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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice M. Javed Buttar

CRIMINAL MISC. APPLICATION NO. 17-K/2005

(Complaint of Torborg Isaksson)

For the Petitioner: In person

For Respdts: Mr. Anwar Mansoor, A.G
Sindh
Dr. Qazi Khalid Ali,
Addl: A.G Sindh
Mr. Asad Jehangir, I.G Sindh

Date of hearing 22.11.2005

ORDER

In pursuance of order dated 14th November, 2005 a report has been submitted by the Advocate General, Sindh. He further informed that the matter relating to illegal detention of the family of Munno Bheel is pending since 1996 under the investigation but despite of best efforts of Police, abductees so far have not been recovered, however, Inspector General of Police, present in person, stated that two weeks' time be given so the Police may make further efforts to achieve the object. Request is allowed. Adjourned to **21st December, 2005** at Islamabad. I.G (Police) Sindh and all other concern are directed to appear personally and submit progress report.

(51) (4)

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice M. Javed Buttar

Criminal Misc.Application No.17-K of 2005
(Complaint of Torborg Isaksson)

Present:

Mr. Anwar Mansoor, A.G. Sindh
Mr. Asad Jehangir, I.G. Sindh
Mr. Ajmal Magsi, DPO, Sanghar
Abdul Khaliq, SSP
Mr. Fayyaz Qureshi, SSP
Mr. Anwar Subhani, DSP Legal.

Date of hearing: 21.12.2005

ORDER

Learned Advocate General, Sindh appeared alongwith I.G.Police and submitted report indicating the steps taken by the Police Administration for effecting recovery of the family of Munno Bheel. He stated that two weeks' more time is required to recover the abductees. Request is allowed. Adjourned to **6th January, 2006.**

2. I.G.P. Sindh, however, if desired may appear in Court on the next date of hearing otherwise he can depute any other officer for informing about the progress of the case.

Islamabad, the
21st. December, 2005.
Not Approved For Reporting
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Mian Shakirullah Jen
Mr. Justice M. Javed Buttar

CRL. MISC. APPLICATION NO.17-K OF 2005.

(Complaint of Torborg Isaksson)

Attendance

Mr. Anwar Mansoor Khan, AG Sindh.
Mr. Saleemullah Khan, DIG Mirpur Khas
Mr. Anwar Subhani, AIG (Legal)

Date of hearing : 28-03-2006

ORDER

Learned Advocate General appeared alongwith Saleemullah Khan, DIG, Mirpur Khas. Later has submitted a report.

2. It is informed by learned Advocate General that report contains number of important documents including statement of one 'Nathu Bheel U/s 164 Cr.P.C. He stated that as per the material so far collected by the police, two persons namely Abdur Rehman Marri and Ch. Bashir Ahmed are, prima facie, involved in the commission of offence. They are on bail, despite the fact that application was moved before the Session Judge but the same was not cancelled. Order of the Sessions Judge, Mirpur Khan dated 27th February 1997 has also been placed on record. He contended that against this order an application has been moved before learned High Court of Sindh, District Bench Hyderabad for cancellation of their bail. It is also informed by the DIG that despite of various attempts made by the Investigation Agency Abdur Rehman Marri and Ch. Bashir Ahmed have failed to cooperate with the police, as a result whereof no remarkable progress has been made. Although without their cooperation, police had

conducted raids at different places on number of occasions but without any success.

3. After hearing learned Advocate General Sindh and having gone through the contents of the report referred to herein before, we direct issuance of the notice to Abdur Rehman Marri as well as Ch. Bashir Ahmed through Sessions Judge Mirpur Khas with direction to him to serve the notice upon both of them through sureties and sureties be directed to produce them in this Court in safe custody on the next date of hearing.

4. In the meantime Sessions Judge, Mirpur Khas shall also issue memo to both the accused for cooperating with the police for making progress in the case. In this behalf, if they fail to cooperate, the Sessions Judge shall submit a report before this Court as well as copy of the same to the High Court.

5. As the matter is of an important nature and is lingering on since last so many years, therefore, learned High Court is also required to dispose of the petition filed by the State for cancellation of the bail of accused, expeditiously as far as possible within a period of two weeks after the receipt hereof.

6. Adjourned to 10th April 2006. This order be transmitted by Fax to the Session Judge Mirpur Khas as well as Additional Registrar of the High Court of Sindh, Circuit Bench Hyderabad for doing the needful.

Islamabad
28-03-2006.
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ
MR. JUSTICE MIAN SHAKIRULLAH JAN
MR. JUSTICE SYED JAMSHED ALI

Application

Crl. Misc. Appeal No. 17-K/2005

Torborgisksson Radagotan

Appellant (s)

Versus

The Government of Sindh

Respondent (s)

For the Complainant : Mr.M.S. Khattak, ACR

For the A.G.Sindh : Dr. Qazi Khalid, Additional, A.G

For Accused : Raja Qureshi, ASC
(Abdur Rehman Marri)

Sureties : Mashooq Ali and Muhammad Afzal

For I.G.P. Sindh : Mr. Saleem ullah, D.I.G, Mir-pur-Khas

Date of hearing : 10.4.2006

ORDER

In pursuance of order dated 28.3.2006, a report has been submitted by Mr. Saleem Ullah, D.I.G, Mirpur Khas with which death certificate of Chaudhry Bashir Ahmad Arain, has also been submitted according to which he died on 28.3.2006. Learned Sessions Judge, Mirpur Khas has issued a memorandum to him through his surety for cooperating with the police but the same has been returned unanswered. Raja Qureshi, ASC appearing on his behalf stated that he has gone to Saudi Arabia and some time be given for producing him before the Court. Mashooq Ali, surety of Abdur Rehman Marri is also present. He is directed to ensure his attendance before the Court on the next date of hearing

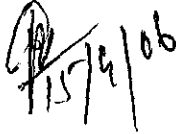
(Abdul Rehman Marri)

Crl. Misc Appeal No.17-K/2005.

without fail otherwise trial Court/Sessions Judge, Mirpur Khas shall be directed to proceed against him under the law for producing the accused in the Court. Dr. Qazi Khalid Ali, Additional.A.G. informed that in pursuance of the order passed by this Court, efforts are being made for the fixation of the case and cancellation of the bail granted to Abdur Rehman Marri. Adjourned to 24.4.2006, for producing him before this Court as requested by learned counsel appearing on his behalf. D.I.G of police, Mirpur Khas is directed to remain in touch and the accused, to co-operate with the police for making progress in the case.

2. Meanwhile, D.I.G of police Mirpur Khas is also directed to submit weekly progress report without fail and ensure that needful has been done before the next date of hearing.

Islamabad.
the 10th April, 2006
Ghulam Raza/*


15/4/06

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IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice (F) Iqbal Muhammad Chaudhry, CJ.
Mr. Justice Abdul Hameed Dogar
Mr. Justice Saiyed Saeed Ashhad

Criminal Misc. Application No.17-K of 2005
(Report of Torborg Isaksson)

For the complainant: Mr. M.S. Khattak, AOR
For the State: Dr. Qazi Khalid Ali, Addl. A.G.
Mr. Saleemullah Khan, DIG
For the accused: Raja Qureshi, ASC
Date of hearing: 24.4.2006

ORDER

Learned ASC who appeared on the last date of hearing on behalf of Abdul Rehman Marri, today when it was inquired from him as to whether he has filed *Wakalat Nama*, he stated that N.C. Motiani had obtained *Wakalat Nama* from Abdul Rehman Marri and same is lying in our office in Karachi. When he inquired why *Wakalat Nama* has not been filed, he stated that there is misconception therefore, he may be allowed to withdraw his appearance as in absence of *Wakalat Nama* he would not appear on behalf of Abdul Rehman Marri. Request his allowed.

2. Learned Additional Advocate General pointed out that the High Court has already taken up the matter and has issued non-bailable warrants for causing arrest of Abdul Rehman Marri during bail cancellation proceedings and next date of hearing is 25th April 2006.

3. Saleemullah Khan DIG had submitted a supplementary Paper Book which contains statement of Natho Bheel and Hashim got recorded by them u/s 161 Cr.P.C. A perusal whereof indicates that *prima facie* Abdul Rehman Marri is involved in the commission of the offence.

