

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

Cr. Misc. Application No.S- 128 of 2017

DATE

ORDER WITH SIGNATURE OF JUDGE

11.09.2017.

Mr. Ahsan Gul Dahri Advocate for applicant
Mr. Imtiaz Ali Abbasi Advocate for private respondents
Mr. Anwer H. Ansari learned State Counsel a/w SHO
Saghir Ahmed Jhatial P.S.Jati & ASI Zulfiquar Jarwar of
P.S.Jati.

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Vide order dated 19.5.2017 the Rule-Nisi was issued for recovery and produce the alleged detainees namely Mst. Shahul d/o Muhammad Ayoub Mallah and minor baby Fahmida d/o Ashique Ali Mallah. Today SHO Saghir Ahmed Jhatial of P.S.Jati produced the alleged detainees before this court.

2- Alleged detainee Mst. Shahul submits that she is major and sui juris and she has valid Nikahnama with applicant Ashique Ali which is on record and at present she wants to go with applicant Ashique Ali along with her minor daughter namely Fahmida whereas learned counsel for private respondents submits that Mst. Shahul is already married with Aslam. This is disputed question of fact which can be resolved by the competent court of law. At present Mst. Shahul claims that she is married with Ashique Ali and she wants to go with her husband Ashique Ali who is present in court.

3- In view of the statement, Mst. Shahul is allowed to go with her husband Ashique Ali along with minor daughter Fahmida. As for as the case of Aslam s/o Bahadur is concerned he may agitate his claim before the competent court of law, if he so desired.

4- In view of above this Criminal Misc. Application is disposed of with directions to the official respondents to provide legal protection to the lives and property of detainee and her husband as per law.

JUDGE

A.Rasheed