

ORDER SHEET
THE HIGH COURT OF SINDH, KARACHI

CP D 2787 of 2022

Date	Order with signature of Judge(s)
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1. For order on office objection.
2. For hearing of main case.

30.05.2022

Mr. Altaf Hussain Khoso, advocate for the petitioner
Mr. Salman Talibuddin, Advocate General Sindh
Barrister Zeeshan Adhi, Additional Advocate General
Mr. Fiaz H. Shah, Prosecutor General Sindh
Mr. Ali Haider Saleem, Additional Prosecutor General Sindh
Mr. Kamran Fazal, Inspector General of Police Sindh
Mr. Ghulam Nabi Memon, Additional IG of Police Sindh
Mr. Muhammad Karim Khan, DIG of Police, CIA, Karachi
Mr. Zubair Nazir, Senior Superintendent of Police, AVCC, Karachi.

Per FIR no. 159 / 2022 dated 16.04.2022 registered with the Alfalah Police Station District Korangi Karachi, a 14 year old girl *Dua Zahra* was kidnapped / abducted. Aggrieved by inaction on the part of the Police, the mother of the abductee approached this Court in its writ jurisdiction on 07.05.2022, seeking relief, while demonstrating that the Police remained unwilling and / or unable to perform its statutory duty.

Notice was issued herein on 10.05.2022 and the respondents were directed to produce the child on the next date. The chronological sequence of events herein is particularized herein. On 19.05.2022, the non-compliance of the earlier order was noted. No reason for the non-compliance was provided and the Court was informed that the SSP AVCC, entrusted with the task of recovery, was in Islamabad attending a conference on human trafficking, instead of any making efforts to recover the child. In manifest demonstration of such callous conduct, the Court directed the IG Sindh to intervene and recover the child. On 24.05.2022, the IG appeared in Court and submitted a rather fanciful story that a mobile signal, allegedly of one of the abductors, was being monitored across the length and breadth of the Country, traversing through Punjab, KPK and Azad Kashmir, however, other than that no effort whatsoever was taken to find / recover the child. Despite it being apparent that no serious effort had been expended to recover the child, this Court exercised restraint and accepted the IG's undertaking that the child would be recovered before the next date. The said representation remains unsatisfied as today a further fanciful explanation was provided for non-compliance. It was stated that this Court ought to issue notice to DIG Hazara and SSP Hazara in order to

recover the child. Upon direct query as to whether the jurisdiction of this Court extended to officers in KPK, the learned Advocate General remained unable to provide a cogent response. It is our tentative assessment that the IG Police, Mr. Kamran Fazal, remains unwilling to perform his duty, despite repeated direct orders rendered herein and representation provided to this Court. In view hereof, we are constrained to issue a show cause notice to Mr. Kamran Fazal to explain as to why proceedings may not be initiated there against for failure to comply with the orders of this Court. He shall be present in person, along with his sworn affidavit in such regard, on the next date, whereon, further proceedings shall be considered.

In so far as his inability to perform his duty is concerned, we feel it's prudent to defer the said issue for due consideration to the executive. The Secretary Establishment Division is directed to immediately look into this matter and form an opinion, within a reasonable time, as to whether there ought to be an inquiry to determine whether Mr. Kamran Fazal is fit to hold a position of responsibility concerned with the lives and liberty of citizens. This process may be concluded expeditiously.

The present role / charge of the IG Sindh may be assigned forthwith to an efficient officer, under advisement to this Court through the MIT-II, and the said officer shall be conveyed this Court's directions to produce the missing child on the next date of hearing.

The petitioner's counsel has also sought to demonstrate before us that on specific occasions the abductee was proximate to the Police team, however, the relevant officers eschewed any effort to secure her protective custody, hence, appeared to abet the crime being perpetrated. The allegation of abetment shall be considered on the next date and in respect thereof the DIGP CIA is hereby directed to provide this Court with a list of their names and designations. Adjourned to 3rd June 2022, at 1030 a.m.

The office is instructed to communicate this order immediately to the Secretary Establishment – Government of Pakistan, Chief Secretary – Government of Sindh, the office of the Attorney General of Pakistan and the Advocate General Sindh for compliance.

JUDGE

JUDGE