4. Since the matter is pending before the High Court, therefore, no further order is passed, however, case is ordered to be fixed for **8th May, 2006**. Meanwhile if the High Court disposes of the petition, copy of the same be placed on record.

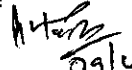
5. Mr. Saleemullah Khan, DIG, however, is directed to continue his efforts for tracing out Abdul Rehman Marri and if he is not available and had gone outside the country, procure number of his passport and flight in which he has traveled. Similarly DCO, concerned, is directed to

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submit the details of the property owned by him along with his account number if possible, before the next date of hearing.

Islamabad, the
24th April, 2006.

Nisar/* 
29/4

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IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

Present:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Saiyed Saeed Ashhad
Mr. Justice Hamid Ali Mirza

CRIMINAL Misc. APPLICATION No.17-k OF 2005

(Report of Torborg Isaksson)

For the complainant: Mr. M.S. Khattak, AOR

For the State: Dr. Qazi Khalid Ali, Addl.AG. Sindh
Mr. Saleemullah Khan DIG
Mr. Rasool Bux Sandat, DIG
Mr. Anwar Subhani, AIG

Date of hearing: 8.5.2006.

ORDER

In pursuance of order dated 24th April 2006, Saleem Ullah Khan D.I.G. was directed to continue his efforts for tracing out Abdul Rehman Mari. A report has been received from him with regard to the steps taken by him which also indicates that High Court has cancelled the bail and investigation was going on and there was every likelihood of arrest of the accused because he had succeeded in recording the statement of two witnesses under section 164 Cr.P.C. However, in the meanwhile on 27th April 2006 he was transferred from Meerpur Khas and directed to report to the Services, General Administration and Coordination Department for further orders. This order was issued by Chief Secretary, Government of Sindh.

2. We are, prima-facie, of the opinion that it is interference in the functioning of Court because Chief Secretary must be knowing the fact that he is dealing with the case and this action by him has caused hindrance in the progress of the investigation of the case which is an important one as for the last 10 years no progress has been made in it.

3. Notice be issued to him to appear and explain as to why proceedings of contempt of court may not be issued against him. Adjourned to 9th May, 2006.

4. DCO concerned has sent a report in which he has mentioned that Abdul Rehman Mari has no moveable or immovable property. This stand has been controverted by Saleemullah Khan, DIG but stated that as he has been kept away from the investigation of case, he therefore do not

know the exact position, however, he stated that the accused might have transferred his property through *bainami* on the name of his relatives but according to him this factor is also required to be investigated.

5. This order be communicated to Chief Secretary, Government of Sindh by fax.

Islamabad, the
8th May, 2006.
Nisar/*

IN THE SUPREME COURT OF PAKISTAN.

(Original Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Saiyed Saeed Ashhad
Mr. Justice Hamid Ali Mirza

CR. MISC. APPLICATION NO. 17-K OF 2005

In re:
Complaint of Torbjorn Isaksson
For Complainant:
Mr. M. S. Khattak, AOR

Mr. Makhdoom Ali Khan, AG

On Court Notice:
Dr. Qazi Khalid Ali, AAG
Mr. Fazal-ur-Rehman, Chief Secretary, Sindh
Mr. Saleemullah Khan, D.I.G.
Mr. Anwar Subhani, A.I.G. (Legal)

Date of hearing: 9.5.2006

ORDER

In response to notice dated 8.5.2006 Chief Secretary, Sindh appeared alongwith Attorney General for Pakistan and has placed on record Notification of even date, a perusal whereof indicates that an earlier notification dated 27th April 2006 regarding transfer of Mr. Rasool Bux Sand and Mr. Saleemullah Khan has been cancelled/withdrawn. In view of such situation the notice issued to the Chief Secretary is withdrawn.

2. Learned Additional Advocate General, Sindh stated that as on account of transfer of Mr. Saleemullah Khan, DIG effective progress has not been made. However, now the case may be adjourned enabling him to start his efforts afresh for implementing the orders of this Court. He has placed on record details of the property movable and immovable owned by Abdul Rehman Marri situated in District Sanghar. Learned Sessions Judges Mirpur Khas and Sanghar are directed to take steps for the purpose of attachment of the property in accordance with law. The DIG will provide necessary assistance to the court. Meanwhile Sessions Judge, Mirpur Khas shall ensure attendance of Abdul Rehman Marri through surety and if the

(42) (14)

surety fails to produce said Abdul Rehman Marri, then proceedings in accordance with law shall be initiated against the surety particularly in view of the fact that the High Court has already cancelled the bail. Adjourned to 5th June 2006. Meanwhile Mr. Saleemullah Khan shall submit weekly report for our perusal in Chambers.

Islamabad
9th May 2006

Saleem*

Saleem
12/5/06

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IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudary, CJ.

Mr. Justice Abdul Hameed Dogar

Mr. Justice Saiyed Saeed Ashhad

Crl. Misc. Application No.17-K of 2005

(Complaint of Torborg Isaksson)

For the Complainant: Mr. M.S. Khattak, AOR

On Court Notice: Dr. Qazi Khalid, Additional A.G. Sindh,
Mr. Saleemullah Khan DIG, Mirpurkhas
Mr. Anwar Subhani, AIG Legal
Mr. Aimal Magsi, DPO Sanghar

Date of hearing: 5.6.2006

ORDER

Mr. Saleemullah Khan DIG appeared alongwith DPO Sanghar and stated that some more time is required to achieve the object of recovery of the family of Manoo Bheel.

Adjourned to 19th June, 2006.

Islamabad, the

5th June, 2006.

Nisar/*

Nisar
8/6

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ

MR. JUSTICE ABDUL HAMEED DOGAR

MR. JUSTICE SAIYED SAEED ASHHAD

Cr.M.A.No.17-K of 2005

(Complaint of Torborg Isaksson)

For the complainant *Mr.M.S.Khattak, AOR a/w
Manoo Bheel*

On Court notice *Mr.Anwar Mansoor Khan, AG Sindh
Mr.Saleemullah Khan, DIG Mirpurkhas
Mr.Anwar Subhani, AIG Legal
Mr.Ajmal Magsi, DPO Sanghar
Ch.Muhammad Akram, AOR*

Date of hearing 19.6.2006

ORDER

Learned Advocate General Sindh stated that sometime be given to him to go through the file as well the information which was received in the office in pursuance whereof PPO was directed to materialise the same and produce the persons who are claiming themselves to be the members of the Manoo Bheel family.

2. *Manoo Bheel is present in Court and stated that this application has been filed by some other persons fictitiously with ulterior motive. They are not his family members. Ch.Muhammad Akram, AOR filed wakalatnama on behalf of Abdul Rehman Marri. He is directed to produce him in Court on the next date of hearing..*

*Adjourned for **21.6.2006.***

Islamabad:
19.6.2006

(Khalid)

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A letter bearing thumb impressions and signs of M/s Sobho s/o Dhalo, Deya Ram s/o Atam, Keko w/o Langeo, Lachman s/o Lakhoru etc., Bheel by cast, r/o Goth Gulab Khan Mari P.O Jhol Taluka Sinjhoru District Sanghar dated 2.6.2006 alongwith their Identity Cards has been received by post. The envelope contains phone No. 541979. A perusal whereof indicates that applicants have expressed their grievance against Manoo Bheel who claims that these persons have been illegally detained by a *Zamindar* and matter is pending before this Court.

It seems that Saleem Ullah Khan DIG, Police in process of implementation of order of this Court to recover and produce them before the Court, had made efforts due to which these persons have come on surface after a long period about more than 10 years.

As far as the allegations against DIG Saleem Ullah Khan are concerned, *prima facie* may not be correct, but contents of the letter has given a clue for effecting the recovery of the detenues, therefore, I direct that copy of this letter alongwith envelope and I.D. Cards be sent to I.G.P, Sindh in a sealed cover being 'confidential'.

The I.G.P is required to materialize the information by providing necessary assistance to Mr. Saleem Ullah Khan, DIG Mirpurkhas. Former will also take personal interest and shall ensure safe production of these persons before the Court on 10th June, 2006. The I.G.P is also directed to adopt professional skills for implementing this order to avoid any untoward incident.

Copy of the order be also sent to Chief Secretary Government of Sindh as well as to DIG Saleem Ullah Khan in sealed cover (confidential) for information and necessary action.

