

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE ABDUL HAMEED DOGAR.

MR. JUSTICE SAIYED SAEED ASHHAD

CRIMINAL MISC: PETITION NO.2-K/2006.

Misri Ladhani.

... Petitioner

Versus

Amjad Shahzad and others.

... Respondents

Complainant.

In person alongwith his wife Asha

For the Respondents 1-3:

Mr. Muhammad Yasin Azad, ASC
Raja Sher Muhammad Khan, AOR.

On Court notice.

Mr. Adnan Aamir, S.P. City Multan and Miss Sadia, Lady Inspector, Multan alongwith Mst. Naleem Ludhani, (abductee) and Amjad Shahzad, (Respondent No.1)
Mr. Khalil Ahmed, DSP Investigation, Layyah
Mr. Tatomal, S.I. P.S. Dharki
Mr. Beza-At, Inspector/I.O. Police Station Gizri, Clifton Town, Karachi.
Mr. Sikandar Magsi, S.S.P. Khawaja Ajmair Town, Karachi
Mr. Anwar Subhani, A.I.G. Legal, Karachi.

Date of hearing

: 19.5.2006

ORDER

In pursuance of order dated 16.5.2006 Mr. Adnan Aamir, S.P. City Multan and Miss Sadia Lady Inspector Police Multan have produced the alleged abductee Mst. Naleem Ludhani and respondent Amjad Shahzad in Court. Parents of alleged abductee Mst. Naleem Ludhani were allowed to have a meeting with her in the Court for a considerable long time.

Beza-At Inspector/investigating officer disclosed that a case vide FIR No.119 of 2006 has been registered under section 11 of the Offence of Zina (Enforcement of Haddood) Ordinance, 1979 at P.S. Gizri, on the statement of Misri Ladhani, father of the abductee but has not been able to conduct investigation in the case as Mst. Naleem Ludhani and respondent Amjad Shahzad have been produced by the police of Multan today in the

Court. He requests for time to record their statements and make further investigation in the matter. His request seems to be genuine. Since today was the last day of court session at Karachi, as such it would be appropriate that matter may be heard at the Principal Seat, Islamabad and is fixed before **Bench No.1 on 23rd May 2006.** Mr. Adnan Aamir, S.P. City Multan and Miss Sadia, Lady Inspector, Multan are directed to take Mst. Naleem Ludhani and respondent Amjad Shahzad in safe custody to Islamabad and lodge them at National Police Academy at Islamabad from where they shall be produced before the court on the above date. Meanwhile I.O. shall complete the investigation and produce entire record before the court on the above said date. Officer Incharge is directed to send R&P of this case to Islamabad and also hand over copy of this order to S.P. City Multan for compliance. Parties and their advocates are informed accordingly.

Karachi:
19.5.2006
(Saleem)

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 Misc. Petition No. 2-K of 2006.

Misri Ladhani. ...Complainant

Versus

Amjad Shahzad and others. ...Respondents

Complainant : In person.

For the respondents 1-3: Sardar Muhammad Latif Khan Khosa,
Sr.ASC.

On Court Notice : Dr. Qazi Khalid Ali, Addl. A.G. Sindh.
Ch. Khadim Hussain Qaiser, Addl. A.G. Pb.
Mr. Adnan Aamir, S.P. City Multan.
Ms. Saadia, Lady Inspector, Multan
with Mrs. Neelum Ladhani (Abductee) and
Amjad Shahzad, respondent No.1.
Mr. Beza-At Ali Rizvi, Insp./I.O.P.S. Gizri.

On Court call: Ms. Naheeda Meboob Elahi, DAG
with Ms. Nishat Bashir, Incharge
Shelter Home, Women Crises Centre,
Islamabad.
Mr. Abdus Sattar, father of respondent
No.1.

Date of hearing : 23.5.2006

ORDER

In pursuance of order dated 19.5.2006, Amjad Shahzad and Mrs. Neelum Ladhani have been produced in Court. They are allowed to continue to stay in safe custody in the National Police Academy. Both the parties have been heard. Court time is over.

Adjourned for 25.5.2006

Islamabad.

Dated: 23.5.2006

'NOT APPROVED FOR REPORTING'

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.

