

**ORDER SHEET.**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

**Criminal Misc. No. 342/B/2019.**

Ammar Ali Abbasi

Versus

The State, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	13.06.2019.	Ch. Naeem Ali Gujjar, Advocate for petitioner. Raja M. Aftab Ahmed, AAG. Mr. Furqan Maqsood, Advocate for respondent No.2. Qaiser Masood, Additional Director (Law), FIA, HQ. Fakhar Wisal Sultan, Director FIA, Islamabad. Naser Gondal, Inspector, FIA, Islamabad. Kashif Mehmood, S.I, FIA AHTC, Islamabad.

Through this Crl. Misc. petition, the petitioner has applied for post-arrest bail in case FIR No.145, dated 06.05.2015, U/S 18/22 Emigration Ordinance, 1979, P.S. FIA, Islamabad.

2. Brief facts referred in the instant case are that complaint was got lodged by Muhammad Akhtar, who alleged that his brother and other relatives including Muhammad Saqlain, Muhammad Imran, Ghulam Dastagir, Muhammad Ishaq and Abdul Rehman were deprived from their hard earned money of approximately Rs.350,000/- each by Ammar Ali Abbasi for the purpose of arranging employment in Saudi Arabia in the year 2014 but said amount was misappropriated by Ammar Ali Abbasi.

3. Learned counsel for the petitioner contends that

petitioner has been nominated in this case without any basis and there is no proof through which petitioner could be connected with the alleged crime; that there is no direct evidence to link the petitioner with the said crime as petitioner is Daftary (BS-02) in the office of Bureau of Emigration & Overseas Employment (HQs), Islamabad and he was on duty during past four years and he was declared proclaimed offender by the FIA in connivance with the complainant side.

4. Conversely, learned AAG as well as learned counsel for complainant/respondent No.2 contend that respondent No.2 has paid huge amount on behalf of five other persons to the petitioner for the purpose of employment and the said amount has not been returned nor employment has been arranged; that petitioner is proclaimed offender and as such he is not entitled for concession of post-arrest bail.

5. Arguments heard, record perused.

6. From the tentative assessment of record, it reveals that petitioner has been nominated as accused in case FIR No.145, dated 06.05.2015, U/S 18/22 Emigration Ordinance, 1979, P.S. FIA, Islamabad with the allegations that he has received Rs.28,00,000/- from the complainant for arranging employment of his relatives in Saudi Arabia and did not return the amount. The record further reflects that petitioner absconded after the registration of criminal case in the year 2015 and filed pre-arrest bail before the Court on 31.08.2017

but later on he failed to appear before the Court as a result whereof his bail was recalled and in the meanwhile challan U/S 512 Cr.P.C. was filed before the Court of Special Judge Central, whereby petitioner was declared proclaimed offender.

7. The petitioner was arrested for the first time on 16.04.2019 and it has been revealed that he is employee of Bureau of Emigration & Overseas Employment (HQs), Islamabad and as such no valid justification has been placed before the I.O as well as before this Court regarding his innocence. The petitioner is *prima-facie* linked with the alleged crime whereby offence U/S 18/22 Emigration Ordinance, 1979 provides the punishment of 14 years imprisonment and fine which falls within the prohibitory clause of Section 497 Cr.P.C.

8. Even otherwise, challan has been submitted in the Court and previous conduct of the petitioner speaks volume about his respect of Courts and legal institutions. It is trite law that fugitive from law losses normal rights in the Courts and as such petitioner is not entitled for concession of bail due to his conduct and involvement in the hideous crime of depriving the innocent persons from their hard earned money. Hence, petitioner is not entitled for bail on merit and the same is hereby *dismissed*. In such type of situation it is appropriate to pass direction to the trial Court to conclude the trial within shortest possible time while relying upon 2011 SCMR 1332 (Rehmatullah Vs. The State).

9. Keeping in view the above learned trial Court seized with the matter is directed to conclude the trial on or before 31.03.2020 under intimation to this Court.

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

Zahid