(Chief Justice of Pakistan)
8.6.2006

Registrar

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In the Supreme Court of Pakistan.

(Original Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Abdul Hameed Dogar
Mr. Justice Saiyed Saeed Ashhad

CRIMINAL MISCELLANEOUS APPLICATION NO. 17-K OF 2005

In Attendance:

Complainant: Munoo Bheel, In person

On Court Notice:

Mr. Anwar Masoor Khan, Advocate General, Sindh
Dr. Qazi Khalid Ali, Additional Advocate General Sindh
Mr. Saleemullah, D.I.G.
Mr. Ajmal Khan Magsi, D.P.O. Sanghar
Mr. Anwar Bukhari, A.I.G.
For Abdul Rehman Marri:

For Abdul Rehman Marri: Mr. Kamran Murtaza, ASC
Ch. Muhammad Akram, AOR

1. Soobho s/o dhaloo Bheel R/o Ahmed Khan Marri Distt: Sanghar
2. Punhoo S/o Mandho Bheel R/o Ahmed Khan Marri Distt: Sanghar
3. Kirshan s/o Loongio Bheel
4. Dadan s/o dhamoo Bheel
5. Lachhman s/o Lakhoo Bheel
6. Dhamoo s/o Tajo Bheel
7. Goroo S/o Ponio Bheel
8. Behram S/o Aatam Bheel
9. Dhaloo S/o Gumano
10. Bhoori D/o Damoo Bheel
11. Aaqan D/o ganesho
12. Aambo D/o Tajo Bheel
13. Kekal d/o Thakrio
14. Lachhmin d/o Beejal
15. Dapho D/o Ratna
16. Nazi D/o Nenoo, all resident of Goth Ahmed Khan Marri, Distt: Sanghar

Date of hearing: 21.6.2006

ORDER

Mr. Kamran Murtaza, learned counsel stated that although the directions were conveyed to him through AOR for production of Abdul Rehman Marri but he could not do so as the time was very short. He is directed to produce him on the next date of hearing.

2. Learned Advocate General, Sindh expressed reservations in respect of the report filed by Saleemullah Khan dated 17th June, 2006 relating to aspersions

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which have been made by him against the Administration. Saleemullah Khan is present in Court and stated that he wanted to bring the facts to the notice of the Court, which were causing hindrance to accomplish the task assigned to him by the Court. He, however, expressed that observations were not made by him with any intention to disrespect or malign the administration and if the administration had taken it in such manner then he regrets the same. He further stated that he has all respects for the high ups because of the discipline which he has learnt being the member of the Police force.

3. Learned Advocate General stated that on inquiry it transpired that the application submitted by the persons along with copies of their identity cards, who are present in the Court, was found false. When inquired as to whether in pursuance of the confidential letter sent to the Provincial Police Officer any action was taken against them, he stated that so far no action has been taken against the persons who have filed the application before this Court. However, he stated that needful will be done in this behalf according to law and the matter shall be reported on the next date of hearing. The applicants who have submitted the application and are present in Court today stated that they have no concern or connection with the family of Munoo Bheal and that they have submitted application because the police was pressurizing them. On having gone through the contents of the application and the statement made by learned Advocate General we are of the opinion that perhaps the said application was moved with an object to divert the attention of the Court as well as the investigating agency. Be that as it may, it has been assured by learned Advocate General that action will be taken against them in accordance with law, therefore, no further action is required to be taken in this behalf.

4. Mr. Saleemullah Khan, DIG stated that he is facing some difficulties, on account of non-cooperation of the police officials. Mr. Ajmal Khan Magsi, DPO Sanghar stated that initially he has conducted investigation and had collected evidence against the culprits who have illegally detained the family members of Munoo Bheal. DIG Saleemullah Khan is directed to join him as one of the

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members of his investigation team with a view to accelerate the proceedings and to achieve the object of recovery of the family members of Munoo Bheal as early as possible.

5. The case is adjourned to 26th June, 2006. To be fixed at Serial No. 1 of the Cause List.

Islamabad
21st June 2006
Saleem*

~~24/6~~

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21

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, H.C.J.
Mr. Justice Abdul Hameed Dogar
Mr. Justice Saiyed Saeed Ashhad

CRL. MISC. APPLICATION NO.17-K OF 2005.

(Complaint of Torborg Isaksson)

Attendance

For Complainant : Mr. M. S. Khattak, AOR.

On Court Notice : Qazi Khalid Ali, Addl JG Sindh.
Raja Abdul Ghafoor, AOR
Mr. Saleemullah, DIG
Mr. Ajmal Khan Magsi, DPO, Sanghar.
Mr. Anwar Bukhari, A.G.

For Abdul Rehman Marri : Mr. Kamran Murtaza, ASC
Ch. Muhammad Akram, AOR.

Date of hearing : 26-06-2006

ORDER

Learned counsel stated that he could not establish contact with Abdul Rehman Marri. On inquiry he stated that one Jehangir Balaidi resident of Sibi brought ^{to him} ~~to him~~ the power of attorney duly signed by Abdul Rehman Marri. It seems that Jehangir Balaidi has intervened in the proceedings of the Court by filing Wakalatnama in order to cause the delay in the matter, therefore, he is directed to appear before the Court. We wanted to issue warrants of arrest of Jehangir Balaidi as well as Abdul Rehman Marri through JGF Balochistan but the learned counsel stated he would himself produce them tomorrow i.e. 27th June 2006.

2. In pursuance of direction, issued by this Court the Investigating Officer has submitted a report. Mr. Saleem Ullah, JG and Mr. Ajmal Magsi, DPO are directed to remain at Islamabad till tomorrow.

Adjourned for 27th June 2006.

In the Supreme Court of Pakistan.
(Original Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Abdul Hameed Dogar
Mr. Justice Saiyed Saeed Ashhad

CRIMINAL MISCELLANEOUS APPLICATION NO. 17-K OF 2005
(Complaint of Torborg Isaksson)

For Complainant:
Mr. M. S. Khattak, AOR

On Court Notice:
Dr. Qazi Khalid Ali, Addl. A.G.
Raja Abdul Ghafoor, AOR
Mr. Saleemullah, D.I.G.
Mr. Ajmal Magasi, D.P.O.
Mr. Anwar Subhani, A.I.G. (Legal)

For the Accused:
Mr. Kamran Murtaza, ASC
Ch. Muhammad Akram, AOR

Date of hearing: 27.6.2006

ORDER

Mr. Kamran Murtaza, learned counsel despite assurance could not produce Jahangir Buledi, the person who approached him and handed over the Wakalat Nama of Abdur Rehman Marri meaning thereby that he is providing shelter to an accused who is wanted in a criminal case. Learned counsel who accepts brief on behalf of a person who is fugitive from law takes upon himself the responsibility to produce him before the Court if directed so. However, from the facts it is abundantly clear that Abdur Rehman Marri has presently shifted towards the Province of Balochistan as according to the learned counsel Jahangir Buledi is resident of Sibbi. In such view of the matter we consider it appropriate to constitute a Committee headed by Secretary, Ministry of Interior, Government of Pakistan along with Home Secretaries of Balochistan and Sindh as well as Inspector Generals of Police, of the respective provinces. The meeting shall be convened as early as could be possible to cause the arrest of Abdur

Rehman Mami and also to produce Jahangir Buledi who is providing shelter to him.

2. The Secretary Interior shall be free to engage any agency including police for the purpose of his assistance to do the needful. Meanwhile Inspector General of Police, Sindh, Saleemullah Khan, DIG and Muhammad Ajmal Magsi are directed that they shall continue their efforts to trace out family members of Muno Bheal in the Province of Sindh and any other places, if need be, they would approach to their counter parts in the Province of Balochistan and other Provinces to achieve the object.

3. The District & Sessions Judges, Mirpur Khas and Sanghar are directed to accelerate the proceedings which they have already started in terms of section 87 and 88 Cr.P.C. and they would ensure that the properties owned by Abdur Rehman Mami both moveable and immovable situated within their Districts or attached and are not allowed to be utilized by him or *any of his* representative in any manner. Saleemullah Khan, DIG and Ajmal Magsi are directed to ensure compliance of this order and submit the report.

Adjourned to a date in office after two weeks.

