

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA**

**Constitutional Petition No.S-308 of 2025**

DATE	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection "A"
2. For hearing of main case.

**09-09-2025**

Mr. Abdul Waheed Khushik, Advocate for the petitioner.  
Mr. Wazeer Ahmed Mashori, Advocate for the respondent No.6.  
Mr. Munwar Ali Abbasi, Assistant Advocate General  
Mr. Ali Anwar Kandhro, Additional Advocate General,  
assisted by Mr. Zain-ul-Abideen, Assistant Prosecutor General along with SIO/SIP Ain-ul-Huq of PS Airport, Sukkur.

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**NISAR AHMED BHANBHRO, J.-** Through the instant petition the petitioner has sought indulgence of this court for issuance of rule Nisi, for production of Mst. Sanam @ Sana the alleged wife of the petitioner. It was averred in the petition that the petitioner and Mst. Sana contracted a marriage of free will and thereafter filed a petition No.D-497/2025, Re: "Mst. Sana and another V. SHO police station Civil Line, Larkana and others", before this court for protection, which is fixed on 08.10.2025. It was further asserted in the petition that Mst. Sana moved an application dated 15.08.2025 and 16-08-2025 to SSP Sukkur for protection.

2. The notices were issued to the respondents for production of alleged detainee.

3. Yesterday when this matter was taken up the counsel for the private respondents shown his unawareness about the whereabouts of the alleged detainee, therefore, a coercive process was issued to the SSP Sukkur for production of alleged detainee before this court. Even the fact of the presence of alleged detainee in house was not disclosed by the respondent No.6 and 8, who were also present before this court on last date of hearing.

4. Today learned counsel for the respondent No.6 has placed on record the CTC of the order dated 27-01-2025 passed in Cr. Bail Application No.94/2025, whereby the bail of the applicant was declined, Mr. Abdul Waheed learned counsel for the petitioner in the present petition represented the accused before the trial court in the said bail application. It transpires from the record that an application No.192/2025 u/s 491 Cr.P.C was moved before the court of learned District and Sessions Judge Sukkur through the same learned counsel which was declined vide order dated 27-01-2025. Record further transpires that on 17.04.2025 alleged detainee Mst. Sanam @ Sana daughter of Rahim Bux appeared before the court of 1<sup>st</sup> Civil Judge & Judicial Magistrate Sukkur wherein she was directed to be produced before the court of learned Family Judge Sukkur for recording of her 164 Cr.P.C statement but her statement was not recorded. It also appears that alleged detainee Mst. Sana was produced before the medico-legal officer RHC Bachal Shah Miani for her examination. It also appears that alleged detainee filed application u/s 435 Cr.P.C, against the order passed by learned Magistrate declining the request for recording her statement u/s 164 Cr.P.C. It is quite surprising that Mr. Abdul Waheed Khushik has remained the counsel of the petitioner all along in all the proceedings conducted before the courts at Sukkur but he has not disclosed such fact before this court. Such conduct on the part of the petitioner established that he wanted to misuse the process of law and wanted to seek the attendance of alleged detainee for some extraneous consideration, probably to get the family of alleged detainee bowed before him.

5. Today the alleged detainee Mst. Sana has been produced before this court. She is not in a good health condition. She complains torture and victimization at the hands of petitioner. She submits that she solemnized marriage with the petitioner under coercion and states that she will reside with her mother.

6. From appearance of the alleged detainee it is quite evident that she has not been provided medical treatment by her family members. Perhaps keeping in view the past episodes of entire drama. Since the

mother of the alleged detainee states that they are very poor and labor class persons and the alleged detainee from her outlook appears that since last many days she was suffering from illness but without any treatment. In the circumstances, the respondent No.6 and 8 are directed to lodge the alleged detainee in civil hospital Sukkur where DHO Sukkur and MS Ghulam Muhammad Mahar Medical college/Civil Hospital Sukkur shall ensure that she is provided the medical treatment on government expenses and until she is found fully fit she shall be lodged in the hospital. She shall be provided all the medicines on Government expenses without fail. If the DHO Sukkur and Medical Superintendent Ghulam Muhammad Mahar Medical College Sukkur fail to provide medicine to Mst. Sana, it shall be deemed to be defiance of the court's order and action shall be taken against them in accordance with the law. Station investigation officer police station Airport is present, he is directed to accompany Mst. Sana, her mother and brother directly to the hospital from this court today and he shall inform the hospital administration about the orders passed by this court accordingly.

7. Since this is a case of frivolous and fictitious litigation aimed at attacking modesty of woman under the pretext that she was wedded wife of the petitioner. The process of the court has resulted into mental distress and agony to the family of Mst. Sana and the petitioner has repeatedly committed this act by filing such applications before the court at Sukkur and so also this court even without disclosing the facts of earlier litigation, therefore, he cannot be given a free hand or to go scot free without paying for lodging the frivolous litigation, therefore, this court is of considered view that this petition merits dismissal with cost. The petitioner is imposed a cost of Rs.30,000/- out of which Rs.25000/- shall be paid to the alleged detainee Mst. Sana. Remaining Rs.5000/- shall be paid to investigation officer police station Airport Sukkur for the expense incurred on account of his travel, within a period of one month from today and in case he fails to pay the said cost, his CNIC shall be blocked. Further the petitioner is warned to remain careful in future if he brought such sort of the frivolous litigation before this court, he shall be dealt with accordingly. The petition stands dismissed. The SIO present in court is directed to get the bond of Rs.1 million executed from

the brothers of alleged detainee Mst. Sanam @ Sana, for her safety in future and in case any harm is caused to the alleged detainee at the hands of her family members, immediate action by the police shall follow.

8. Office is directed to send the copy of this order to MS Civil Hospital Ghulam Muhammad Mahar Medical College Sukkur, Incharge gynae ward Sukkur, DHO Sukkur and SSP Sukkur for information and compliance, by fax today.

**JUDGE**

Asghar Altaf/P.A