

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

Const. Petition No. S- 25 of 2025
(Muhammad Qasim v. SHO, PS, Badeh & Ors)

DATE	ORDER WITH SIGNATURE OF JUDGE
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Date of hearing and Order:- 07.03.2025

Mr. Mumtaz Ali Brohi, Advocate for the petitioner.
Mr. Nazir Ahmed Bhangwar, DPG for the State.
Mr. Abdul Rasheed Pathan, Advocate for Respondent No.10.
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ORDER

Adnan-u-Karim Memon, J: Muhammad Qasim petitioned this Court, alleging that private parties were illegally holding his sister Shabnum. However, the police presented evidence that Shabnum had already been brought before the learned Additional Sessions Judge in a separate case for protection, which was resolved on April 29, 2024. The police also stated that Shabnum feared for her life due to "Karo Kari" (honor killing) threats at the hands of her family and could not appear before this court. The private respondents have denied the allegations leveled against them. The petitioner submitted that he lodged FIR No.21/2024, under section 365-B, 34 PPC against the private respondents regarding the abduction of his sister Mst. Shabnam Khatoon and the same case was challaned in the concerned Court. Learned D.P.G has submitted that Mst. Shabnam Khatoon and Shakeel Ahmed filed Crl.Misc.Application No.688 of 2024 before the learned 1st Additional Sessions Judge/Ex-Officio Justice of Peace, Qamber, which was disposed of vide order dated 29.04.2024, which granted protection to them under the law. If this is the position of the case, the police official/investigating officer shall locate the whereabouts of the lady and record her statement, without fail, and in terms thereof, he shall submit his report to the concerned Magistrate/trial Court for appropriate order under the law and he shall ensure protection to Mst.Shabnam Khatoon from either party.

2. The terms "harass," "injure," and "injury" carry wide-ranging meanings in both common usage and legal settings. While related, "harass" is uniquely focused on mental and emotional distress. Its synonyms—weary, perplex, distress, tease, vex, molest, trouble, and disturb—emphasize this aspect. "Harassment" encompasses torment and vexation, mirroring "torture," which includes mental and psychological abuse. Cruel, inhuman, and degrading treatment, even in police custody, can inflict severe psychological pressure amounting to torture. However, it is crucial to remember that individuals must also abide by the law to ensure the protection of others, including their family members.

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3. Article 4 of the Constitution guarantees everyone the right to be treated according to the law, which includes fairness and the elimination of any factors that obstruct legal processes. To uphold this right, this court directs the police to investigate the issue further and submit a report to the Magistrate for a final decision under C Class, in terms of the statement of the lady.

4. Higher courts have consistently condemned police harassment. Pakistan, as an Islamic state, must uphold high ethical standards. The Constitution protects citizens' honor and dignity. This court stressed that the misconduct of one family member does not justify subjecting others to dishonor, disrespect, and harassment. Such police actions violate the law, legal ethics, and human rights. Violations of this fundamental right constitute harassment. All executive and judicial officials must operate within the bounds of the law. Article 4 of the Constitution safeguards the right to lawful treatment, which must be rigorously protected against any infringement.

5. This court is of the tentative view that this is a case of a serious nature as the woman is in danger from either party, therefore, direct the police to investigate the issue further and submit a report to the Magistrate for a final decision under C Class, in terms of the statement of the lady.

6. To ensure Shabnum's safety, this court required petitioner Muhammad Qasim and private respondents No.8 to 10 to furnish Rs. 500,000 bond, each before the concerned SHO of the Police Station, guaranteeing Shabnum would not be harmed. This court also explicitly directed the police not to harass her. Since Shabnum had already been under judicial oversight, this Court considered the illegal detention claim addressed and focused on her safety.

7. This petition stands disposed of in the above terms.

JUDGE
7/12/2015

A.H.Qazi/**