Mr. Justice Abdul Hameed Dogar

Mr. Justice Saiyed Saeed Ashhad

CRIMINAL MISC. PETITION NO.2-K OF 2006

Misri Ladhani Petitioner
Versus
Amjad Shahzad and others Respondents

Petitioner : In person a/w his wife.
For the respondent No.3 : Sardar M. Latif Khan Khosa, Sr. ASC
For Neelam Ladhani. : Mr. M. Bilal, Sr. ASC
On Court Notice : Ms. Naheeda Mehboob Elahi, DAG
Abdus Sattar, father of Amjad Shehzad.
Ch. Khadim Hussain Qaiser, Addl, AG.Pb
Mr. Adnan Aamir, SP City Multan.
Ms. Saadia, Lady Inspector, Multan with
Neelam Ladhani and Amjad Shahzad
Mr. Beza-at-Ali Rizvi, Insp./I.O.PS. Gizri.
Date of hearing : 25-05-2006

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, CJ. Instant case pertains to alleged abduction of Neelam Ladhani daughter of Misri Ladhani resident of Karachi. During hearing of the case it persuaded us to hold that Neelum Ladhani aged about 21 years had changed her faith from Hinduism to Islam and thereafter she performed Nikah with Amjad Shehzad S/o Abdus Sattar cast 'Shar Baloch' on 13th April 2006 at Karachi and thereafter, she alongwith her husband, shifted to Multan. Meanwhile a case of abduction vide FIR No.119/06 dated 21st April 2006 was registered on the compliant of her father at PS.Gizri, Clifton Town, Karachi under Section 11 of the Offence of Zina (Enforcement of Hadood) Ordinance, 1979. Statedly father of Neelam Ladhani learnt about her presence alongwith Amjad Shehzad in Multan, therefore, he contacted them over there. Meanwhile perhaps due to harassment of police, an application was filed before

the Addl. Sessions Judge, Multan under Section 22-A Cr.P.C. by Amjad Shehzad, but the same was dismissed on 6th May 2006. Thereafter petition was filed by Neelam Ladhani before the Lahore High Court Multan Bench and prayed for protection of herself as well as her husband. Meanwhile petitioner Misri Ladhani who is a Government servant, approached this Court by sending application which was treated as Criminal Misc. Application and orders were issued for production of Neelam Ladhani as well as her husband Amjad Shehzad. They appeared before the learned Bench of this Court at Karachi on 19th May 2006, but the proceedings could not be concluded and case was transferred to Islamabad. On the last date of hearing i.e. 23rd May 2006 case was heard and was postponed for ~~the next date~~ i.e. 25th May 2006. Opportunity was given to the father of Neelam Ladhani as well as her mother to have a meeting with her. Today they were again given an opportunity of meeting separately in Court premises for about 4/5 hrs. She appeared again and stated that as she has embraced Islam and contracted marriage with one Muslim namely Amjad Shehzad, therefore, she has to live with her husband. According to her, she is quite satisfied with her husband and prayed for their protection because the Sindh police is on the way to harass them.

2. *Mr. Abdus Sattar Baloch father of Amjad Shahzad is also present in Court who stated that as now his son has contracted marriage with Neelam Ladhani, therefore, it is his responsibility to look after her. He further ensured her protection and stated that he will himself see that she is not being harassed in any manner or caused damage. According to him he is a well placed person being owner of a Construction Company as well as owner of moveable and immovable assets and one CNG Station which is under construction, therefore, he is ready to abide by any condition imposed upon him by this Court to ensure that Neelam Ladhani is being looked after properly. According to him he is ready to transfer the share of the property to the extent of Amjad Shehzad in Agricultural land, CNG Station (under construction) etc on the name of Neelam Ladhani.*

3. *Misri Ladhani father of Neelam Ladhani who after having meeting with his daughter on different occasions stated that he has no objection on her conversion of faith from Hinduism to Islam, however, future of his daughter may be secured because Amjad Shehzad has already contracted marriage with his cousin namely Shakeela Ambreen and out of that wedlock he has one child, and may, after some time his daughter could be divorced or caused some damage.*

4. *Keeping in view the fact that Neelam Ladhani has changed her faith and after embracing Islam has contracted marriage with a Muslim i.e. Amjad Shehzad and now they are living as husband and wife, therefore, the stand taken by her, seems to be correct. However, considering the apprehension of her father and also to ensure her better future we are inclined to take guarantees from Mr. Abdus Sattar Baloch on behalf of his son Amjad Shehzad as follows : -*

1. *Let Abdus Sattar father of Amjad Shehzad furnish a Bank Guarantee of Rs.15,00,000/- (Rupees fifteen lacs) in favour of Neelam Ladhani for an indefinite period which shall be deposited with the Registrar of this Court within a period of one month.*
2. *Abdus Sattar shall ensure that the property owned by him both Agricultural and Residential to the extent of share of Amjad Shehzad is divided between both the wives and minor son, from his first wife namely Shakeela Ambreen and the share of Neelam Ladhani is transferred in her name within a period of 30 days. The EDO Dherki is directed to procure the details of the property and after working out share to the extent of Amjad Shehzad - get it transferred in the name of Neelam Ladhani according to Shariah, including the share in CNG Station (under construction), under intimation to the Registrar.*

