

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, MIRPURKHAS**
Criminal Misc. Application No. S-190 of 2026

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

14.07.2026

Mr. Aneel Kumar Rathore, advocate for the Applicant a/w Applicant.

Mr. Ghulam Abbas Dalwani, D.P.G along with D.S.P Azhar Samoon SDPO Umerkot city and SIP/SHO Noor Muhammad Nohani SHO, P.S, Umerkot city.

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1. Mr. Mian Bux Khoso advocate files Vakalatnama on behalf of the private Respondent No.4, same is taken on record.

2. In compliance with this Court's order dated 30.06.2026, the alleged detainee, Sht. Jai Mala, has been produced before this Court and has made her statement freely, voluntarily, and without any indication of duress or external pressure. She avers that she contracted marriage with the applicant, Manaish Kumar, but submits that such union was procured through deliberate and calculated deception, inasmuch as the applicant, prior to the solemnization of marriage, withheld material disclosure of his subsisting matrimonial bond with one Aneela, from which wedlock two sons were born. She further states that she cohabited with the applicant for a period of seven days, and upon acquiring knowledge of his prior marriage, she voluntarily severed all ties with him and, of her own free will and volition, has since been residing with her parents. She categorically and unequivocally denies any illegal confinement at the hands of any person, including her father, Ghansham, and affirms that she has instituted a suit for judicial separation before the learned Family Judge, Hyderabad, which proceedings remain sub-judice. She has, in clear, cogent, and unambiguous terms, expressed her considered intention to reside with her parents and has prayed that permission be accorded to her in this regard.

3. A perusal of the record further reveals that an application under Section 491, Cr.P.C, previously filed by the applicant, was dismissed by the learned Additional Sessions Judge-I, Umerkot, upon due consideration of the material placed before that Court by the mother of the alleged detainee, a circumstance which lends further credence to the detainee's present statement and militates against the applicant's version. It is a settled and inviolable principle of constitutional jurisprudence that the liberty of a citizen, guaranteed under Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973, is sacrosanct and admits of no derogation save through due process of law. No court can, consistent with this constitutional guarantee, compel a person of sound mind and majority to reside with, or return to, any individual against her declared wish, absent any lawful order to the contrary. The alleged detainee, being sui juris and having articulated her free will in unequivocal terms before this Court, cannot be constrained to remain in a relationship founded upon concealment and misrepresentation, nor can she be denied the fundamental right to determine her own place of residence.

4. Having regard to the totality of facts and circumstances delineated above, and upon due appreciation of the voluntary and consistent statement made by the alleged detainee, this Court is satisfied that no case of illegal or unlawful detention, as alleged by the applicant, is made out. The alleged detainee has, in clear and unambiguous terms, expressed her free and considered will to reside with her parents, and this Court finds no justification whatsoever to disregard that expressed wish. Accordingly, she is set at liberty forthwith, with liberty to pursue her remedies in the pending proceedings before the learned Family Judge, Hyderabad. The instant Criminal Miscellaneous Application stands disposed of in the above terms, along with pending applications, if any.

JUDGE

“Chander Kumar”