

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No.D-1795 of 2025

[Ghulam Sarwar v. Federation of Pakistan & others]

Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Riazat Ali Sahar

Petitioner: Ghulam Sarwar through Mr. Aroon Kumar, advocate.

Respondents: Through M/s. Muhammad Ismail Bhutto, Additional Advocate General Sindh and Shahid Ahmed Shaikh, A.P.G. Sindh along with DSP Miskeen Ahmed DSP Investigation Badin and SIP Faheem Hussain DIG Office, Hyderabad.

Date of hearing: 25.11.2025.

Date of decision: 25.11.2025.

J U D G M E N T

RIAZAT ALI SAHAR, J: - Through instant petition, the petitioner has prayed with the following reliefs:-

- A). Direct the SSP Tando Allahyar to produce the detainees, Ghulam Shabbir, Parkash Meghwar, before this Honourable Court and after recording their statements this Honourable Court may be pleased to set them at liberty.
- B). Direct the Respondent No.03 to 08 to take conduct a departmental inquiry into the matter and may initiate action as per law against the illegal, shameful and unlawful act of respondents No.03 to 08.
- C). Restrain the respondent no.07 SSP Badin from causing any harassment to the petitioner and his community at behest of the local political and feudal lords and should act in accordance with rules, laws of the land.
- D). Any other relief which this Honourable Court seems fit, just and proper in favour of the petitioner.

2. The case of the petitioner is that on 14.09.2025, while the petitioner along with his friends had gone to attend the marriage ceremony of their friend and as they were returning to their village at about 2100 hours, upon reaching Tando Fazal Road near Hyderabad, two police mobiles accompanied by a large

contingent of police officials and five black Vigo vehicles carrying around 15/20 persons in civil dress stopped them. It is alleged that these officials forcibly abducted Ghulam Shabbir, serving as a Clerk in the Excise Police Department, and Parkash Meghwar, a student aged about 15/16 years. The petitioner approached the concerned Police Station for lodging an FIR, but the same was not registered. Subsequently, the petitioner, along with his relatives and friends, protested in front of the Press Club, Shaheed Fazal Rahoo Chowk, Golarchi, but no action was taken. Hence, this petition has been filed.

3. It was reported by the police officials that the alleged detainee Ghulam Shabbir as per police record is absconding in crime No.12/2025 under sections 4/5 of the Explosive Substances Act, 1908 of PS CTD Hyderabad. However, Deputy Superintendent of Police CTD Hyderabad filed comments wherein denied the allegations of the petitioner and stated that alleged detainee Ghulam Shabbir was arrested on 19.10.2025 in FIR No.12/2025 under section 4/5 Explosive Act 1908, 6/7 ATA 1997, 34 PPC while alleged detainee Parkash Meghwar was arrested on 05.11.2025 in FIRs No.12/2025 under section 4/5 Explosive Act 1908, 6/7 ATA 1997, 34 PPC, 15/2020 under sections 11-F (6), 11-N, 11-W, 21 (1) ATA 1997, 34 PPC, 18/2025 under section 11-F (6), 11-N, 11-W, 21 (1) ATA 1997, 34 PPC, 19/2025 under sections 4/5 Explosive Act 1908, 6/7 ATA, 1997 and 20/2025 under section 23 (I) A SAA.

4. Learned counsel for the petitioner contended that the alleged detainees were picked up by the forces and falsely involved in the cases otherwise they are innocent having no nexus or connection with any illegal activity.

5. On the other hand, learned A.A.G. Sindh and A.P.G. Sindh have contended that since the alleged detainees have been surfaced, who are involved in the criminal cases; hence, instant petition has become infructuous.

6. Heard learned counsel for the petitioner, learned AAG and learned A.P.G. Sindh as well as perused the record.

7. From the perusal of the material placed before this Court, it appears that both alleged detainees have now surfaced and are presently in lawful custody in connection with the criminal

cases registered against them as detailed in the comments filed by the CTD authorities. Since the alleged disappearance or unlawful detention, which formed the very basis of the present petition, no longer survives, the relief sought through this constitutional jurisdiction has been rendered infructuous. The question of their innocence or alleged false implication cannot be adjudicated in these proceedings and must be raised before the competent trial Courts, where the detainees shall be at liberty to agitate all pleas available to them under the law, including the challenge to the legality of their arrest, the veracity of the prosecution case and any alleged mala fides.

8. In the circumstances and as no further action is required by this Court in the present petition, the same stands **disposed of** as having become infructuous, with the observation that the detainees may avail and pursue their appropriate remedies before the relevant forums in accordance with law.

JUDGE

JUDGE