Islamabad
27th May 2006
Saleem*

3/27/06

(2)

(24)

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ

Mr. Justice Tassaduq Hussain Jilani

Mr. Justice Karamat Nazir Bhandari

Criminal M.A. No.17-K/2005

(Complaint of Torborg Isaksson)

Complainant. Not present.

On Court notice.. Mr. Anwar Mansoor Khan, A.G. Sindh.
 Mr. Jehangir Mirza, I.G. Police, Sindh.
 Mr. Saleem Ullah Khan, D.I.G., Mirpur Khas.
 Mr. Ajmal Magsi, D.P.O. Sanghar.
 Mr. Anwar Subhani, A.I.G. Police, (Legal)

For Abdur Rehman Mr. Kamran Murtaza, ASC.
Marri.

Date of hearing 18.7.2006

ORDER

Learned Advocate General appeared along with I.,G. Sindh, and stated that this case may be postponed till 19.7.2006.

Order accordingly.

Lahore
18th July, 2006.
Nisar

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IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Tassaduq Hussain Jilani
Mr. Justice Karamat Nazir Bhandari

Criminal Misc. Application No.17-K of 2005
(Complaint of Torborg Isaksson)

For the Applicant: Nemo

On Court Notice: Dr. Qazi Khalid Additional A.G. Sindh
Mr. Jehangir Mirza, I.G. Sindh
Mr. Saleemullah Khan DIG
Mr. Ajmal Magsi DPO
Mr. Anwar AIG (Legal)
a/w Abdul Rehman Mari accused under police custody

For the accused: Mr. Kamran Murtaza, ASC
With Jehangir Baleedi

Date of hearing: 19.7.2006.

ORDER

This case has got chequered history which needs not be explained at this stage except mentioning that about 9/10 years ago family members of Munno Bheel comprising nine persons were allegedly abducted by the *Zamindars* on whose lands they were working as farmers, because a dispute had arisen with regard to payments which statedly they received in advance. This fact was brought into notice of this Court through a letter dated 10.10.2005 from Torborg Isaksson on which, report was called from AG, Sindh. In the meanwhile police authorities made their efforts for effecting the recovery of the family members of Munno Bheel but without any success. At some stage it revealed that Abdul Rehman Mari s/o Ahmad Khan with whom they were working had abducted them and was not setting them at liberty, perhaps he was apprehending his involvement in the case. Alongwith him there was another person Ch. Bashir Ahmad. During this period the case registered against him twice, cancelled.

2. In the meanwhile Saleemullah Khan DIG was posted in Mirpurkhas when the application under consideration was received. Task was assigned to him to effect the recovery of the family members of Munno Bheel. He got recorded statement of one of the persons namey Nathoo Bheel, approver u/s 164 Cr. P.C who implicated Abdul Rehman Mari for the commission of offence. Again the case was referred and Saleemullah Khan DIG made his efforts for getting his bail cancelled, which he had obtained from the Court of Sessions Mirpurkhas and from the High Court Hyderabad Bench. After cancellation of his bail again efforts started and in the meanwhile reports were submitted indicating steps taken by him in order to investigate the accused for the purpose of effecting the recovery of the abductees.

3. On having taken into consideration the facts and circumstance of the case moveable and immovable property of the accused was ordered to be attached through Sessions Judges Mirpurkhas and Sanghar. Inasmuch as accounts owned by Abdul Rehman the same were also ordered to be frozen. In the meantime it was learnt that Abdul Rehman Mari has gone to Saudi Arabia where he is lying sick but subsequently proved that information was not correct. However, in the meanwhile Mr. Kamran Murtaza appeared and informed that he has been engaged as a counsel for the accused. On inquiry he stated that Abdul Rehman Mari has gone to Balochistan. On this it was considered that he has shifted from Sindh to Balochistan, therefore, on the last date of hearing the Secretary Interior Government of Pakistan was asked to constitute a committee comprising Home Secretaries, I.G.Ps of both the Provinces and other relevant Members for the purpose of causing the arrest of Abdul Rehman Mari. The Secretary Interior convened a meeting and assigned the task to both the I.G.Ps for the purpose of achieving the object. In pursuance of such efforts, yesterday i.e.18.7.06, Jahngir Mirza, IGP Sindh appeared and stated that case may be fixed for tomorrow. At his request the

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case was adjourned. Today he has produced Abdul Rehman Mari s/o Ahmad Khan Mari. Since Abdul Rehman Mari has been arrested therefore, matter has to be interrogated by the police and report shall be submitted on the next date of hearing in respect of progress which shall be made in this behalf.

4. As the accused has been arrested and the case of abduction is already pending against him therefore, police shall deal with him in accordance with law and Mr. Saleemullah Khan DIG and Mr. Ajmal Magsi DPO alongwith their team which has already been constituted shall interrogate him and interrogation so conducted by them shall be supervised by Mr. Jehangir Mirza, I.G.P Sindh.

5. Let the report in this behalf may be submitted before this Court on 28th July, 2006. Accused should be given full protection under the law.

6. Although it was a very difficult case yet the police has made remarkable efforts. Therefore we appreciate the efforts of the police ^{force} including Mr. Jehangir Mirza IGP, Sindh, Mr. Saleemullah, DIG and Mr Ajmal Magsi, DPO for causing arrest of Abdul Rehman Mari and we are quite hopeful that further progress in this behalf shall also be made by them in accordance with law.

Lahore, the
19th July, 2006
Nisar/*

(27) (25) (28)

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Tassaduq Hussain Jilani
Mr. Justice Karamat Nazir Bhandari

H.R.C. No. 17-K of 2005
(Complaint of Torborg Isaksson)

Attendance:

Complainant in person.

On Court's Notice:

Dr. Qazi Khalid Ali, Addl. A.G. Sindh.
Mr. Saleem Ullah Khan, D.I.G.
Mr. Ajmal Magsi, D.P.O/SSP Sanghar.
Mr. Anwar Subhani, A.I.G. Sanghar.

Date of hearing. 28.07.2006.

ORDER

Learned Additional Advocate General submitted two reports one compiled by Mr. Saleemullah Khan, D.I.G. and second by Mr. Ajmal Magsi, DPO/SSP and stated that investigation is going on, therefore, more time is required to achieve the object. One of the alleged accused namely Abdur Rehman Marri is in their custody and on account of his ill-health, the investigation team is facing some difficulties to interrogate him and that some other person has also been involved during investigation of the case and progress will be shown by the next date.

2. Adjourned to a date in office in the 3rd week of September, 2006. In the meanwhile, Mr. Saigemullah Khan D.I.G. and Mr. Ajmal Magsi, DPO shall submit weekly reports qua progress in the case to Registrar for our perusal in chambers.

Lahore
28.07.2006
Not Approved for Reporting
khuram

[Handwritten signature]
04/8/06

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Saiyed Saeed Ashhad

Human Right Case No.17-K of 2005

(Complaint of Torborg Isaksson)

Attendance:

Mr. Anwar Mansoor, Advocate General, Sindh
Mr. Saleemullah Khan, DIG Meerpur Khas
Mr. Ajmal Magsi, DPO
Mr. Kamran Murtaza, ASC for the accused.

Mr. Anwar Subhan, A.T. (Legal)

Date of hearing: 20.9.2006

ORDER

Learned Advocate General appeared alongwith police officers and submitted weekly report duly prepared by Mr. Saleemullah Khan, DIG, Meerpurkhas.

2. It is informed that after making hectic efforts the DIG had succeeded in recovering two daughters of Munoo Bheel namely Jama whose actual name is Momal and Ludi (actual name is Dheeli). He narrated that the ladies were found in Jawar-ro and Moment Qaz Shamsuddin, areas of Achrothal, Taluka Khipro and these places are situated in a desert at a distance of about 60 kilometers from Meerpurkhas where no regular road is available and one has to travel on the tracks with the help of local guide otherwise there is likelihood of misplacing the road and coming cross of the quicksand. Both the ladies were found in the houses of Ambrew Bheel and Alano Bheel respectively.

