

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P No.S-111 of 2026.

DATE	ORDER WITH SIGNATURE OF JUDGE
	For orders on office objections. For hearing of main case.
<u>16.02.2026.</u>	Petitioner (Sht. Jewni Bagri) present in-person. Mr. Siraj Ahmed Bijarani, Deputy Prosecutor General for the State. Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh alongwith SIP / SHO Imran Akhtar Chandio from PS Shahdadpur, District Sanghar.

Mr. Muhammad Zakaria Baloch, Advocate files Vakalatnama on behalf of Respondent No.7 to 10, which is taken on record.

Through the instant Constitution Petition, the Petitioner has sought recovery of the alleged detainee, namely Ganga Ram. Upon filing of the petition, notices were issued to the official Respondents with directions to trace out and produce the alleged detainee before this Court.

In compliance with the Court's directions, reports have been submitted by official Respondents No. 3 to 5. The SHO, PS Shahdadpur, who is present in Court, submits that raids/search operations were conducted at the houses of the private Respondents with the assistance of lady police officials; however, the alleged detainee could not be recovered from their custody. It has further been reported that no evidence has surfaced suggesting that the alleged detainee is confined or illegally detained by the private Respondents.

The SHO has also submitted that both the parties are close relatives to each other and there exists a monetary dispute between the parties and possibly matrimonial discord as well, on account of which the present petition has been instituted with *mala fide* intention, merely to pressurize and harass

the private Respondents and to settle personal scores through the process of this Court.

From perusal of the material available on record including the compliance reports submitted by the police authorities, it does not appear that the alleged detainee is in illegal confinement of the private Respondents. No cogent material has been placed before this Court to substantiate the allegation of unlawful detention. The jurisdiction of this Court in *habeas corpus* matters is invoked for protection of personal liberty in cases of illegal or unauthorized detention; however, such jurisdiction cannot be permitted to be misused for settling monetary, matrimonial or other private disputes between the parties.

It is a settled principle that extraordinary constitutional jurisdiction is to be exercised with caution and only where a clear case of illegal detention is made out. In the absence of any convincing or substantiated allegation of wrongful confinement and in view of the apparent original personal disputes between the parties, no case for further proceedings is made out. Consequently,, the instant Petition is **dismissed**. However, both the parties are at liberty to resolve their dispute through proper forum in accordance with law.

JUDGE

Ali.