

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

C. P No.D-3263 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For hearing of main case

06.02.2019.

Mr. Sheeraz Ahmed Bhatti, advocate for the petitioner

Mr. Allah Bachayo Soomro, Additional A.G

Ms. Rameshan Oad, APG a/w DSP Liaquat Ali Dars
[respondent No.4], Inspector Manzoor Ali, Inspector
Asadullah [respondent No.7] and Inspector Muhammad
Rahim

By means of this petition, the petitioner is seeking direction to respondents to recover the alleged detainees, who are 11 in number and have allegedly been detained by respondents No.4 to 8.

Learned A.A.G has filed comments of relevant respondents, who have denied the allegation of keeping the alleged detainees in wrongful confinement. However, their comments show that against alleged detainee No.9 namely Arsalan a case bearing crime No.33/2018 u/s 462-B, 427, 34 PPC is registered at PS Bukera Sharif and he has been duly arrested by the police.

During course of arguments, learned counsel for the petitioner has admitted that all the alleged detainee have surfaced. However, he contends that the case against alleged detainee No.9 is false and fabricated and has been registered by the police just to save their skin, which has been rebutted by learned A.A.G

It is pertinent to mention that this petition has been filed in the nature of habeas corpus and since all the detainees including Arsalan, who has been arrested in aforesaid crime, have surfaced, this petition having served its purpose has become infructuous. Learned counsel for the petitioner, however, has insisted that an action shall be taken against the police officials, who wrongfully confined the alleged detainees. Needless to say that in the

constitutional jurisdiction and while seized with a writ of habeas corpus, this court cannot enter into an exercise by deciding the factual dispute between the parties. The respondents have denied to have kept the alleged detainees in wrongful confinement and, prima facie, the petitioner has not offered any material to suspect the same. As all the detainees have surfaced, this petition having served its purpose has become infructuous and accordingly is disposed of alongwith pending application(s), if any. However, if the petitioner has any grievance against respondents No.4 to 8 and the same is supported by any material, she may approach the appropriate forum for initiating proceedings against them, if so advised.

Petition is disposed of in the above terms.

JUDGE

JUDGE

Sajjad Ali Jessar