

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

Crl. Misc. No.118-B-2020

Muhammad Mansha

V.

The State etc.

Crl. Misc. No.117-B-2020

Muhammad Mansha

V.

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.
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20.02.2020

Mr. Javed Zahid Warriach, Advocate for petitioner.

Raja Khalid Mahmood Khan, DAG with Qaiser Masood, Additional Director (Law), FIA Headquarters, Islamabad.

This order shall dispose of instant criminal miscellaneous application as well as Crl. Misc. No.117-B-2020, as common questions of law and facts are involved.

2. The instant applications have been filed by one Muhammad Mansha, who is father of Nazar Khan; said Nazar Khan is accused in FIR Nos.46 & 56 dated 05.02.2012 & 10.02.2012 respectively under sections 302/109/148/149 PPC registered with Police Station, Dinga, Gujrat; Nazar Khan has been declared proclaimed offender and pursuant thereto, upon request of Punjab Police, the matter was taken up by Ministry of Interior with Interpol and his red warrants were issued.

The petitioner, through instant applications, seeks protective bail of his son Nazar Khan.

3. At the very outset, learned counsel for the petitioner was confronted with the maintainability of instant petitions inasmuch as regarding *locus standi* of petitioner; he submitted that in light of various pronouncements, a petition can be filed on behalf of an accused person. It was again enquired that whether the accused person is a proclaimed offender and whether any matter can be initiated or entertained on his behalf directly or indirectly; learned counsel was unable to assist the Court.

4. Learned Deputy Attorney General confirmed the position that red notice/warrants has been issued by the Interpol. It was also confirmed that Nazar Khan is a proclaimed offender.

5. Arguments advanced by learned counsels for the parties have been heard and the documents, placed on record, examined with their able assistance.

6. It is an admitted position that Nazar Khan is a proclaimed offender in above mentioned FIRs. It is an established principle that a proclaimed offender has no right whatsoever to agitate any matter before any court of law unless he surrenders himself before the court of

competent jurisdiction. In view of said position of law though instant applications have been filed by father of Nazar Khan yet same are not maintainable in light of the principle that what cannot be done directly, cannot be done indirectly. The petitioner, on behalf of Nazar Khan, cannot agitate the matter as Nazar Khan himself is unable to file a petition before he surrenders to the court of competent jurisdiction. However, Nazar Khan may surrender himself before this Court or any other competent court when he lands in Pakistan and makes appropriate application.

7. In view of above, instant applications are not maintainable and are accordingly dismissed.

(AAMER FAROOQ)
JUDGE

Zawar