

ORDER SHEET
IN THE HIGH COURT OF SINDHCIRCUIT COU RT MIRPURKHAS
Constitutional Petition No.S-153 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. <i>For order on office objection.</i> 2. <i>For hearing of main case.</i>

ORDER
30.07.2025.

Mr. Yasir Nazeer Shaikh, Advocate for the Petitioner alongwith Petitioner, Mst Shahnaz.

Mr. Neel Parkash Deputy Prosecutor General, Mr. Ghulam Abbas Dalwani, Deputy Prosecutor General, alongwith Zulfiqar Ali DSP Shujabad, Inspector Abdul Razaque SHO PS Taluka Mirpurkhas and SIP Zubair Investigation Officer.

In compliance with the order dated 28.07.2025, Mst. Hajra (alleged detainee) is produced by the SHO, Police Station Taluka, Mirpurkhas. DSP Shujabad, Zulfiqar Ali, is also present. SIP Zubair Ahmed, the Investigating Officer of FIR No. 40/2025, registered by Imtiaz Hussain (husband of Mst. Hajra), is in attendance as well. Additionally, one lady namely Mst. Allah Bachai, bearing CNIC No. 44101-9344840-0, has voluntarily appeared along with Mst. Hajra (alleged detainee).

The crux of the petition is that Mst. Hajra (alleged detainee) is the daughter of the petitioner, who filed instant petition for a writ of Habeas Corpus seeking her recovery from the alleged illegal confinement of Umair and Irfan, cited as Respondents No. 4 and 5. Pursuant to the Court’s direction, the SHO has produced alleged detainee Mst Hajra today. It is pertinent to mention that Mst. Hajra is also shown as an abductee in FIR No. 40 of 2025, registered at the instance of her husband, Imtiaz Hussain.

During the proceedings, Mst. Allah Bachai, wife of Muhammad Ameen, who voluntarily appeared before this Court, submits that after Mst. Hajra left the house of her mother (the petitioner), she has been residing with her due to threats to her life and liberty. Upon query by this Court regarding the nature of their relationship, it was stated by both Mst. Hajra and Mst. Allah Bachai that they are not closely related but merely acquainted. Mst. Hajra, contends that she left her home due to apprehension for her life at the hands of her husband, Imtiaz Hussain. She also states that her mother, the petitioner, supports her husband Imtiaz Hussain, hence she could not seek shelter even at her parental home. She further submits that she has instituted a Family Suit for dissolution of marriage by way of Khula, which is pending adjudication before the learned

Family Judge-I, Digri, and is fixed for hearing on 06.08.2025. She has also produced an application seeking protection along with copy of the summon in Family Suit No. 59/2025. She has expressed her intention to contract marriage with a person of her own free will and choice after obtaining a decree of Khula, and is presently awaiting the outcome of her pending Family Suit.

The concerned DSP submits that approximately 20 to 30 individuals, in the company of Mst. Allah Bachai, are present outside the Court premises, apparently awaiting the outcome of these proceedings. He expressed his serious concern regarding the circumstances under which Mst. Hajra has been residing with an unrelated woman, especially in a house where male members are also residing. He contends that the safety and security of Mst. Hajra cannot be ensured at the residence of Mst. Allah Bachai, because she is neither a relative nor there are any arrangements for Mst. Hajra's safe custody. He emphasized that, in such a scenario, the dignity and honour of Mst. Hajra also become a matter of serious concern.

In such a scenario, where Mst. Hajra has expressed grave apprehension for her life and liberty at the hands of her husband, she has also alleged that her mother, the petitioner, is supportive of her husband. She further contended that if she is compelled to reside with her mother, there is a strong likelihood that her husband, Imtiaz Hussain, may retaliate against her due to her act of instituting the Family Suit. In view of the circumstances, Mst. Hajra is ordered to be sent to Darul Aman, Hyderabad, for her safety and protection, until the resolution of the pending issues. Thereafter, she shall be at liberty to move an appropriate application before the Court of competent jurisdiction for her release from Darul Aman, either to reside with her mother/at her parental home or to live with whom she has a recognized legal relationship, subject to the outcome of the Family Suit and after the determination of her legal status.

The meeting of Mst. Shahnaz (the petitioner) with her daughter, Mst. Hajra (alleged detainee) at Darul Aman, Hyderabad, shall be subjected to and conducted in accordance with the Standard Operating Procedures (SOPs), policy, and rules framed and enforced.

If, deemed necessary, the Head/Incharge of Darul Aman, Hyderabad, may make a request to the SSP Hyderabad as well as the SSP Mirpurkhas for security arrangements to ensure safe movement of Mst. Hajra from Darul Aman to the concerned Courts. Upon such request, the respective SSP(s) shall be under an obligation to provide adequate protection in accordance with law.

Needless to mention that, the Investigating Officer of Crime No. 40/2025 shall be at liberty to approach Darul Aman, Hyderabad, or any other relevant place for the purpose of conducting investigation, including recording the statement/version of Mst. Hajra or undertaking any lawful measure necessary for the investigation. The Investigating Officer shall carry out the investigation transparently, without exerting any coercion or influence, and shall be fully competent to collect evidence and submit his findings in accordance with law, as contemplated under the relevant legal provisions.

The learned Family Court-I, Digri, where Family Suit No. 59 of 2025 filed by Mst. Hajra is pending, is directed to conclude the trial within a period of thirty (30) days from the receipt of this order. The Family Court shall ensure adherence to the mandate of expeditious proceedings, as envisaged under the relevant family laws, providing for a speedy trial.

The SHO, Police Station Taluka, Mirpurkhas, is directed to hand over the custody of Mst. Hajra to the Head/Incharge of Darul Aman, Hyderabad. The DSP and SHO concerned shall ensure foolproof security arrangements for the safe transportation of Mst. Hajra to Darul Aman, Hyderabad.

The Office is directed to communicate a copy of this order to the concerned Family Court, SSP Hyderabad, SSP Mirpurkhas, and the Head/Incharge of Darul Aman, Hyderabad, for information and necessary compliance. The Office is further directed to provide a copy of this order to the Additional Prosecutor General, Sindh, Mirpurkhas, for correspondence and further compliance.

In view of the above observations, the instant petition stands disposed of accordingly.

JUDGE

Adnan Ashraf Nizamani