3. According to DIG there was no instrument to identify the ladies therefore, he had developed on computer, one of their family group photo, copy of which has been placed by him on record. He explained that in this photograph Munoo Bheel is sitting alongwith his wife Mota, one of his daughters namely Momal and two sons Chamra and Kanji. As far as

Dheeli is concerned, she is not visible in this photo. However, he got compared their faces complexion by enlarging these photos which he placed on record and according to him both the girls are real sisters and daughters of Munoo Bheel. According to him the Momal was sold by Kheto Bheel to her present husband for Rs.60,000/- who had died. Whereas Pando Bheel had sold Dhelli at the costs of Rs.45,000/- to Alano Bheel. He explained that Kheto was Kambdar of Mareed Khan, elder brother of Abdul Rehman Mari (principal accused) whereas Pando Bheel is Kambdar of a Zamindar, Ranjanr by caste. He stated that Munoo Bheel was asked to identify Momal but he stated that a period of about 10 years has passed therefore, he cannot identify her fully because some of her features have changed. As far as Dheeli is concerned, he has totally refused to identify her to be his daughter. According to the DIG, the photographs, prima-facie leads to draw conclusion that her figures are same therefore, to be on safe side, it would be in the interest of justice if DNA test of recovered ladies being sisters and determining their parentage is directed from a recognized laboratory at the costs of Government of Sindh. Learned Advocate General stated that test can be arranged from Agha Khan University. Order accordingly. Copy of this order be sent to Home Secretary and Finance Secretary ^{Head of Secret} for arranging funds, as early as could be possible so needful could be done as it has been ordered hereinbefore.

4. The DNA test will be carried out in Agha Khan University Karachi with directions to the Director concerned that report shall not be leaked out to anyone and it shall be sent in a sealed cover to the Registrar for presenting before us in Chambers for perusal.

5. DIG, Saleemullah Khan, stated that he has also a clue in respect of male members. If some more time is given to him he would be in a position to materialize the same.

6. Mr. Kamran Murtaza, learned ASC stated that Abdul Rehman Mari (principal accused in custody) is not keeping good health and he has already filed application ^{for his release on bail} which is not being disposed of as matter is pending before this Court. In fact the application is to be disposed of by the Court before whom it has been filed, however, we direct that let the Court dispose it of independently, according to law, without being influenced in any manner from the present proceedings.

Adjourned to 3rd November, 2006.

Islamabad, the
20th September, 2006.
Nisar/*

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE MUHAMMAD NAWAZ ABBASI
MR. JUSTICE SAIYED SAEED ASHHAD

HUMAN RIGHTS CASE NO. 17-K OF 2005 + 5519/06
(Complaint of Torborg Isaksson)

For Complainant: Nemo

On Court Notice: Mr. Anwar Mansoor Khan, AG
Mr. Fayyaz Ahmed Laghari, DIG, Mirpurkhas
Mr. Ajmal Khan Magsi, DPO, Sanghar
Mr. Anwar Subhani, AIG (Legal)
Sardar Latif Khan Khosa, ASC
on behalf of Dr. Rehana Saba
Mrs. Saleemullah Khan, with her daughter

For Abdul Rehman Marri: Ch. Muhammad Akram, AOR

Date of Hearing: 3.11.2006

*_*_*_*

ORDER

Learned AG Sindh, with DIG Mirpurkhas and DPO Sanghar, states that Director, National Center of Excellence in Molecular Biology, University of Punjab, Lahore, was approached for DNA test and report is still awaited which is expected to be received within a fortnight. He states that investigation is in progress and efforts are being made for its early conclusion.

2. Sardar Muhammad Latif Khan Khosa, ASC has filed an application on behalf of Dr. Rehana Saba Bajwa, leveling certain allegations against DFO, Mirpurkhas *of his* highhandedness, destruction of the properties and causing harassment to her family which may constitute an offence. Mr. Saleemullah Khan, former DIG Mirpurkhas, ex-I.O., has filed an application containing the allegation of harassment and victimization to him and his family and has sought protection. Let copies of these applications be handed over to the learned AG, Sindh, who will file reply to the same before

the next date. The DIG Mirpurkhas and DPO Mirpurkhas shall also submit separate reply to these applications and shall ensure that investigation is carried strictly in accordance with law, without causing any harassment to any person. The progress report and DNA test report should be submitted within three weeks and case shall be re-listed for a date in the 3rd week of November, 2006.

Islamabad
3.11.2006
Iftikhar

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, C.J.
Mr. Justice Muhammad Nawaz Abbasi
Mr. Justice Saiyed Saeed Ashhad

CRIMINAL MISC. APPLICATION NO. 17-K OF 2005

(Complaint of Torborg Isaksson)

For Complainant: Mr. M.S. Khattak

On Court Notice: Mr. Anwar Manssor Khan, AG, Sindh with
Mr. Fayyaz Ahmed Laghari, DIG, Mirpur Khas
Mr. Ajmal Khan Magsi, DPO, Sanghar
Mr. Saleemullah Khan, former DIG Mirpur Khas
Mr. Abdullah Sheikh, DPO, Mirpur Khas
Ch. Akhtar Ali, AOR, for Dr. Rehana Saba Bajwa,

For Abdul Rehman Marri: Mr. Kamran Murtaza, ASC
Ch. Muhammad Akram, AOR

Date of hearing: 22.11.2006

ORDER

Learned Advocate General, Sindh stated that for some reasons which have been disclosed in CMA No. 457/2006, Mr. Saleemullah Khan, DIG, is being proceeded against departmentally and in his place one Fayyaz Leghari is appointed as DIG. On the other hand, Saleemullah Khan, DIG, has appeared along with his family and stated that the allegations against him are absolutely incorrect and he has been illegally removed from the post of DIG Mirpur Khas. He traced out the history of the case and stated that it is not only the first time but second attempt has been made to violate the orders of this Court by removing him from the post of DIG, so he may not carry out orders of this Court.

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2. We would refrain from passing any order at this stage because Advocate General, Sindh, stated that disciplinary proceedings shall be concluded independently by the federal government, therefore, till the logical conclusion of the same, it would not be in fairness to make comments in this behalf. However, Mr. Saleemullah Khan, along with family members, stated that when they were in Mirpur Khas and he was placed under suspension, harassment was caused to his family. Learned Advocate-General stated that no harassment will be caused and further that he has shifted his family to Islamabad. Be that as it may, because he is respectable officer of the police force, therefore, the authorities are directed to provide him and his family members due protection which is his entitlement under the law.

3. On merits of the case, we have painfully noted that despite proceedings against Saleemullah Khan, DIG departmentally, no effective efforts have been made to effect the recovery of abductees so far. It is stated that the DNA test which was to be carried out by National Institute of Molecular Biological Institute, University of Punjab, Lahore, has not so far been concluded as Agha Khan University Hospital had declined to carry out DNA test. Be that as it may, because the officer who was earlier in-charge of the case, is being proceeded against departmentally, therefore, now it would be the responsibility of the Inspector General Police, Sindh to carry out the orders of this Court to effect recovery of Manoo Bheel family. On our query, it is informed by the learned Advocate-General stated that no progress otherwise so far has been made although raids have been conducted. However, he stated that further time is required to do the needful. In these circumstances, two weeks time is allowed to effect recovery of Manoo Bheel family.

4. It is informed by one Dr. Rehana Saba Bajwa that on account of the fact that her brother Shahid Bajwa, Inspector/ADIG, Mirpur Khas, was working with Saleemullah Khan, DIG, he is also being harassed and as a sequel to the same, property owned by her was damaged on which picket was already deputed to protect her possession. The learned Advocate-General stated that he would look into the allegations and ensure that justice is done to her. In view of the assurance given by learned Advocate General, no further action is called for, therefore, Human Rights Case 5462/06 and CMA No. 456/06 filed by Dr. Rehana Saba Bajwa stand disposed of with the observation that no injustice or harassment shall be caused to her. So far as, Shahid Hussain Bajwa is concerned, his case is not before us and for that matter, department can deal with him according to law but without causing unnecessary harassment etc. Let the case be adjourned to 11.12.2006.

Islamabad
22.11.2006
Iftikhar/*

Iftikhar
29/11

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT: MR. JUSTICE MIAN SHAKIRULLAH JAN.
MR. JUSTICE SAYYAD SAEED ASHAD.

CRIMINAL MISC. APPLICATION NO. 17-K/2005.

Complaint by Torborg Isaksson.

For the Complainant: Mr. M. S. Khattak, AOR.

On Court Notice: Mr. Anwar Mansoor Khan, A.G. Sindh.
Mr. Jehangir Mirza, I.G. Sindh.
Mr. Saleemullah Khan, Former DIG.
Mr. Anwar Subhan, AIG(Legal).