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3. *It is also agreed by Abdus Sattar that he would provide a respectable residence to Neelam Ladhani so she may live alongwith her husband in Dherki.*
 4. *It would be the responsibility of the father of Amjad Shehzad to ensure that she is getting proper monthly maintenance and is being looked after in good manner.*
 5. *Neelam Ladhani shall be free, if she so desire, to visit her parents at Karachi. In such situation Abdus Sattar as well as her husband will take her to Karachi for visiting her parents and she will be brought back after a short span.*
 6. *Amjad Shehzad as well as Neelam Ladhani shall be taken in safe custody to Dherki by the Police.*
 7. *A letter be sent alongwith this order to the DCO and DPO Gotki for its compliance and submitting fortnightly report about the welfare and well being of Neelam Ladhani in the house of Amjad Shehzad where he is living alongwith his other family members.*
4. *The above terms and conditions have been dictated in presence of the parents and spouse, who have accepted the same. Therefore, no further action is called for. Neelam Ladhani is allowed to go with her husband Amjad Shehzad.*

Application stands disposed of in above terms.

Islamabad
25-05-2006
MS/*

13/5/06

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

Petition. No. /2006

Cv. Oylgarnal P.02-K/06

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Misri
Misri Ladhani

son of Lakhmeer Ladhani
Resident of Bungalow No. 19-A / III,
Golf Course Road No.2,
Phase-IV, D.H.A.
Karachi.....

Petitioner

Versus

- Notice to*
A.S. Pujar
4 G.G. P. Ph.
W. Malimban
to receive
of produce
Neelum Ladhani
in safe custody
Notice to
Report to
Com. D.P. is
An also issued
16/5
17.5.06
O/I (Karachi)
1. **Amjad Shahzad S/o Abdul Sattar,**
resident of Ameer Bux Mohala, Cinema Road
Deharki, District Ghotki,
Presently resident of Chah Syedan
Wala, Mouza Neel Kot, Bosan Road, Multan.
 2. **Abdul Sattar S/o Ghulam Qadir**
Father of Amjad Shahzad (Respondent No. 1)
C/o Sattar & Co., Street No.1,
Cinema Road, Deharki, District Ghotki.
 3. **Pir Majeed Sultan S/o Not known**
resident of Basti Qaziyaan Keror Lal Esan,
District: Layyah
 4. **Amanullah S/o Mohammad Khan Rahar.**
R/o P.O Raharki, District Ghotki.
 5. **Imran S/o Anwar**
C/o Dawn Hotel, Deharki
District Ghotki.
 6. **Inspector General of Police Sindh,**
Police Head Office
H.I Chundrigar Road,
Karachi.
 7. **Inspector General of Police, Panjab,**
Police Head Office
Lahore.....

Respondents

PETITION UNDER ARTICLE 184 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN, 1973 FOR THE RECOVERY
OF NEELUM LADHANI DAUGHTER OF
PETITIONER FROM THE ILLEGAL AND
WRONGFULL CONFINEMENT OF RESPONDENTS
NO. 1 TO 5.

Continued on Page No.02

Humbly Sheweth:

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- 1) That the petitioner is father of Ms. Neelum Ladhani aged 20 years. She was missing from the house since 12-04 2006. The petitioner reported the matter to the police of P.S Gizri, Clifton Town, Karachi through report No. 40 dated 15-04-2006 and then FIR No 119/06 was lodged on 21-04-2006 followed by an addendum dated 24-04-2006. But still where-about of Neelum Ladhani could not be traced by the Police.
- 2) That few days ago the petitioner received an information that Ms. Neelum Ladhani was present at Multan along with Respondent No. 1 to 3. The petitioner went to Multan in search of his daughter and it came into his knowledge that a Petition U/S 22-A Cr.P.C. was filed by Neelum Ladhani D/o petitioner and Amjad Shahzad Respondent No.1 against DPOs for harassment. According to petition it was revealed that Neelum Ladhani had embraced Islam. **It is pertinent to mention here that the petitioner and his family is Hindu by faith and belong to very under privileged class located in District Tharparkar.** It is also mentioned in the Petition U/S 22-A Cr.P.C. filed in the court of Mr. Manzoor Hussain learned Additional Session Judge Multan, that Amjad Shahzad had contracted marriage with Neelum Ladhani D/o petitioner on 13-04-2006 after embracing Islam on the same day in a Madrisa at Karachi.
- 3) That the petitioner appeared in the court of learned Additional Session Judge Multan on 03-05-2006 but the Respondent No.1 and Neelum Ladhani did not appear. However the petitioner requested the Honorable Court that a meeting of the petitioner be arranged with his daughter.
- 4) That the learned counsel for the respondents No. 1 & 2 (of petition U/S 22-A Cr.P.C.) assured the meeting and the case was adjourned for 06-05-2006.
- 5) That the petitioner was taken to some guest house near Railway Station, Multan where his daughter was present in a room. There were 15/20 armed persons present in and outside the room. At the time of meeting respondent No.1 to 3 and another person, all armed remained in the room. The petitioner requested them that they should go out so that the petitioner could talk to his daughter and ensure that whether she had converted her religion and contracted marriage with Respondent No.1 with her free will and consent or she was under coercion and illegal confinement.
- 6) That the Respondent No. 1 to 3 did not leave the room and the petitioner was not allowed to talk with his daughter freely. She seemed to be under threats and was afraid of answering any question. She whispered in petitioner's ear that she be released from the clutches of private respondents. She was weeping and said there is danger to her life and also to the life of petitioner. From this it appears that my daughter Neelum Ladhani has been forcibly abducted for some ulterior motives.

