

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P No.1153/2019.

Mst. Romesa Khan Afridi

Versus

Shameer Khan Afridi etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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02.05.2019

Barrister Qasim Nawaz Abbasi, Advocate for the petitioner.
Sardar Sohail Asmat & Mr. Muhammad Fahim Khan alongwith
Mst. Shahzadi Khan (mother of alleged detenu).
Ms. Saima Naqvi, State Counsel.
Umar Randhawa, Assistant Commissioner (City), Islamabad.
Muhammad Najeeb Durrani, District Health Officer, Islamabad.

The petitioner has filed instant writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 read with section 491 Cr.P.C for recovery of detenu Shah Meer Afridi, who is missing since 09.03.2019.

2. Notice was issued to the SHO, P.S Lohi Bher, Islamabad and in response to that report has been submitted, in which it has been mentioned that the alleged detenu is under treatment in “The New Life Rehabilitation & Psychiatric Center” for his treatment of ice, Charas and Alcohol.

3. After submission of the police report, the petitioner stated that she is wife of alleged detenu and she will manage treatment of her husband, which is presently managed by his mother and elder brother.

4. The mother of the alleged detenu has denied factum of marriage of the petitioner with the alleged detenu. Number of opportunities have been granted to the parties to resolve the issue but in vain.

5. The petitioner visited Rehabilitation Center and lodged complaint that her husband has not been taken care in proper

manner, therefore, this Court vide order dated 19.04.2019 constituted three members committee comprising of Ch. Muhammad Shafique, Member NCHR, ICT, Muhammad Najeeb Durrani, DHO and Umar Randhawa, A.C. City, Islamabad and the committee was directed to visit the Rehabilitation Center. In compliance of the said order, report has been submitted by two members Umar Randhawa, A.C. City, Islamabad and Dr. Najeeb Durrani, DHO. Both the members in attendance contend that Rehabilitation Center is properly treating the alleged detenu, who is drug addict and his status in the said Center is of being patient and he is not in illegal custody.

6. Keeping in view above background, this Court is of the view that alleged detenu Shah Meer Afridi is under medical treatment in Rehabilitation Center and he is not in illegal custody and this is not a case of habeas corpus, therefore, this writ petition is **disposed of** with direction to the concerned authorities of Rehabilitation Center that they will allow the petitioner to visit Shah Meer Afridi as per their schedule without being influenced by mother and elder brother of Shah Meer Afridi as she claims that she is legally wedded wife and Shah Meer Afridi has also admitted his relationship with the petitioner before two members of the Committee.

(MOHSIN AKHTAR KAYANI)
JUDGE