For Abdul Rehman Marri: Ch. Muhammad Akram, AOR.

Date of Hearing: 11.12.2006.

ORDER

The progress report, as directed by this Court, has been submitted alongwith the DNA test, which is in the negative. In view of the DNA test report, the learned A.G. requests for some time in order to materialize their efforts already undertaken even with the provincial government. Request allowed. Adjourned to be fixed on 15.01.2007.

ISLAMABAD.
11.12.2006.
(Farrukh)

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14/12

(16) (39)

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION).

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ
MR. JUSTICE MIAN SHAKIRULLAH JAN
MR. JUSTICE SAIYED SAEED ASHHAD

CRL. MISC. APPLICATION NO. 17-K OF 2005 etc.

Complaint by Toroborg Isaksson

For the complainant: Mr. M. S. Khattak, AOR

On Court Notice: Mr. Anwar Mansoor Khan, A.G. Sindh
Mr. Jehangir Mirza, I.G. Sindh
Mr. Saleemullah Khan, Former DIG
Mr. Anwar Subha, AIG(Legal)

For Abdul Rehman Ch. Muhammad Akram, AOR
Marri:

Date of hearing: 15.01.2007.

ORDER.

The Addl. A.G. stated that sufficient progress has been made in the case. A number of persons who were said to be involved in the case but were not traceable have been declared proclaimed offenders. A handsome amount of Rs.5 million as reward has been sanctioned by the Provincial Government which will be paid to the persons who will furnish credible information to locate the missing family of Munno Bhail. The local representatives including the MPA etc have also been associated and they are quite satisfied with the progress made so far. He requests that if case is adjourned for a period of one month, hopefully remarkable progress will be made in the matter. Adjourned to 16th February, 2007.

Islamabad, the
15.01.2007.
MAZ

MAZ
15/1

(14) (20)

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Mian Shakirullah Jan
Mr. Justice Saiyed Saeed Ashhad

CRIMINAL MISCELLANEOUS APPLICATION NO. 17-K OF 2005

(Complaint of Torborg Isaksson)

For the complainant: Mr. M.S. Khattak, AOR

On Court Notice: Mr. Anwar Mansoor Khan, A.G. Sindh
Mr. Jehangir Mirza, I.G. Sindh
Mr. Saleemullah Khan, Former DIG
Mr. Anwar Subhan, AIR (Legal)

For Abdul Rehman Marri: Ch. Muhammad Akram, AOR

Date of Hearing: 16.02.2007

ORDER

Learned Advocate General, Sindh stated that Inspector General of Police, Sindh is actively exploring a number of possibilities for making headway in this case. According to him there are certain developments, which will be brought to the notice of the Court later on as their disclosure at this stage would not be in the interest of justice because it may adversely effect the efforts so far made by the Police being to trace out/recover the family of Munoo Bheal. He further stated that Government of Sindh at the request of Inspector General of Police had announced an award of Rs.50,00,000/- which would be paid to the person(s) who will furnish concrete and solid information about the whereabouts of the family of Munoo Bheal and provide assistance in their recovery. Notification in this behalf has been issued and further steps are being taken to involve the public at large and all other stakeholder to come forward and furnish such information. Copy of the notification has been placed on record. We have noticed that except Inspector General of Police no other subordinate officer is taking interest in implementing order of this Court, therefore, Inspector General is directed to constitute a team,

supervise their work and depute them to attend the Court for submitting progress report. His personal appearance in Court is not required unless so directed. Mr. Saleemullah, former D.I.G. Mir Pur Khas, appeared and stated that DNA test report carried out during his tenure has been received. We have perused the same but according to the report the two girls picked up by him presumed to be the daughters of Munoo Bheal are neither real sisters nor Munoo Bheal is their biological father. Be that as it may, as now the Inspector General himself is supervising the case, therefore, there is no need to discuss this matter at this stage. Mr. Saleemullah Khan, former DIG further stated that on account of this case he was suspended. This statement has been refuted by the Inspector General of Police, Sindh who stated that he was suspended/removed on account of disciplinary proceedings. It may be noted that disciplinary proceedings are pending against him, therefore, no comment can be made in this behalf. At the request of the Advocate General, the case is adjourned to 16th March, 2007. Progress report shall be submitted by the head of the team, which will be constituted by the Inspector General of Police, Sindh for implementing orders of this Court.

Islamabad, the
16th February, 2007
Atif*

~~MO~~
23/2

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Iftikhar Muhammad Chaudhry, HCJ
Mr. Justice Mian Shakirullah Jan

CRIMINAL MISC. APPLICATION NO.40 OF 2007 IN CRIMINAL MISC.
APPEAL NO.17-K OF 2005, CR.O.P.NO.52 OF 2006 H.R.C.NO.1026
OF 2005 AND H.R.C.NO.5519 OF 2006

Complaint of Toroborg Isaksson. ... Appellant

Versus

Abdul Rehman. ... Respondent

For the appellant: Mr. Kamran Murtaza, ASC with
Ch. Muhammad Akram, AOR.

On Court Notice: Ch. M. Rafique, Addl. AG
Mr. Saleemullah, Former DIG
Mr. Ajmal Magasi, DPO, Sanghar
Mr. Anwar Subhani, AIG (Legal)

Date of hearing: 1.3.2007.

ORDER

Notice to the respondent for 16th March, 2007.

Islamabad
1.3.2007.
Mahtab

MP
3/3

(12)

(52)

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT

MR. JUSTICE JAVED IQBAL, HACJ
MR. JUSTICE ABDUL HAMEED DOGAR
MR. JUSTICE MIAN SHAKIRULLAH JAN

CrL.M.A. No.40/2007

IN CrL. Misc. Application No.17-K of 2005

(Complaint of Torborg Isaksson)

For the complainant:

Mr. Kamran Murtaza ASC.
Mr. M.S Khattak, AOR

On Court Notice.

Ch. M. Rafique Rajourvi, Addl. A.G. Sindh
Mr. Anwar Subhani AIG (Legal)

Date of hearing:

16.3.2007.

ORDER

To come up on 30.3.2007 with the direction that no more adjournment would be granted and a comprehensive report must be submitted by all means in order to resolve the issue.

Islamabad
March 16, 2007
Iqbal Naseer.

IN
20/3

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT: MR. JUSTICE JAVED IQBAL.
MR. JUSTICE ABDUL HAMEED DOGAR
MR. JUSTICE MIAN SHAH RULLAH JAMALI

CRL. M. A. NO. 40/2007 IN CRL. M. A. 17-K/2005, CRL. (O. P. NO. 52/2006,
H. R. C. NO. 1026/2005 AND H. R. C. NO. 5519/2006.
(Complaint of Torborg Isaksson.)

Attendance:

For the Complainant:	Mr. M. S. Khattak, AOR.
For the Applicant: (in Crl. M. A. No. 40/2007)	Mr. Kamran Murtaza, ASC. Ch. Muhammad Akram, AOR.
Petitioner: (in Crl. O. P. No. 52/2006)	Mr. Saleemullah Khan, Former DIG, Mirpur Khas.
<u>On Court Notice:</u>	Dr. Qazi Khalid Ali, Addl. A. G. Sindh. Raja Abdul Ghafoor, AOR. Mr. Ghulam Haider Jamali, DIG, Mirpur Khas. Mr. Ajmal Magsi, DPO, Sanghar. Mr. Anwar Subhani, AIG (Legal).

Date of Hearing: 30.03.2007.

ORDER

A comprehensive report has been furnished which is indicative of the fact that some progress has been made after the arrest of Jumoon Bheel and Ibrahim Machi who have got recorded their confessional statements before Judicial Magistrate, Digree District Mirpur Khas. It is submitted by the learned Additional A. G. Sindh that some more time may be allowed for the recovery of abductees and being a time consuming exercise it is requested that no time limit may be fixed. Be that as it may, six weeks time is allowed for doing the needful with the direction that every possible effort be made for the recovery of abductees and the kidnapes.

