

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 221 of 2024

Date of hearing	Order with signature of Judge
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Hearing of case (priority)

1. For orders on office objections at Flag-A
2. For hearing of CMA No.924/2024 (S/A)
3. For hearing of main case

24.04.2024

Mr. Ali Ahmed Rind, Advocate for petitioners along with petitioners.
Mr. Imran Mobeen Khan, Assistant Prosecutor General.
Mr. Agha Athar Hussain Pathan, Assistant Advocate General Sindh
along with SIP Mehnaz Awan, SHO, Police Station Women, Umerkot.

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IO is present, has filed a statement and has stated that a copy of the divorce deed filed by petitioner No.1 in proof of her divorce has been found fake on investigation. The witnesses of divorce shown in the deed, when examined, have repudiated their presence, signatures thereon and having witnessed such act. Further, she recorded their statements, which are part of her report.

On the other hand, petitioner No.1 has denied at least her abduction at the hands of petitioner No.2, and has disputed the report of IO regarding her divorce and claims to be a divorcee. Since in the investigation, the factum of divorce to petitioner No.1 from her previous husband liberating her from nuptial bond to contract second marriage has not *prima facie* been found genuine, we cannot uphold the same, and give a positive finding in this regard as it requires evidence.

Confronted with such situation, learned Counsel for the petitioners submits that he would be satisfied if protective bail is granted to the petitioners enabling them to surrender before the trial Court without apprehension to contest the matter on its merits.

In view of above, this constitutional petition is converted into application for protective bail. The protective bail is granted to the applicants for a period of **fifteen (15) days** w.e.f. 24.04.2024 to 08.05.2024 (*both days inclusive*) on furnishing a personal bond in the sum of Rs.50,000/- (Rupees fifty thousand) each before the Additional Registrar of this Court, to enable them to appear before the trial Court to avail proper remedy in accordance with law. This order shall cease to have its effect after expiry of aforesaid period or whenever applicants surrender before the trial Court, which one occurs earlier.

IO is directed to conduct a fair investigation into the sections and submit the report within stipulated period.

The application is accordingly **disposed of**.

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