

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Miscellaneous Application No.S- 620 of 2024

Crl. Miscellaneous Application No.S- 232 of 2026

Crl. Miscellaneous Application No.S- 233 of 2026

Applicant : Ghulam Mustafa S/o Aayo Khan Bullo
(in all matters) through Mr. Ateeq-ur-Rehman Soomro, Advocate.

Official Respondents: through Mr. Muhammad Raza Katohar, Deputy
Prosecutor General a/w Shafi Muhammad Khaskheli,
PDSP (Legal), Sukkur and SIP Aijaz Ahmed Dharejo,
SHO Police Station, Dadloi Sukkur.

Nemo for private respondents.

Date of hearing : 03.08.2026

Date of order : 03.08.2026

ORDER

TASNEEM SULTANA, J:- Through this criminal miscellaneous application under Section 561-A, Cr.P.C., the applicant has called in question the order dated 16.10.2024 passed by the learned Additional Sessions Judge-I/MCTC-I, Sukkur, in Criminal Miscellaneous Application No.3245 of 2024 under Section 491, Cr.P.C., and further seeks recovery and production of the alleged detenues, namely Mst. Waseeman and Mst. Asia.

2. Brief facts are that the applicant claims to be the uncle of the alleged detenues. According to him, on 22.09.2024, the private respondents, allegedly in collusion with the police, forcibly entered the house of the applicant's family while armed with weapons, maltreated the inmates and took away Mst. Waseeman and Mst. Asia. It is further alleged that the male members of the family were taken to Police Station Dadloi and detained there, whereas the alleged detenues were subsequently handed over by the police to the private respondents. The applicant approached the police authorities for their recovery, but no effective action was taken. He thereafter filed Criminal Miscellaneous Application No.3245 of 2024 under Section 491, Cr.P.C. before the learned Additional Sessions Judge-I/MCTC-I, Sukkur. Reports were called from the official respondents and directions were issued from time to time for recovery

and production of the alleged detenues. The application was, however, disposed of vide order dated 16.10.2024, with directions to the Senior Superintendent of Police, Sukkur, and all concerned SHOs of District Sukkur to make serious efforts for their recovery and production. Feeling dissatisfied with the said order, the applicant has filed the present application.

3. Learned counsel for the applicant contends that the learned Additional Sessions Judge was not justified in disposing of the application under Section 491, Cr.P.C. without securing production of the alleged detenues and ascertaining their wishes; that despite repeated directions issued by the learned Court as well as this Court, the official respondents failed to recover and produce them for a considerable period. Learned counsel further submits that although the police have now produced a woman stated to be Mst. Waseeman, the parties had been directed not to attend the proceedings and, therefore, neither the applicant nor any member of his family was present to identify her. He, therefore, expressed his inability to verify whether the woman produced by the police was, in fact, the alleged detainee.

4. Conversely, respondent No.5 has already submitted objections taking stances that Mst. Waseeman had contracted marriage with Shaheeno alias Abdul Qudoos of her own free will; that she was neither abducted nor unlawfully confined; that she had herself approached different judicial forums seeking protection against threats allegedly extended by her relatives; and that the applicant was attempting to drag the innocent persons in false litigation mala fide.

5. Learned Deputy Prosecutor General, assisted by the police officers present, submits that the official respondents had complied with the directions issued by this Court; that Mst. Asia had already been recovered and produced during the pendency of these proceedings; that Mst. Waseeman has now also been recovered and produced before this Court; and that the compliance report submitted by the Senior Superintendent of Police, Sukkur, as well as her statement recorded under Section 161, Cr.P.C., have been placed on record.

6. Heard. Record perused.

7. The record reflects that, after institution of the present criminal miscellaneous application, this Court continued to monitor the efforts made for recovery and production of the alleged detenues. Since their recovery and production constituted the principal relief sought by the applicant, the official respondents were directed, from time to time, to continue their efforts and submit compliance reports regarding the steps taken to trace them. In compliance with those directions, successive reports were submitted by the Senior Superintendent of Police, Sukkur, the concerned police officers and the Special Task Team, detailing the efforts undertaken for recovery and production of the alleged detenues.

