

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Const. Petition No.S-141 of 2025

Date	Order with signature of Judge
	1. For orders on office objection at flag `A` 2. For hearing of main case

27-06-2025.

Mr. Yassa Ali Mahar, Advocate for the Petitioner
Mr. Bilal Ahmed Kamboh, Advocate for Respondents No.6 & 7
Mr. Ali Raza Baloch, Additional Advocate General
Syed Sardar Ali Shah Rizvi, Additional Prosecutor General
alongwith SIP/ Investigation Officer, Zeenat Gujjar
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The Investigating Officer has placed on record a copy of the order passed by Honourable Division Bench of this Court at the Principal Seat, along with the statement of the alleged abductee, Mst. Areeba. As per the said order, the matter was disposed of with a direction to the SHO, Police Station New Pind, Sukkur, to proceed strictly in accordance with law and submit a report. It is further noted that SIP Zeenat Gujjar, the Investigating Officer, had appeared before the Hon'ble Court and stated that a final report under Section 173, Cr.P.C., would be submitted before the concerned Magistrate.

Today, the Investigating Officer is present and submits that the matter is still under investigation and in order to properly ascertain the facts, further examination is required. She undertakes to submit the final report under Section 173, Cr.P.C., before the Magistrate within one week.

Learned Additional Advocate General and Learned Additional Prosecutor General submit that, since the matter is under investigation by the Investigation Branch, it is within their exclusive domain to form an opinion based on the material collected during the investigation. At this stage, no interference can be made in the investigation process. They further submit that the writ of habeas corpus, to the extent, it was invoked, has already served its purpose.

Learned counsel for the petitioner also submits that, in light of the forthcoming investigation report, appropriate legal steps will be taken as may be available under the law.

The writ of *habeas corpus*, originating from the Latin maxim "*habeas corpus*", which literally means "you shall have the body," is a fundamental safeguard enshrined in Constitutional and Common Law Jurisprudence. Its primary purpose is to provide a swift and effective remedy for any person who is alleged to be unlawfully detained or confined by any individual, authority, or functionary. The writ commands the custodian or detaining authority to produce the detained person before the Court, thereby allowing the court to examine the legality of the detention.

In the instant matter, the writ was invoked to secure the presence of the alleged detainee, Mst. Areeba, before the Judicial Forum to ascertain her status and welfare. It is significant to note that the primary objective of the writ to prevent illegal detention and to safeguard personal liberty has been achieved as Mst. Areeba has appeared before Honourable Division Bench of this Court at the Principal Seat and her statement was also recorded by the investigation Officer. Since the purpose of the writ is to ensure that no person is held unlawfully and the appearance of Mst. Areeba before the competent authority effectively satisfies this requirement. Consequently, there is no longer any justification for the continuation of the writ of habeas corpus in this case. Consequently, the writ of habeas corpus has served its intended purpose in the present matter and any further issuance or extension of the writ is unwarranted. The matter now requires to be dealt with through the regular course of investigation in accordance with law.

Needless to say, the Investigating Officer is duty-bound to carry out the investigation in a fair, reasonable, and just manner, consistent with the principles of natural justice and the mandate of Section 24-A of the General Clauses Act, 1897. This provision explicitly requires every authority and officer exercising statutory powers to act within the limits of fairness and reasonableness, ensuring that no arbitrary or unjust action is taken during the course of their official duties. Accordingly, this petition stands disposed of in the terms set out above.

JUDGE