2. Mr. Kamran Murtaza, learned ASC for Abdur Rehman Marri has submitted that his bail application is still pending before the High Court and the same has not been decided for some unknown reasons, probably due to pendency of this case before this Court. The learned High Court may dispose of the said application preferably within a period of two months, and without being

(11)

(3)

influenced by any observation made by this Court and on its own merits. As far as high handedness and harassment of police is concerned, Mr. Ghulam Haider Jamali, DIG has assured that there would be no harassment, however, action will be taken in accordance with law. It is submitted that challan has been furnished in the Court of learned Sessions Judge, Mirpur Khas and efforts are being made to arrest the absconders. At this juncture, Kamran Murtaza, learned ASC has pointed out that on 27.06.2006 it was directed by this Court that the properties owned by Abdur Rehman Marri, both moveable and immovable situated within the districts of Mirpur Khas and Sanghar shall not be allowed to be utilized by him or his representatives in any manner. After the arrest of Abdur Rehman Marri, the above mentioned order is recalled.

3. Mr. Saleemullah Khan, former DIG Mirpur Khas is present and submits that he is being harassed and baseless cases have been registered against him mainly due to the reasons that this case was entrusted to him by the Hon'ble Mr. Justice Iftikhar Muhammad Chaudhry, Chief Justice of Pakistan. Let the law take its own course. Mr. Saleemullah Khan, former DIG is directed to file an application in the office in this regard, if so desired and a copy of the same be made available to the learned Additional Advocate General Sindh for comments.

5. To come up on 14.05.2007.

ISLAMABAD.

30.03.2007.

(Farrukh)

Not approved for reporting.

7/4/07

(4) (48)

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT

MR. JUSTICE JAVED IQBAL
MR. JUSTICE ABDUL HAMEED DOGAR

CrI. M.A.40/2007 IN

CrI.M.A. 17-K/2005 and CrI.O.P.52/2006 and H.R.C.1026/2005 and H.R.C.5519/2006

Complaint of Torborg Isaksson

CrI.O.P.52/2006

Saleemullah Vs. Syed Tariq Ali Bukhari, etc

H.R.C.1026/2005

Abduction of the family of Munno Bheel

H.R.C.5519/2006

Shahid Dastgir Khan (President PHRC, UK)

For the petitioner: Nemo in Cr.M.A.No.40/07 in Cr. M.A.17-K/06
For the respondents: Ghulam Haider Jamali, DIG Mirpur Khas
Mr. Aimal Malik, DPO Sanghar
Mr. Anwar Subhani, AIG Legal

Petitioner: In person in CrI.O.P.52/06
Petitioner: Nemo in HRC 1026/05
Respondent: N.R. in HRC 1026/05
Petitioner: Nemo in HRC 5519/06
Respondent: N.R. in HRC 5519/06

Date of hearing: 14.5.2007.

ORDER

Ghulam Haider Jamali, DIG Mirpur Khas is present and furnished a progress report which appears to be comprehensive in nature. It is pointed out that Lal Bux has been arrested around which the entire controversy revolves. It is also pointed out that the main culprits have already expired who played a pivotal role in the entire episode. It is requested that some more time may be given enabling the police to get the family of Manno Bheel recovered. Request accepted. Matter adjourned. To be fixed after four weeks. Learned DIG Mirpurkhas needs not to appear on the next date of hearing.

Criminal O.P.No.52 of 2006

Notice be issued to learned Advocate General in CrI.O.P.No.52 of 2006 filed by Saleemullah and copy of the same be sent with in time.

Islamabad
May 14, 2007
Iqbal Naseer.

Iqbal Naseer

(8) (97)

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT

MR. JUSTICE JAVED IQBAL
MR. JUSTICE FALAK SHER

Crl.M.A.40/2007 in Crl.M.A.17-K/05, Crl.O.P.52/06,
HRC1026/05, HRC 5519/06.

Crl.M.A.40/2007 in Crl.M.A.17-K/05

Complaint of Torborg Isaksson

Crl.O.P.52/06

Saleemullah Vs. Syed Tariq Ali Bukhari, etc

HRC1026/05

Abduction of the family of Munno Bheel

HRC 5519/06

Shahid Dastgir Khan (President PHRC,UK)

C.P.2687/05

Muhammad Iqbal Khan and others Vs. Chief Administrative Auqaf, NWFP, Peshawar and others

C.P.2695/05

Habibullah Khan and others Vs. Chief Administrative Auqaf, NWFP, Peshawar and others

For the appellant in Crl.M.A.40/2007 Mr. M.S.Khattak, AOR
in Crl.M.A.17-K/05:

For the respondents in Crl.M.A.40/2007 Dr.Qazi Khalid Ali, Adl.A.G., Mr. Anwar
in Crl.M.A.17-K/05:

Subhan, AIG, Raja Abdul Ghafoor, AOR,
Mr. Kamran Murtaza, ASC, Ch. Muhammad Akram,
AOR,

For the petitioner in Crl.O.P.52/06: Mr. Muhammad Akram Ch.AOR

For the respondents in Crl.O.P.52/06: Dr.Qazi Khalid Ali, Adl.AG (Sindh)

For the respondents in HRC.1026/05: Dr.Qazi Khalid Ali, Adl.AG, Mr. Imdad Ali
Solargi, S.P.

Date of hearing: 18.6.2007

ORDER

It is pointed out that hectic efforts are in hand to get the culprits arrested and to recover the family of Munno Bheel. It is observed with grave concern that pace of progress is negligible, however two weeks time is given to do the needful. Every effort be made to get the culprits arrested as well as to recover the family of Munno Bheel. Adjourned. To be fixed after two weeks.

Ch. Muhammad Akram, learned ASC is present on behalf of respondents in Cr. Misc. No.40 of 2007 and undertakes to file power of attorney within a week. To be fixed after two weeks. /

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE JAVED IQBAL.

MR. JUSTICE ABDUL HAMEED DOGAR

MR. JUSTICE FALAK SHER

Cr.M.A No.40 of 2007 IN Cr.M.A No.17-K of 2005,
Cr.O.P No.52 OF 2006 in H.R.C. No.1026 of 2005 &
H.R.C. No.5519 of 2006.

Complaint of Toroborg Isaksson.

Appellant

Versus

Abdul Rehman.

Respondent

For the appellant:

Mr. Saleemullah, Former DIG

For the respondent:

Mr. Karman Murtaza, ASC.

Raja Abdul Ghafoor, ACR.

On Court Notice:

Mr. Sarwar Khan, Addl. AG Sindh.

Mr. Muhammad Ali Salangi, SP(Inv.)

Mr. Ajmal Magsi, DPO Sanghar.

Mr. Anwar Subhani, AIG Legal

Date of hearing:

10.07.2007.

ORDER

It reveals from the scrutiny of record that the progress of the case is negligible and the statements made previously have been repeated again. It has, however, been submitted by Mr. Ajmal Magsi, DPO Sanghar that hectic efforts are in hand to get the culprits arrested and requests that a short adjournment may be granted enabling them to do the needful. It is pointed out that some more evidence is collected and there is a ray of hope that the culprits would be arrested within a couple of weeks. Be that as it may, the matter is adjourned. To be fixed after four weeks.

ISLAMABAD:

10.7.2007

[Signature]

(5) (579)

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, HCJ
Mr. Justice Javed Iqbal
Mr. Justice Sardar Muhammad Raza Khan
Mr. Justice Faqir Muhammad Khokhar
Mr. Justice M. Javed Butta

Crl. Misc. Appeal No.40/2007 in Crl.M.A. No.17-K/2005,
Crl.O.P.52/2006, HRC No.1026/2005 & HRC No.5519/2006

Crl. Misc. Appeal No.40/2007 in Crl.M.A. No.17-K/2005,
(Complaint of Torborg Isaksson).

Attendance Mr. Mansoor A. Norrani, Acting AG (Sindh)
Raja Abdul Ghaffoor, AOR
Mr. M. S. Khattak, AOR
Mr. Kamran Murtaza, ASC
Ch. Muhammad Akram, AOR
Mr. Ajmal Magsi, DPO Sanghar.
Mr. Imdad Solangi, SP
Mr. Muhammad Aslam DSP.
Mr. Anwar Subhani, AIG Legal.

CRL. ORIG. PETITION NO.52/2006

Saleemullah Versus Syed Tariq Ali Bukhari, etc

Attendance Petitioner in person.
Mr. Mansoor A. Norrani, Acting AG (Sindh)

HUMAN RIGHTS CASE NO.1026/2005

(Abduction of the family of Munno Bheel)

Attendance Applicant in person.
Mr. Mansoor A. Norrani, Acting AG (Sindh)

HUMAN RIGHTS CASE NO.5519/2006

(Shahid Dastgir Khan (President PHRC UK)

Attendance Nemo.

