-will marriage with Mst.Sumera, which enraged her family members (the accused persons). Due to serious threats to

their lives from the accused persons, the Petitioner, along with his wife and sister, moved from their native town, Kamber, District Shahdadkot, to Bandhi, District Shaheed Benazir Abad. However, on 17-11-2025 at about 4:00 A.M., accused persons, namely, Niaz Solangi, Abdul Kareem Solangi, and Zulfiqar Solangi, along with others, allegedly armed with deadly weapons, forcibly abducted his wife and sister from Petitioner's residence. The Petitioner promptly approached Police Station Bandhi and lodged FIR No. 102/2025 under Sections 365-B, 496-A / 498, and 452 PPC. Despite the registration of FIR, the police have failed to recover the detainees.

3. The Petitioner, who is present along with his counsel, submits that both women face an imminent threat to their lives on the pretext of "Karo Kari" (honor killing). The continuous inaction and failure of police authorities amounts to violation of fundamental rights guaranteed under Articles 9, 14, 23, and 25 of the Constitution. The unlawful custody, confinement, and abduction of both women by private respondents is illegal, unconstitutional, and without lawful authority. The official respondents are duty-bound to recover and produce them before this Court, but having failed to do so, the Petitioner, finding no other adequate or alternate remedy, has filed the present Constitutional Petition.

4. Upon notice, SSP Shahdadkot constituted a Special Task Team, headed by DSP/SDPO Warah, with SHO PS Warah, SHO PS Gaji Khuhawar, In-charge/SHO PS Lalu Raunk, In-charge CIA Kamber, and In-charge Women Cell Kamber as members. The team was directed to trace and recover the alleged detainees and produce them before this Court. It is further stated that on 09.12.2025, he, along with members of Special Task Team and DSP Habib Rehman Lashari (SDPO Daur, District Shaheed Benazirabad), accompanied by SHO PS Bandhi and Investigating Officer of FIR No. 102/2025, as well as SHO PS Daur, conducted a raid at village Sadiq Machhi and other suspicious locations within the jurisdiction of PS Gaji Khuhawar for the recovery of alleged detainees, but they could not be found. Again, on 10.12.2025, the team conducted a raid at village Sadiq Machhi at the residences of respondents Nos. 9, 10, and 11, as well as at various suspicious locations within the jurisdiction of PS Gaji Khuhawar and surrounding areas, but the detainees were still not located. It is further stated that, owing to registration of FIR, the accused persons have obtained interim pre-arrest bail and have, therefore, been directed to appear in person before this Court.

5. The DIGP Shaheed Benazirabad, after calling for a report from SSP Shaheed Benazirabad, has submitted that on 17.11.2025 at 2300 hours, the complainant, Saddam Hussain, lodged FIR No. 102/2025 under Sections 365-B, 496-A, 498, and 452 PPC at PS Bandhi regarding the alleged abduction of his wife, Mst. Sumera, and his sister, Mst. Zulekhan, by Niaz s/o Rakhial Solangi and others. He stated that the FIR was registered without verification of truthfulness of the allegations, as Mst. Sumera had, in fact, been abducted earlier by the complainant himself from the

jurisdiction of PS Gaji Khuhawar, District Qambar Shahdadkot. The complainant thereafter lodged a false FIR to create pressure upon her parents i.e. his rivals, who had already lodged FIR No. 9/2025 under Sections 365-B, 148, 149 PPC read with Section 3 of TIP Act at PS Gaji Khuhawar against Saddam Hussain Solangi and others for the abduction of Mst. Sumera. He further states that the complainant, with the assistance of Inspector Muhammad Hashim Hakro, the then SHO PS Bandhi, succeeded in registering false FIR against his rivals. During investigation, the present SHO PS Bandhi and Investigating Officer, Inspector Abrar Hussain Rind, found no evidence whatsoever to support the allegations made in the FIR. It is additionally stated that the complainant, Saddam Hussain Solangi, is a habitual offender and is reasonably suspected of involvement in several heinous crimes.

6. Learned AAG and APG have prayed for dismissal of the petition on the ground that the petitioner's allegation of illegal detention is unfounded, as both parties are at daggers drawn and have been lodging cases against each other. They contend that the petitioner is attempting to exert pressure upon the opposing party through police.

7. In view of the above, and without entering into the disputed factual controversies between the parties, the official respondents are directed to make all possible efforts to trace and recover the alleged detainees, if found in any form of unlawful custody. Upon recovery, the detainees shall be produced before the concerned Magistrate, who shall record their statements in accordance with law. If any element of illegal detention surfaces, the Magistrate shall take appropriate action as mandated under the law. Conversely, if it is established that the petitioner has orchestrated a false narrative to misuse the process of law or to exert pressure upon the private respondents, strict legal action shall be initiated against him, as permissible under the relevant penal provisions. Such determination, however, is contingent upon the recovery and production of alleged detainees.

8. As regards the petitioner's alleged involvement in various heinous offences, the law shall take its own course, and the police shall remain at liberty to proceed strictly in accordance with law. However, no harassment shall be caused to either party, subject to all just exceptions as provided under the law.

9. This petition, along with all pending applications, stands disposed of in the above terms.

JUDGE

JUDGE