

ORDER SHEET

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

Cr. Misc. Appln. No. S- 72 of 2014.

Date Order with signature of judge.

1. For orders on office objection as flag A.
2. For Katcha Peshi.

07.04.2014.

Mr. Noor Mohammad Soomro, advocate for the applicant a/w applicant.

Mrs. Seema Imtiaz, A.P.G. a/w respondents No.1 and 2 a/w alleged detainee Mst.Farzana.

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Mr. Mohammad Pannah Channa has filed his power on behalf of respondent Abdul Hakeem whereas respondents NO.1 and 2 have filed their statements: taken on record.

Through instant petition, the petitioner has prayed as under:

- a) To issue Rule Nisi for production of detainee, namely Mst.Farzana (wife and son of applicant), from illegal custody of respondent No.4 to 7 through respondent No.1 and 2, directing them to produce her before this Hon'ble Court and after recording her statement, her custody may be handed over to applicant.
- b) This Hon'ble Court may also be pleased to direct respondent No.3 to ensure recovery of detainee and her production before this honourable Court through respondents No.1 and 2.
- c) To award costs of application.
- d) Any other relief which this Hon'ble Court deems fit and proper.

Respondent No.2 has contended that detainee Mst.Farzana appeared at Police Station where her statement was recorded wherein she contended that she will be killed on the pretext of 'karo kari' and thus, she was taken in safe custody and has been produced before this Court. Detenue Mst.Farzana is

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present in Court, on query, categorically contends that she is legally wedded wife of applicant, she was illegally detained by private respondents and she intends to join the applicant (her husband).

Learned counsel for private respondents contends that she is in pressure of police therefore, her statement is under compulsion. Since detainee Mst.Farzana, apparently being sui juris, has categorically contended that she has contacted marriage with applicant without any coercion. Her parents are enraged and bent upon to implicate her husband in false cases and she has apprehension that she might be killed on the pretext of 'karo kari'.

In view of above, application is allowed. Detainee Mst.Farzana is set at liberty; therefore, she may join applicant. Official respondents are hereby directed that they shall provide protection to the applicant and Mst.Farzana and ensure that no harm is caused to them.

The application stands disposed of in the above terms.


JUDGE