Date of hearing : 15-08-2007

ORDER

Mr. Ajmal Magsi, DPO Sanghar appeared alongwith Acting AG(Sindh) and stated that during investigations another important culprit of the case namely Mahan Singh was arrested who has made a statement under Section 164 Cr.P.C. on 10th August 2006 before the Judicial Magistrate Dehri that Munno Bheel family was abducted by Abdur Rehman Murri alongwith Bashir Punja (deceased) Shabbir Qaim

Khani and Manzoor Chandio. Abdur Rehman Murri brought five vehicles in which the family of Munno Bheel was abducted in his presence and at that time they were sitting in the land of Variam Memon at Nokot Deh No.319, Talka Dehgri, Mirpur Khas, these persons after having abducted the family of Munno Bheel allowed him to go and he was dropped at a Petrol Pump in the area of Judu. According to the DPO now efforts are being made to further probe into the matter and in this connection arrest of the Abdul Jabbar brother of Abdur Rehman Murri is also carried out, therefore, some more time is required to do the needful.

2. Munno Bheel present in Court stated that he is assisting the Police in effecting the recovery of accused persons.
3. All cases are adjourned to 17th September 2007.

Crl.O.P.52/2006

4. Petitioner Saleem Ullah Khan appeared and stated that as the department is proceeding against him, therefore, he does not want to press instant petition at this stage.

Dismissed accordingly.

Islamabad
15-08-2007
MS/



IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, HCJ.
Mr. Justice Nasir-ul-Mulk
Mr. Justice Ch. Ijaz Ahmed
Mr. Justice Syed Jamshed Ali

Crl. Misc. Appeal No.40/2007 in Crl.M.A. No.17-K/2005,
Crl.O.P.52/2006, HRC No.1026/2005 & HRC No.5519/2006

Crl. Misc. Appeal No.40/2007 in Crl.M.A. No.17-K/2005,
(Complaint of Torborg Isaksson).

Attendance Ch. Muhammad Rafiq Rajourvi, Addl. AG (Sindh)
Raja Abdul Ghafoor, AOR
Mr. M. S. Khattak, AOR
Ch. Muhammad Akram, AOR
Mr. Ajmal Magsi, DPO Sanghar.
Mr. Imdad Solangi, SP

CRL.ORIG. PETITION NO.52/2006

Saleemullah **Versus** Syed Tariq Ali Bukhari, etc

Attendance Petitioner in person.

HUMAN RIGHTS CASE NO.1026/2005

(Abduction of the family of Munno Bheel)

Attendance Nemo.

HUMAN RIGHTS CASE NO.5519/2006

(Shahid Dastgir Khan (President PHRC UK)

Attendance Nemo.

Date of hearing 17-09-2007

ORDER

Mr. Ajmal Magsi, DPO Sanghar appeared along with Addl.AG(Sindh) and states that despite efforts made by the Police, no progress has been made so far, therefore, some more time may be given to him so he may convene a meeting with the local police as well as the PPO Sindh in order to adopt an effective device to achieve the object.

2. Mr. Tariq Mehmood, learned ASC for Abdur Rehman Murree states that the later is in custody for the last 14 months, therefore, direction may be made to the trial Court to at least commence the trial. On this learned

Addl.AG informed that the next date of hearing in the trial Court is 27th September 2007.

3. Learned Trial Court, seized ^v of the matter, is directed to commence the trial and conclude the same as early as could be possible.

Adjourned to 22nd October 2007.

Islamabad
17-09-2007
MS/ *

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22/9

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IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, HCJ.
Mr. Justice Mian Shakerullah Khan

Crl. Misc. Appeal No.40/2007 in Crl.M.A. No.17-K/2005,
Crl.O.P.52/2006, HRC No.1026/2005 & HRC No.5519/2006

Crl. Misc. Appeal No.40/2007 in Crl.M.A. No.17-K/2005,
(Complaint of Torborg Isaksson).

Attendance Ch. Muhammad Rafiq Rajourvi, Addl. AG (Sindh)
Raja Abdul Ghafoor, AOR
Pir Muhammad Abbas, DIG
Mr. Noor-ul-Haq, SP.
Mr. Imdad Ali Solongi, SP.
Mr. Anwar Subhani, AIG (Legal)

Mr. Tariq Mehmood, ASC
Ch. Muhammad Akram, AOR

HUMAN RIGHTS CASE NO.1026/2005

(Abduction of the family of Munno Bheel)

Attendance Nemo.

HUMAN RIGHTS CASE NO.5519/2006

(Shahid Dasgiri Khan (President PHRC UK))

Attendance Nemo.

Date of hearing : 22-09-2007

ORDER

Pir Muhammad Abbas, DIG appeared alongwith Addl. Advocate General and submitted report compiled by Ajmal Magsi, DPO Sanghar. According to him report is unsatisfactory. He further stated that he recently, after taken over the charge, inquired from the concerned Investigating Officers about the progress of the case and having not satisfied has suspended one Allan Abbas, SHO and now he is also contemplating to make recommendations against those senior officers who have not shown progress in this case, through IGP (Sindh) for onward transmission to the Competent Authority, for taking action against them. He requested that one

month's time may be given to him for effecting recovery of the family of Munno Bheel.

2. Learned Addl. Advocate General stated that PPO, Sindh be directed to supervise the investigations personally with a view to show some progress. Order accordingly.

3. Mr. Tariq Mehmood, learned counsel for Abdur Rehman Marri stated that in pursuance of inquiry report dated 3-9-2007 compiled by Sessions Judge Hyderabad in respect of conducting raids illegally for causing arrest of the accused persons by the Police, no progress had been shown and ultimately after a period of about ten months and three days case has been registered vide FIR No.46-47/2007 PS Jhool, District Sanghar and due to this delay the accused persons have obtained their bails. This fact has been informed to him during hearing in the Court. He further stated that as far as the case of Abdur Rehman Marri is concerned, it is not being proceeded for non-cooperation of District Attorney who always used delaying tactics for one or the other reasons.

4. Learned Addl. Advocate General stated that he will communicate /inform the District Attorney through the Secretary Law, Government of Sindh to ensure expeditious disposal of the case and he will render possible cooperation to the Court for conclusion of the same as early as could be possible.

Adjourned to 26th November 2007.

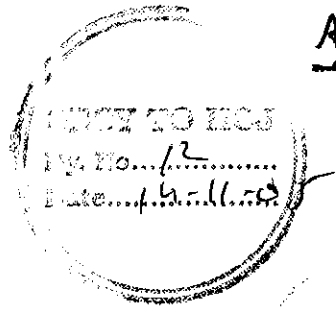
Islamabad
22-09-2007
MS/*

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Cy-Misc. Application No-17-K/2005

10 October 2005

Chief Justice
Mr Justice Iftikhar Muhammad Chaudhry
Supreme Court of Pakistan
Islamabad
Pakistan



797

Dear Sir

I want to bring to your attention the case of Munno Bheel. He is a bonded hari. He and his family were working on the lands of Abdur Rahman Marri at Jhole, in Sanghar district of Sindh. In 1996 they were liberated by Human Rights Commission of Pakistan Special Task Force together with about 50 other bonded workers. Two years later his family members were kidnapped by armed men and brought back to the same owner. Since then Munno Bheel and HRCP have made every possible effort and approached all possible forums of redress for the recovery of the unfortunate hari's family, but to no avail.

Bonded labour was outlawed in Pakistan in 1992. Bonded Labour Abolition Act prohibits all forms of forced labour and the use of credit as a means of keeping the haris in bondage. However it seems that this law is not implemented. Many landowners disregard the law and bonded labour continues to be a serious problem in several parts of Pakistan though most severely in Sindh.

I urge you to use your power to take urgent action so that the 9 members of Munno Bheel's family are liberated and brought to a safe place.

I thank you for your consideration.

Yours sincerely

Torborg Isaksson

Torborg Isaksson
Rådagatan 42A
S-531 31 Lidköping
Sweden

Restons
Pudup

5/20
14.11.05
Pudup to day

15/11
C-A HR