

**JUDGMENT SHEET**  
**ISLAMABAD HIGH COURT, ISLAMABAD,**  
**(JUDICIAL DEPARTMENT)**

**Criminal Revision No.29/2019**

Imran Ahmed

*versus*

Federal Investigation Agency (FIA) & 4 others

Petitioners by: Raja Mazhar Ali, Advocate.

Respondents by: Mr. Saqlain Haider Awan, Assistant Attorney  
General.  
Qaiser Masood, Addl. Director (Law), FIA.

Date of Decision: 18.06.2020.

**MOHSIN AKHTAR KAYANI, J:** Through the captioned criminal revision petition, the petitioner has assailed order dated 19.12.2018, passed by learned Special Judge (Offences in Bank), Islamabad, whereby the application for superdari of vehicle bearing registration No.WA-538/ICT, Honda City (2012) has been dismissed on account of being case property in case FIR No.2/2018, dated 12.03.2018, under Section 409, 420, 468, 471 PPC, Police Station CBC/FIA, Islamabad.

2. Learned counsel for the petitioner contends that petitioner is accused in the abovementioned FIR No.2/2018 and is presently facing trial before the learned Special Judge (Offences in Bank), Islamabad, whereas he has applied for Superdari of his vehicle bearing registration No.WA-538, Honda City, Model 2012, which was recovered by the FIA on 18.03.2018, but the said vehicle was not released; that petitioner is the only claimant of the subject vehicle and it is yet to be adjudicated upon that the vehicle in question was purchased from crime proceeds/embezzled amount of the complainant; that a civil suit for recovery of Rs.51,753,000/-, titled as Bank Alfalah Limited vs. Imran Ahmad is pending adjudication before the learned Civil Court (West), Islamabad and claim of the respondent Bank is yet to be adjudicated upon in the court of law; that petitioner is ready to submit any solvent surety for satisfaction of the learned Trial Court

for Superdari of his vehicle as the vehicle in question is being misused by the FIA for two and a half years.

3. Conversely, Additional Director (Law), FIA as well as learned State Counsel along with Investigating Officer in attendance contend that the vehicle in question was purchased with embezzled amount, whereby the petitioner has allegedly embezzled an amount of Rs.51.753 Million through fraudulent manner.

4. Arguments heard, record perused.

5. Perusal of record reveals that the petitioner is accused in case FIR No.2/2018, dated 12.03.2018, under Sections 409, 420, 468, 471 PPC, Police Station CBC/FIA, Islamabad, registered on the complaint of Faisal Malik, General Manager, United States Employees Association, Islamabad, whereby it was alleged that petitioner being ex-Finance Manager, US Embassy was an authorized officer for interaction with banks and was custodian of cheque books for Account No.404-1003571709, maintained at Bank Alfalah Limited, F-7 Markaz, Islamabad, from which he had withdrawn an amount of Rs.51,753,000/- through 12 cheques by making bogus signatures of authorized signatories and payees (beneficiaries) during the period of February, 2017 to November, 2017. It has further been alleged in the FIR that the petitioner also attempted to withdraw an amount of Rs.5,960,000/- by presenting two cheques on 08.12.2017, but the same could not be encashed.

6. The Investigating Officer of this case contends that after arrest of the petitioner vehicle bearing registration No.WA-538-ICT, Model 2012, Honda City, along with registration book and other documents were recovered on the pointation of petitioner being the case property having been purchased through crime proceeds (embezzled amount) from the bank account, as such the question relating to embezzled amount is yet to be adjudicated upon to the effect that vehicle in question was purchased with the alleged crime proceeds, which

requires conclusive findings by the learned Trial Court in the final judgment. However, at this stage, the Investigating Officer has been confronted regarding title of vehicle in question, whereby he conceded that the same is registered in the name of petitioner and is presently parked in the FIA car parking since its recovery on 18.03.2018.

7. I have gone through the record and there is no denial that petitioner is facing the trial before the learned Special Judge (offences in bank), Islamabad qua allegation of embezzlement and forgery committed by him, however the question relating to the purchase of vehicle in question from embezzled amount is yet to be adjudicated upon, even the respondent Bank has already filed a suit for recovery of Rs.51,753,000/- against the petitioner, whereas on the other side the title record has been confirmed from Excise & Taxation Department, which discloses the ownership of vehicle in question in the name of petitioner being the registered owner and as such, there is no other rival claimant except the respondent Bank, who has yet to prove their case in evidence, therefore, at this stage, the non-release of the vehicle in question on Superdari will further deteriorate its condition while being left in the compound of FIA Police Station.

8. In view of above, the instant criminal revision is ALLOWED, the impugned order dated 19.12.2018 is hereby SET ASIDE and vehicle bearing registration No.WA-538-ICT, Honda City (2012) be RELEASED on Superdari subject to furnishing of surety bond to the tune of Rs.1,500,000/- (Rupees Fifteen Lac) to the satisfaction of the learned Trial Court. The petitioner is not allowed to transfer, sale or lease the said vehicle in any manner.

(FIAZ AHMAD ANJUM JANDRAN)  
JUDGE

(MOHSIN AKHTAR KAYAANI)  
JUDGE

Khalid Z.