8. Insofar as Mst. Asia is concerned, the record reflects that on 03.02.2025, Abdul Sattar Phull, DSP/SDPO, Pano Akil, recovered and produced her before this Court. Upon her production, she disclosed herself to be Mst. Asia wife of Sajid Ali and, being sui juris, expressed her intention to accompany her brother, namely Muhammad Yameen son of Kamaluddin. Accordingly, she was permitted to go with her brother. No further relief, therefore, survives regarding her recovery.

9. Today, the Special Task Team, headed by Abdul Sattar Phull, DSP/SDPO, Pano Akil, produced Mst. Waseeman Bullo wife of Shaheeno alias Abdul Qudoos Bullo before this Court through SIP Aijaz Ahmed Dharejo, SHO Police Station, Dadloi under police protection after recovering her pursuant to the directions issued by this Court. The compliance report submitted by the Senior Superintendent of Police, Sukkur, in this regard has been taken on record. The report further reflects that she expressed apprehension regarding danger to her life.

10. The objection regarding the identity of the woman produced before this Court is without substance. She has been recovered and identified by the officers of the Special Task Team as Mst. Waseeman Bullo wife of Shaheeno alias Abdul Qudoos Bullo, and her particulars correspond with those appearing throughout the record. The photographs affixed to the Nikahnama and the affidavit of free will also bear a visible resemblance to the woman produced

before this Court. No material has been placed on record to suggest that any person other than the alleged detainee has been produced. The inability of learned counsel for the applicant to confirm her identity, in the absence of the applicant or any member of his family, is therefore insufficient to discredit the compliance made by the official respondents.

11. The statement of Mst. Waseeman recorded under Section 161, Cr.P.C. forms part of the record. In the said statement, she stated that she contracted marriage with Abdul Qudoos of her own free will and without coercion; that she was neither abducted nor unlawfully confined by him or by any other person; that she intends to reside with her husband; and that she apprehends danger to her life and liberty at the hands of her relatives. Her apprehension regarding danger to her life is also reflected in the compliance report submitted by the official respondents.

12. The object of proceedings under Section 491, Cr.P.C. is to secure the liberty of a person alleged to be unlawfully confined and to ascertain whether such person is being detained against his or her will. During the pendency of the present proceedings, both alleged detainees have been recovered and produced before this Court. Mst. Waseeman has categorically denied the allegation of abduction or unlawful confinement. Being sui juris, she is competent to decide where and with whom she intends to reside, and neither the applicant nor any other relative can compel her to act contrary to her wishes.

13. Since Mst. Waseeman has expressed apprehension regarding danger to her life and liberty, the Senior Superintendent of Police concerned and the Station House Officer having territorial jurisdiction shall ensure protection of her life and liberty and that of her husband, strictly in accordance with law, and shall ensure that neither of them is subjected to harassment, intimidation or unlawful interference. This direction shall, however, not impede any lawful investigation or judicial proceedings pending against either party.

14. In view of the subsequent developments discussed above, and since Mst. Asia had already been produced before this Court on 03.02.2025 while Mst.

Waseeman has now also been produced by the official respondents, the principal purpose of these proceedings stands achieved. Consequently, no further order is called for in exercise of the inherent jurisdiction of this Court under Section 561-A, Cr.P.C. The present application is accordingly disposed of, along with all pending applications therein.

15. It may be observed that the applicant has also instituted Criminal Miscellaneous Application No.S-232 of 2026 in relation to Crime No.114 of 2025 and Criminal Miscellaneous Application No.S-233 of 2026 in relation to Crime No.118 of 2025, calling in question the respective orders concerning change of investigation. The respective Investigating Officers shall remain in attendance along with updated progress reports. Let both applications be relisted **after two weeks**.

Judge