

JUDGMENT SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

C.P. No.D-1293 of 2020
[Sartaj Noohani v. Federation of Pakistan & others]

DATE	ORDER WITH SIGNATURE OF JUDGE
	Before: <i>JUSTICE ADNAN-UL-KARIM MEMON</i> <i>JUSTICE RIAZAT ALI SAHAR</i>

18.11.2025

Mr. Muhammad Ismail Bhutto, Additional Advocate General Sindh along with Tarique Razaue on behalf of I.G.P. Sindh, Farooq Ahmed Bijarani Senior Superintendent of Police, Thatta and Wajid Ali Thahim DSP Jherruck, District Thatta.

Mr. Ghulam Abbas Sangi Attorney General for Pakistan places on record Notification dated 22.10.2024 in respect of Commission of Inquiry on Enforced Disappearances, same is taken on record.

Mr. Ayatullah Khuwaja advocate representing Farooq Ahmed Bijarani, SSP Thatta.

JUDGMENT

RIAZAT ALI SAHAR, J: - Through this Constitutional Petition, the petitioner, Sartaj Noohani, seeks the recovery of his missing brother, Sawrich s/o Sahib Khan, aged about 24 years. According to the petitioner, the missing person was a student of the University of Sindh and was allegedly arrested/abducted on 09.11.2020 by the police of Jamshoro, accompanied by a contingent of law enforcement personnel who arrived at the petitioner’s residence in two Vigo vehicles and two police mobiles. In his petition, the petitioner has further stated that the said missing person had previously been apprehended by the police and law enforcement agencies but was released thereafter; however, since the incident dated 09.11.2020, he has once again gone missing.

2. After issuance of notices, high-rank police offices are attending the Court and had filing multiple reports in compliance of the Court directions. Pursuant to the order dated 28.10.2025, a compliance report has been submitted on behalf of the Inspector

General of Police, Sindh, Karachi. It is stated therein that a Committee has been constituted comprising (i) DIGP Hyderabad as Chairman and (ii) SSP Thatta, (iii) SSP Jamshoro and (iv) SSP Hyderabad as Members. The Committee has been tasked to ensure strict compliance of the court's directions and to make all possible, coordinated and concerted efforts for the recovery of the missing person, Sarwaich Nohani s/o Sahib Khan and to secure his production before this Court. Moreover, an officer of SP rank from the Counter Terrorism Department (CTD) shall join and assist the Committee in the investigation and efforts regarding the recovery of the missing person.

3. The report further states that the I.G.P. Sindh is personally monitoring the matter through the concerned Range Officer and progress reports are being regularly obtained. Surveillance, intelligence coordination and inter-district liaison are said to be underway to ensure meaningful compliance in letter and spirit. It is also mentioned that departmental proceedings have been initiated against the delinquent officers in compliance with the previous orders and that the JIT constituted in the matter has categorized the case as one of Enforced Disappearance.

4. A separate detailed report has been submitted by the Senior Superintendent of Police, Thatta, stating that he, along with the Investigating Officer DSP/SDPO Jherruck, has made serious and continuous efforts for tracing and recovering the missing person. Despite such efforts, the missing person has not yet been recovered. The SSP Thatta assures continued compliance and commitment to all administrative and investigative measures. The Senior Superintendent of Police, Thatta, and the Investigating Officer DSP/SDPO Jherruck present in person pray for the order regarding initiation of departmental proceedings against them to be vacated along with a request for further time to comply with the Court's order.

5. In view of the response submitted by the SSP Thatta, the efforts of SSP Thatta and DSP Jherruck are found satisfactory,

as such, the order dated 28.10.2025, to the extent of initiation of departmental disciplinary proceedings, is hereby vacated. No disciplinary proceeding against both officers is called for. However, the I.G.P. Sindh is strictly directed to supervise the aforementioned Committee and ensure strict compliance of the court's directions for the recovery of the missing person, Sarwaich Nohani s/o Sahib Khan and to secure his production before this Court as and when he is traced/recovered and the matter is referred to Provincial Task Force (PTF), ensuring recovery of missing person without fail as, as per Statutory Notification S.R.O. 1738(I)/2024, dated 22.10.2024, the Federal Government has reiterated that a Commission of Inquiry on Enforced Disappearances, earlier constituted vide Notification S.R.O. 149(I)/2011 dated 01.03.2011, shall enter into a collective rehabilitation regime for all unresolved or untraced cases registered before the Commission. Under this regime, where the Commission, upon completion of its investigation, concludes that the whereabouts of a registered person have remained unknown for over five years, or the case otherwise remains unresolved/untraceable, it may refer the matter to the Ministry of Interior, through a Special Committee, for taking necessary measures to provide a lump-sum support package to the aggrieved family members and to recommend execution of the required instruments for settlement of such cases. The notification further stipulates that, in the event of any violation of the agreement by a family member of the missing person, the State shall retain the right to take action against the concerned individual under the existing criminal laws. It is also expressly provided that if, at any stage, the missing person returns alive, the support package extended to the family or legal heirs shall not be recoverable by the State. The Special Committee is mandated to finalize its recommendations and forward eligible cases to the Ministry of Interior for payment, strictly within the parameters prescribed in the said notification.

6. In view of the foregoing discussion and the directions contained in this judgment and keeping in view the efforts being

taken by the respondents for early recovery of missing person. However, they are directed to recover the missing person positively and submit report to this Court accordingly without fail. The instant petition stands **disposed of** in the above terms.

7. Let a copy of this order be communicated forthwith to the Secretary, Ministry of Interior, Government of Pakistan, the Inspector General of Police, Sindh and all concerned quarters for immediate and strict compliance.

JUDGE

JUDGE

Abdullah Channa/PS