

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Const. Petition No. S- S- 06 of 2024
(Naveed Ahmed v. SHO, PS Saddar Jacobabad & Ors)

DATE	ORDER WITH SIGNATURE OF JUDGE
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For Direction

1. For orders on office objection 'A'
2. For Hearing of of main case.

Date of hearing and Order: 10.03.2025

Nemo for the petitioner.

Nemo for the private respondent.

Mr. Abdul Waris K. Bhutto, Assistant A.G for the State.

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ORDER

Adnan-ul-Karim Memon, J: Petitioner Naveed Ahmed Golo has filed this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 with the narration that he had married one Mst. Shabnam and out of the said wedlock, she had given birth to a baby, namely Bakhtawar, aged about 12 years. However, due to a matrimonial dispute, he divorced his wife about 2½ years back, therefore, she left his house along with baby Bakhtawar, the alleged detainee. About one year back, the wife of the petitioner as well as the father-in-law of the petitioner had died, but the minor is in the custody of respondent No.3, who is a stranger, but threatened the petitioner to face the dire consequences if he, continued to demand the hand of his daughter, the detainee. The petitioner has submitted that he approached respondents No.1 & 2 but they did not pay any heed to resolve his grievance which constrained him to maintain this petition.

2. In view of the above, this court vide order dated 04.01.2025 issued notices to the respondents as well as Addl. AG and on 18.01.2024 pursuant to the notice respondent No.3 appeared along with Baby Bakhtawar (alleged detainee) who on query submitted that she did not know the applicant Naveed Ahmed and that she has been living with respondent No.4 her stepfather who married her mother. If this is the position of the case, coupled with the consent of the baby Bakhtawar, who can form an independent opinion, therefore, she cannot be forced to live with the petitioner against her will and wish, as her welfare is involved. However, respondent No.3 is directed to take care of baby Bakhtawar and ensure her welfare, being, without fail, and in case it is found that he is not taking care of baby Bakhtawar in all respects, he will be taken to task. The SSP concerned is directed

to take a bond from respondent No. 3 to the effect that no bodily harm shall be caused to the baby Bakhtawar.

3. The learned Assistant AG has assisted this Court with narration that this petition can be disposed of in terms of the statement of Baby Bakhtawar aged about 12 years who was produced before this Court and recorded her consent to live with respondent No.4. Such statement has already been recorded vide order dated 18.01.2024 therefore, this Court is left with no option but to dispose of this *lis* leaving the petitioner to approach learned Guardian & Wards Court for custody of his daughter, if any, which shall be ascertained by Guardian & Wards Court who after proper verification and identification by calling baby Bakhtawar in Court decide the same under the law. So far as the detention is concerned, she is no more in illegal detention as portrayed by the petitioner, as she appeared before this Court and recorded her consent, as such the purpose of filing this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 read with Section 491, Cr.P.C motion is over and cannot be stretched furthermore.

4. The petition stands disposed of in the above terms.

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