

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA**

Constitutional Petition No. S- 221 of 2021.

Date of hearing

Order with signature of Judge

6.8.2021.

1. For orders on office objection.
2. For hearing of main case.

Mr. Habibullah G. Ghouri, Advocate for the petitioner alongwith petitioner.

Mr. Asif Ali Abdul Razak Soomro, for respondents No.5 to 9.

Mr. Muhammad Noonari, Deputy Prosecutor General a/w Tanveer Hussain Tunio, SSP, Shikarpur District, Qamaruddin Mahar (PDSP), Shikarpur, Abdul Wahid Buriro, DSP/Madeji and Tarique Hussain Lakhair, SHO, PS Rustam.

Primarily, this petition is filed by the petitioner to issue a writ of habeas Corpus directing the respondent/ police officials to produce his wife Mst. Afsana to enable him to take her to the matrimonial home. The learned counsel representing the private respondents argued with a vehemence that the allegations as put forward by the petitioner are false and fabricated. Per learned counsel, the parents have sworn such affidavits denying the allegation leveled by the petitioner. This stance of the private respondents is refuted by the learned counsel for the petitioner and reiterated his submission as made earlier noted vide orders dated 26.7.2021 and 2.8.2021 passed by this court. Per learned counsel, for the private respondents, this petition is ingeniously filed with an ulterior motive to abuse the process of habeas corpus, and the process of this court cannot be misused by unscrupulous persons. Be that as it may, I am only concerned with the life and liberty of the alleged detainee which needs to be secured at the first instance.

Today SSP, Shikarpur has filed a progress report, which is taken on record. For convenience sake, an excerpt of the report is reproduced as under:-

"2. That the undersigned has constituted a Special Joint Task Team for recovery of detainee Mst. Afsana w/o Abdul Waheed Panhwar (Petitioner) under the chairmanship of DSP, Abdul Wahid Buriro SDPO, Madeji and SHO, P.Ss Rustam, Khanpur, Rahimabad, and Napar Kot were cited as Member of the team and also directed them to discharge their all-out efforts and use modern gadgets and technical support for the recovery of detainee Mst.

Afsana vide this office order No.PD/5058-64 dated 02.8.2021 (Copy of such order is enclosed herewith for kind perusal).

3. That, on 04.08.2021, the chairman of the team along with members have proceeded to the petitioner's village Sajan Panhwar, where Petitioner Abdul Waheed Panhwar and Abdul Qadeer Panhwar met with them but they did not cooperate with the police party. After that chairman along with members of them conducted a raid upon the house of private respondent Ghulam Ali Hakro and others at village Muhammad Alam Abro/ Mehmood Panhwar and other various suspected places within the jurisdiction of PS Rustam and Kot Shahoo for the recovery of detainee Mst. Afsana but could not be recovered, made such entries in the daily diary Register of PSs Rustam & Kot Sahoo. (Copies of entries are enclosed herewith for kind perusal).

4. That, on 05.8.2021, the chairman of the team along with members conducted raids at various suspected places within the jurisdiction of P.S Rustam, Napar Kot for the recovery of detainee Mst. Afsana w/o Abdul Waheed Panhwar (Petitioner) from the custody of private respondents Ghulam Ali Kakro, 02. Taj Muhammad Panhwar, 03. Master Shahanawz Panhwar, 04. Noor Muhammad Panhwar, 05. Nazeer Panhwar but she was not available at their houses and no positive result achieved, made such entries at P.Ss Rustam and Napar Kot. (Copies of entries are enclosed herewith for kind perusal).

5. That, the petitioner Abdul Waheed Panhwar has not met/cooperated with police for recovery and presence of alleged detainee Mst. Afsana therefore, humbly requested before this Hon'ble High Court that petitioner Abdul Waheed Pnahwar may kindly be directed to cooperate with police for the recovery of detainee Mst. Afsan.

6. That, hectic efforts are being continued for the recovery of alleged detainee Mst. Afsan w/o Petitioner, the fruitful result will be achieved very soon".

The SSP, Shikarpur who is present in court was confronted with the legal position that primarily the life and liberty of the alleged detainee are involved in the matter, therefore, he has been given the task to recover and produce the alleged detainee either before this court or before the concerned learned Magistrate, for recording her statement. SSP, Shikarpur has ensured the safe recovery of alleged detainee Mst. Afsana and her production either before this Court or before the concerned Magistrate for recording her statement. This undertaking of SSP, Shikarpur is taken on record; and, the learned counsel for the petitioner is satisfied to that extent and requests for a date so that order of this court is to be complied with in its letter and spirit.

In view of the statement of SSP, Shikarpur, let this matter come up on 16.8.2021. In the meanwhile, SSP, Shikarpur is directed to ensure that no harm is caused, either to the petitioner or alleged detainee, at the hands of private respondents.

JUDGE

S Ashfaq