ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.2686 of 2020
Sana Javed
Versus
Senior Superintendent of Police, Islamabad and others

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	05.10.2020	**Mr. Arif Chaudhary, Advocate for the petitioner.** **Petitioner-in-person.** **Mr. Zohaib Hassan Gondal, learned State Counsel.** **Mr. Imran Ali Malik, Advocate for respondent No.4.** **Respondent No.3-in-person along with the minor, Abdul Ahad.** **Respondent No.4 in person.** **Malik Muhammad Bashir, S.H.O., Police Station Sihala, Islamabad along with Mr. Zafar Iqbal, A.S.I.**

Through the instant writ petition, the petitioner, Sana Javed, had sought the issuance of a writ of *habeas corpus* so as to recover her minor son, Abdul Ahad, aged one year and three months from the confinement of his father, Noman Khalid Abbasi (respondent No.3) and his grandfather, Muhammad Khalid (respondent No.4).

2. The petitioner's case was that on 21.09.2020 while she was out of her parents' house, respondents No.3 and 4 took the minor from the custody of the petitioner's mother. Initially, the said respondents promised to return the minor but subsequently started ignoring the petitioner's requests for the return of the minor. This necessitated the petitioner to file an application under Section 491 of the Cr.P.C. before the Court of the learned Additional District Judge, Islamabad. Vide order dated 24.09.2020, the said petition was disposed of only on the ground that the police was unable to locate the

minor and his father at the address given by the petitioner.

3. Vide order dated 28.09.2020, this Court issued notices to the respondents with a direction to appear in person on the next date of hearing. Furthermore, a direction was given to the Senior Superintendent of Police, Islamabad (respondent No.1) and Station House Officer (**"S.H.O."**), Police Station Sihala, Islamabad (respondent No.2) to produce the minor before this Court on the next date of hearing.

4. On 30.09.2020, Ghulam Mustafa, Inspector and Zafar Iqbal, Assistant Sub-Inspector, tendered appearance and submitted that they had not been able to recover the minor or to locate the whereabouts of respondent No.3. Respondent No.4 also tendered appearance and submitted that he had no knowledge as to the whereabouts of his son. This Court directed the S.H.O. Police Station Sihala, Islamabad to tender appearance on the next date of hearing and explain as to what steps have been taken to locate and recover the minor.

5. On 02.10.2020, respondent No.4 tendered appearance and submitted that he will try and form contact with respondent No.3 and convey to him to act in accordance with the law and produce the minor before the Court on the next date of hearing. Malik Muhammad Bashir, S.H.O., Police Station Sihala, Islamabad also tendered appearance and submitted that all efforts shall be made in accordance with the law to locate respondent No.3 and to produce the minor before this Court on the next date of hearing.

6. Today, respondent No.3 was present in the Court along with the minor. He handed over the

minor to the petitioner. With this development, no further proceedings in this matter are necessary.

7. Respondent No.3 is at liberty to file an application for the minor's custody to the Court of the learned Guardian Judge. He sought a direction from this Court to restrain the petitioner from taking the minor out of the jurisdiction of the Islamabad Capital Territory. Respondent No.3 is at liberty to file an application in this regard before the Court of the learned Guardian Judge.

8. Before parting with this order, I deem it appropriate to record appreciation for Mr. Imran Ali Malik, Advocate, learned counsel for respondent No.4 as well as Malik Muhammd Bashir, S.H.O., Police Station Sihala, Islamabad for their efforts in ensuring compliance with the orders passed by this Court for the recovery of the minor.

9. Petition stands disposed of. The observations made herein above are strictly confined to the extent of this petition only and shall have no impact on the merits of the case before the Court of the learned Guardian Judge.

(MIANGUL HASSAN AURANGZEB)
JUDGE

*Ahtesham**

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