

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Cr. Misc. Appln. No. S – 314 of 2019

Date	Order with Signature of Hon'ble Judge
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For hearing of main case

(Notice issued)

13.09.2021

Applicant Abdul Sattar Jagirani present in person
Mr. Aftab Ahmed Shar, Additional PG for State

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By way of instant Criminal Miscellaneous Application, the applicant has prayed for recovery and production of his three children namely Baby Zulekhan, Noor Hassan, Muammad Hassan and Bibi Subhana, two daughters and two sons, alleged kept under wrongful confinement by the private respondents.

I have perused the record, which indicates that in compliance of the order dated 09.03.2020, the SHO Police Station 'B' Section Ghotki produced the private respondent No.6 / Mst. Zeenat along with the alleged minor detainees Noor Hassan and Muhammad Hassan and in presence of the applicant, both the detainees Noor Hassan and Muhammad Hassan along with the respondent No.6 refused to accompany the applicant. It would be appropriate to reproduce the relevant portion of the order as under;-

“Respondent No.6 / Mst. Zeenat present in Court assured that she will get the detainees admitted in the Government School and would not allow them either to beg or labour, being minors, whereas, the applicant states that he is ready to pay the expenses to the minors, whenever they got admitted in the School. Learned DPG for the State is directed to help the respondent No.6 for admission purpose of the detainees in the Government School.

In such circumstances, respondent No.6 is directed to execute a PR bond of Rs.500,000/- before the Additional Registrar of this Court today with further undertaking that she will get admitted both the minors in the Government School for the education and shall stay at Sukkur until the minors become major. The applicant is directed to provide education and other monthly expenses to both the minors. The respondent No.6 is directed that wherever she wants to live in Sukkur, he is bound to inform / provide the address to the applicant so that he may visit his minor sons and provide them expenses. The SSP Sukkur is directed to ensure that no sort of harassment is caused

to the respondent No.6 as well as the minors including the applicant in future. The matter is adjourned to 13.04.2020.”

It is apparent from the aforesaid order that the alleged detainees are not under wrongful confinement, but they being minors are under the custody of their mother respondent No.6 / Mst. Zeenat, who has appeared before this Court on 09.03.2020 and has stated that due to harassment of the police she has shifted to Hyderabad. As such no case for illegal detention of the minors is made-out. Accordingly, the instant Criminal Miscellaneous Application is disposed of. However, the applicant is at liberty to approach the competent Court of law for custody of the minors.

Judge

ARBROHI