

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**  
C.P. No.S-1408 of 2016

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For orders on office objections.
2. For katcha peshi.

14.11.2016.

Mr. Bhagwan Das Bheel, Advocate for petitioner.

Mr. Allah Bachayo Soomro, Additional A.G a/w SIP Muhammad  
Sadique Bheel SHO P.S Mithi at Tharparkar.

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Today, Mr. Karamullah Memon, Advocate appears on behalf of respondents No.4 to 8, who are also present in Court as well as for Mst. Samina, who has embraced Islam and her former name was Sht. Sita @ Sheena, who has been mentioned as detenué No.1 and for whose recovery, instant petition is filed. The said alleged detenué No.1-Mst.Samina is present in person alongwith her husband Gulo S/o Hassan, the respondent No.4 in the present petition. The learned Counsel for respondents has filed statement, whereunder various documents have been filed including the order dated 09.09.2016 in C.P. No.S-1334/2016, which was preferred by the detenué No.1-Sht.Sita @ Sheena, that is, the above named Samina and her above named husband and the order was passed, *inter-alia*, wherein the detenué refused to meet her family and she has stated that she has contracted a marriage with present respondent No.4-Gulo out of her own freewill. All these facts have been concealed by the petitioner in the present petition. It is a very unfortunate trend that constitutional jurisdiction with regard to harassment and unlawful detention/confinement is misused like this. On a query, the learned Counsel for the petitioner apprises this Court that he was never informed by the petitioner about such facts. The above named Samina has further categorically refuted that she has taken the detenué No.2-Dileep, the alleged 05 years old son of Naibraj (petitioner) with her. The said

petitioner is a real brother of Mst. Samina. According to respondents' Counsel, there is no one by the name of Dileep in the family of petitioner and this fake name has been mentioned merely to create sensation in the matter.

Learned A.A.G has filed parawise comments on behalf of official respondents alongwith enquiry report, wherein the claim of present petitioner has been refuted about the kidnapping of a boy and girl. The enquiry report has been based on various statement recorded by DSP/SDPO, Sub-Division Mithi in compliance of the office order No.PB/322 dated 26.09.2016 issued by respondent No.2-SSP Tharparkar.

In these circumstances, this petition though should have been dismissed with a heavy cost, but taking a lenient view on the request of petitioner's Counsel, this petition is dismissed being devoid of merits. Conversely, the respondents' Counsel submits that till date they are living under a threat being extended from petitioner for various reasons including the religious one. Consequently, the police officials are directed to provide protection to the respondent No.4-Gulo and her wife Mst.Samina in accordance with law and atleast to accompany them today at their place of destination. Petitioner and his family members are also put to notice to desist from causing any harassment to the above named respondents, failing which contempt proceedings may be initiated against him.

**JUDGE**

Shahid