

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

Cr. Misc. App. No. S – 477 of 2018

Date of hearing	Order with signature of Judge
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1. For orders on office objections at Flag-A
2. For hearing of main case
3. For hearing of MA No.3326/2018  
(Notice issued)

**06.07.2018**

Mr. Rab Dino Makwal, Advocate for the applicant.  
Mr. Zulfiqar Ali Jatoi, Additional Prosecutor General for the State.

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Through the instant Cr. Misc. Application, applicant Bagh Ali has prayed for the following reliefs:

*“That this Honourable Court may be pleased to issue Rule Nisi to the respondent No.2 to 3 make raid at the house of respondent No.4 to 5 for release and recover the detenue from their illegal and unlawful custody and restore the custody of detenue to the applicant;*

*to direct respondent No.2 to 3 to produce the detenue before this Honourable Court and record her statement and to be dealt according to law; and*

*to award costs and any other relief deemed fit and proper in circumstances of the case.”*

Notices were issued against the respondents as well as Additional PG. SHO Police Station ‘B’ Section Khairpur was directed to produce the alleged detainee if she is found in illegal detention. SHO Police Station ‘B’ Section Khairpur is present and submits that Mst. Salma was married to respondent No.5 Muhammad Hajjan. Thereafter, Mst. Salma disappeared and police failed to recover her. Today, Mst. Salma has voluntarily appeared before the Court and states that previously she was married to Muhammad Hajan, who divorced her. After four months, she contracted second marriage with Bagh Ali.

Mr. Asif Ali Phulpoto, advocate has filed power on behalf of respondent No.4 Allah Warrayo. It appears that along with the aforesaid Cr. Misc. Application, affidavit of freewill of Mst. Salma, copy of *Nikahnama* of Bagh Ali and Mst. Salma and divorce deed between Mst. Salma and Muhammad Hajan are annexed as Annexure ‘A’, ‘A-1’ and ‘B’, respectively.

Counsel for the applicant submits that Mst. Salma, after divorce and completion of the **Islamic** prescribed period, has contracted second marriage with Bagh Ali; he has relied upon the documents annexed with the Cr. Misc. Application. Counsel, appearing on behalf of respondent No.5 (maternal uncle of Mst. Salma), submits that marriage between Mst. Salma and Muhammad Hajan, has not been dissolved yet. Mst. Salma, who has voluntarily appeared today, categorically states that she was divorced by Muhammad Hajan and after completion of the **Islamic** prescribed period, she entered into *Nikah* with Bagh Ali. She further submits that neither she is in illegal detention of Bagh Ali nor any harassment is caused by him. Mst. Salma further submits that she is legally wedded wife of Bagh Ali and intends to pass happy life with him.

In view of the above, Mst. Salma is at liberty to join her husband Bagh Ali. Instant Cr. Misc. Application is accordingly **disposed of** along with listed application. However, SSP Khairpur is directed to provide protection to Mst. Salma in accordance with law.

Abdul Basit

J U D G E