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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C. P. No.D-1324 of 2016

DATE OF HEARING 02.12.2016.	ORDER WITH SIGNATURE OF JUDGE
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For Katcha Peshi.

Petitioner present in person.

By means of order dated 01.12.2016, we directed learned Sessions Judge, Kashmore at Kandhkot to appoint Civil Judge & Judicial Magistrate concerned as raid commissioner to visit the Police Station Karampur and in case the alleged detainees are found in illegal confinement, he shall release them on their personal bonds and direct the SHO to appear before this Court today viz. 02.12.2016 at 11.30 a.m.

In compliance of the above order, learned Civil Judge & Judicial Magistrate, Tangwani conducted the raid and found the detainees in illegal confinement and has submitted such report, which reads as under:

"In compliance of order dated passed in CP No:D-1324 of 2016 by Honourable High Court of Sindh, Circuit Court at Larkana in order to release on PR bond illegal detenues namely 1. Zarmar Khan, 2. Shah ji Gul and 3. Akhtar Shah confined at P.S Karampur and appear before Honourable High Court of Sindh, Circuit Court Larkana at 11.30 am.

Sir, I conducted raid as per instruction received from your honour's office through telephonic message for the detenue above named in the above captioned message.

Sir, I reached P.S at 05.25 pm at evening I first of all met with SHO and found roznamcha entries and F.I.R register. Thereafter went to see lockup. There I found three persons confined who on my enquiry pointed out their names as 1. Zarmar Khan, Shahji Gul and Akhtar Shah. Furthermore I found no any record available at concerned police station viz. F.I.R, roznamcha entries showing arrest, etc. Hence these persons named above were illegally confined and arrested without any cause which amounts to gross violation of law so also constitutionally granted right to liberty of life. I directed to SHO to make them release immediately and asked from SHO, why they are arrested but he did not advance any satisfactory answer in this subject. Thereafter I got detenue release on Personal bond to appear before Honourable High Court of Sindh, Circuit Court at Larkana at about 11.30 am today. SHO was directed to appear before same respected High Court of Sindh Circuit Court Larkana along



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with record at about 11.30 am without fail. Above order was passed accordingly. The entry was kept and written by myself. I left P S at about 05-45 pm after completing all legal formalities. (Such copy showing name of detainee CNIC No. Mobile No. and their signature taken on bond is hereby attached with raid report)."

Today the petitioner and SHO P.S Karampur have appeared. The Petitioner states that after the alleged detainees were released by the Civil Judge, and after his departure while they were having a cup of tea at a hotel in the said town, the SHO came over there and again took away the alleged detainees and this time he has detained them at some unknown place and is severely torturing them. The SHO has denied these allegations. He has filed a statement showing that the alleged detainees were arrested in Crime No.319/2016 registered at Police Station Fatehpur, Punjab for the offence under Sections 279, 322, 337G, PPC and has placed with the statement the mashirnama of their arrest. We have read this F.I.R, only the name of detainee Zarmar Khan is mentioned therein, but the petitioner has informed that he is on bail in that case.

This petition was filed yesterday showing that the detainees have been placed under illegal confinement since 27.11.2016, it is supported with affidavit sworn by the petitioner in the branch at 11.30 a.m., whereas the mashirnama of arrest of the alleged detainees produced today shows that it was prepared at 1.30 p.m. i.e. after 2 hours of filing of this petition. We have enquired from the said SHO as to why this document and the relevant entries were not shown to the learned Civil Judge at the time of his visit, he states that although he tried but the learned Civil Judge refused to consider it; and at the same time the SHO has tried to cast aspersions on the act of the Civil Judge who simply in compliance of the orders of this Court visited the police station and recovered the detainees. We are very clear in mind that firstly the SHO had no occasion to arrest the detainee, namely, Zarmar Khan in a case he is on bail, and secondly the memo of arrest of detainees has been prepared by the SHO only after the raid was conducted and the detainees were found in his illegal detention and the purpose of preparation of this document by SHO is to

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defend himself before this Court and justify the illegal detention of the detainees. Furthermore, he in total disobedience of the orders of this Court and in total disregard to the call of his duty as police officer retook these persons and detained them under illegal confinement at some unknown place. His act amounts to defeating the ends of justice and disobeying the orders of this Court. We, therefore, direct the SSP, Kashmore at Kandhkot to produce the detainees in Court on 05.12.2016 without fail and he should also be present.

While the above order was in the process of computer-typing, we were communicated information by Additional Registrar that DSP Mohammad Saifal Channa, SDPO, Tangwani was on his way to this Court alongwith the detainees. Said DSP appeared at about 4.00 p.m. alongwith the detainees, who have stated that they were illegally confined by the SHO P.S Karampur since 27.11.2016. In such circumstances, being satisfied with the report of Civil Judge, we direct the DSP Tangwani to immediately release the detainees and adjourn this matter to 05.12.2016, when DSP Tangwani is required to submit a comprehensive report.