Continued On Page No.03

- 7) That the private respondents threatened the petitioner of dire consequences if any complain was lodged against them.
- 8) That the petitioner again attended the court of the Additional Session Judge, Multan on 6-05-2006 and pointed out the real facts but the Respondent No.1 to 3 again did not appear before the Court nor brought daughter of the petitioner.
- 9) That the petition filed by the Respondent No.1 and detinue was dismissed by the learned Additional Session Judge, Multan vide order dated 06-5-2006. The relevant observations of the learned Court are as under:-

“ Today the petitioners are not present in Court. Mr. Misri Ladhani, father of petitioner No.1 states that when meeting was arranged in pursuance of the previous order dated 03-5-2006, passed by this court, there was cameras fixed in the room and the aides of Amjad Shahzad petitioner No.2 were around the room while armed. He further states that atmosphere was so tense that he could not talk to his daughter. He further states that his daughter in her own dialect had told him that there was cameras fixed in the room where meeting was arranged and that she was not a free person.

According to the contents of the petition Amjad Shahzad a petitioner No.2 has contracted marriage with Mst. Neelum Ladhani. Run-away marriage may not be appreciated in our society. Even otherwise court is not a place for protection to those who commit acts which create ostracism in the society. I, therefore, dismiss the application. File be consigned”.

- 10) That the petitioner has verified the Free-will / Sanad of embracing Islam and found it to be contradictory, concocted created under the cajolery and pressure. **The Free-will in its Para-4 reveals that Neelum Ladhani accepted Islam under the hands of Mufti Mohammad Jan Naimi on 10-04-2006 while the Sanad issued by the same Mufti shows that she had appeared and accepted Islam on 13-04-2006.** The Nikkah Nama is also found to be a forged document prepared on the same day of embracing Islam in a Madrisa at Karachi.
- 11) That the respondent No.1 Amjad Shahzad is already married and is father of one baby boy. **He has not obtained consent of his first wife nor he has disclosed about his previous marriage in the Nikkah Nama.**
- 12) That it has come to the knowledge of the petitioner that the detinue is moved by the Respondent No.1 to the places of the Respondent No. 3 and some time to the house of Respondents No. 2, 4 & 5. However respondents are declining to disclose the where about of the detinue.

- 13) That the petitioner apprehends danger of the life of his daughter. She is in the illegal and wrongful confinement of the private respondents. She was not produced in the court of learned Additional Session Judge, Multan on the previous date i.e. 03-05-2006 nor on 06-05-2006 when their petition was dismissed.
- 14) That under the circumstances of the case this Honorable Court be pleased to direct the Respondent No. 6 & 7 to produce the detinue before this Honorable Court .
- 15) That the petitioner and his family members are receiving threatening telephone calls stating therein that forget about this matter and leave Pakistan otherwise he will be killed or so many things can happen to his family.

PRAYER

It is therefore respectfully prayed that this petition may graciously be accepted and the respondents No.1 to 5 may kindly be directed to produce Neelum Ladhani D/o the petitioner before this Honorable Court and in this regard Respondent No. 6 & 7 may kindly be directed to ensure the presence of detinue before this Honorable Court where from she may kindly be set at liberty and be allowed to accompany the petitioner, her father to meet the end of justice.

Karachi
Dated 12-05-2006


MISRI LADHANI
Petitioner/ Father of Neelum Ladhani

Phone: 0300-2714500
021- 5897413