

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Const. Petition No. S- 431 of 2024
(Mst. Shahar Bano & another v. SHO, PS, Waris Dino Machi & Ors)

DATE	ORDER WITH SIGNATURE OF JUDGE
	<u>For Non Prosecution</u>

Date of hearing and Order: 10.03.2025

Mr. Faiz Muhammad Larik, Advocate for the petitioner.
Mr. Abdul Waris K. Bhutto, Asstt: AG for the State.

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ORDER

Adnan-ul-Karim Memon, J:- Petitioner Mst. Shahar Bano has contracted an un-ceremonial marriage with petitioner No.2 Nadeem Ali Junejo in Larkana town, their Nikah has been performed and presently they are residing in village Kamal Khan Chandio, Taluka Ratodero District Larkana; however, the official respondents are harassing them at the behest of private respondents No. 5 and 6, who happen to be paternal uncle and brother respectively of the petitioner No.1. Photo copies of Nikahnama and residence certificate have been placed on record. This Court issued notice to the respondents to make an appearance vide order dated 06.11.2024, however, none has bothered to put in an appearance to defend the case. Therefore, this Court is left with no option but to hear learned A.A.G.

2. Learned A.A.G. present in Court seeks disposal thereof with the narration that no harassment shall be caused to the petitioners by the police officials. The petitioner's counsel has no objection. The suggestion seems to be reasonable and acceded to.

3. This Court is of the tentative view that this is a harassment case, emphasizing that "harassment" encompasses a broad range of harmful actions. The court stressed the police department's responsibility, particularly the Senior Superintendent of Police (SSP), to address such issues. While the petitioner has a fundamental right to protection from both police and private harassment, this court clarified that the police retain full authority to act legally if either party commits a criminal offense.

4. The terms "harass," "injure," and "injury" carry wide-ranging meanings in both common usage and legal settings. While related, "harass" is uniquely focused on mental and emotional distress. Its synonyms – weary, perplex, distress, tease,

vex, molest, trouble, and disturb—emphasize this aspect. "Harassment" encompasses torment and vexation, mirroring "torture," which includes mental and psychological abuse. Cruel, inhuman, and degrading treatment, even in police custody, can inflict severe psychological pressure amounting to torture. However, it is crucial to remember that individuals must also abide by the law to ensure the protection of others, including their family members.

5. Article 4 of the Constitution guarantees everyone the right to be treated according to the law, which includes fairness and the elimination of any factors that obstruct legal processes. To uphold this right, this court directs the police to investigate the issue at their end.

6. Higher courts have consistently condemned police harassment. Pakistan, as an Islamic state, must uphold high ethical standards. The Constitution protects citizens' honor and dignity. This court stressed that the misconduct of one family member does not justify subjecting others to dishonor, disrespect, and harassment. Such police actions violate the law, legal ethics, and human rights. Violations of this fundamental right constitute harassment. All executive and judicial officials must operate within the bounds of the law. Article 4 of the Constitution safeguards the right to lawful treatment, which must be rigorously protected against any infringement.

7. In view of such state of affairs this Court is left with no option but to direct the SSP concerned to take a bond from the private respondents No.5 and 6 to the tune of Rs.500,000 (Five hundred thousand) each that no bodily harm shall be caused to the petitioners. Such bond shall be kept at the Police Station concerned. No bottleneck shall be created by petitioner No. 2, he is prohibited from preventing or hindering petitioner No.1 from meeting her parents if she wishes to do so.

8. This petition stands disposed of in the above terms.