

**JUDGMENT SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

**W.P No.477 of 2019**

Adnan Ahmad Khan  
**Vs**  
Federal Investigation Agency, Islamabad, etc

Date of Hearing: 02.03.2020  
Petitioners By: Mr. Khurram Mehmood Qureshi Advocate  
Respondents by: Ch. Abdul Jabbar, Assistant Attorney General.  
Mr. Qaiser Masood, Additional Director, Law,  
F.I.A.

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**Ghulam Azam Qambrani, J:** The petitioner has filed the instant writ petition with the following prayer:-

*"It is, therefore, most humbly prayed that acts of the respondents regarding victimization of the petitioner on the basis of FIR No. 238/2014, Enquiry No. 22/2014 SIY/2014, Enquiry No. 06/2018 ACC/FIA, Islamabad and Enquiry No. RE-41/18 AHTC/FIA, Islamabad and initiation of multiple proceedings/actions against the petitioner may kindly be declared illegal, unlawful and void ab-initio and ineffective upon the rights of the petitioner.*

*It is further prayed the respondents may kindly permanently be restrained from initiating any criminal or departmental proceedings against the present petitioner on the grounds mentioned in the instant petition.*

*Any other relief this Court deems fit and proper may be passed in favour of the petitioner in the best interest of justice."*

2. Brief facts of the case are that the petitioner was appointed as Inspector (Investigation BPS-16) in the Federal Investigation Agency, Islamabad, on 01.01.2003 through Federal Public Service Commission, Islamabad; that an FIR No. 238/2014, dated 14.01.2014 regarding two incidents of two different days, i.e.

20.09.2014 and 21.09.2014, was registered at Police Station SIU / FIA, Islamabad, under section 420, 468, 471, 472, 109,201 PPC read with Section 17 & 18 of Immigration Ordinance, 1979, Section 14 of Foreigners Act, 1946 read with Section 5 (2) of the Prevention of Corruption Act, 1947 wherein it was alleged that on 21.09.2014, ten Afghan Nationals and one Pakistani were discovered at Heathrow International Airport in possession of counterfeit visas and pages with exit stamps dated 28.09.2014 departing from Islamabad; that the documents recovered from the scene also suggest that a second group also travelled on 20.09.2014 with counterfeit documents.

3. Learned counsel for the petitioner submitted that after registration of the FIR legal action was taken against the accused persons by the concerned FIA authorities and the Investigation Officer submitted his report to respondent No.1 with the request to bifurcate both the incidents took-place on 20.09.2014 and 21.09.2014 and after approval from respondent No.1, fresh enquiry No.22/14 was registered and it was entrusted to Almdar Shah, Inspector FIA SIU, Islamabad, who was already conducting investigating in FIR No.238 of 2014. Thereafter, the investigation of FIR was transferred to Muhammad Afzal Lodhi, whereas enquiry No.22/14 was entrusted to the petitioner. Further contended that the petitioner probed into the matter and found that already an FIR with regard to the same incident was registered i.e. FIR No.238/2014, which is under investigation, hence, the petitioner recommended for closure of enquiry vide report dated 17.04.2015, and the matter was placed before the Director General, FIA, who disagreed with the

opinion of the petitioner and recommended its merger in FIR No.238/2014. Next contended that after merger of enquiry in FIR No.238, challan was submitted and the accused persons were punished, but once again the matter was taken up by respondent No.1 and it was decided to reinvestigate the matter and an Enquiry Team was constituted in Enquiry No.22/14 of SIU/FIA; that the Enquiry Team conducted the investigation and recommended that the incident be merged in FIR No.238 and reinvestigation be conducted to bring all untouched suspect before the court of law and the subject enquiry No.22/14 be closed. Further argued that after closure of enquiry by the Enquiry Team, the petitioner was summoned on the allegation that without conducting any enquiry proceedings, the petitioner recommended for closure of Enquiry No.22/14 through CFA dated 17.04.2015, whereas the enquiry was merged in FIR No.238/2014; that respondents No.2 to 5 wants to declare the petitioner responsible with malafide and ulterior motive in connivance with each other whereas they themselves have endorsed the recommendation of the petitioner regarding closure of the enquiry. Further contended that all aspects of the enquiry were already incorporated in FIR No.238/2014, hence further continuation of enquiry No. 22/2014 and registration of second FIR on the same occurrence amounts to double jeopardy which is prohibited under Article 13 of Constitution of Islamic Republic of Pakistan, 1973, as well as Section 403 of Cr.P.C; that the respondents are trying to register criminal cases and also to initiate departmental enquires against the petitioner illegally, unlawfully just to blackmail the petitioner, therefore, the respondents be restrained from initiating

multiple proceedings against the petitioner by accepting the instant writ petition.

4. Mr. Qaiser Masood Additional Director (Law), F.I.A has appeared and has stated that the Director General has instructed him to give a statement on his behalf that the matter may be referred to some other senior officer presently posted in the Federal Investigation Agency.

5. Heard. Record perused.

6. Keeping in view the above facts and circumstances and statement of Mr. Qaiser Mehmood, Additional Director, Law, F.I.A, this petition is disposed of with a direction to the Director General, Federal Investigation Agency, to entrust the enquiry to the most Senior Additional Director General, presently posted in Federal Investigation Agency, who shall submit his report before the Director General, within a period of sixty (60) days from the receiving of certified copy of this order. The petitioner shall join the proceedings as and when required by the Inquiry Officer. Action or proceedings, if any, against the petitioner will be taken or initiated in the light of the enquiry report, which will be submitted by the officer to whom enquiry would be entrusted pursuant to this order.

7. With the above observation, this writ petition stands **disposed of.**

**Ghulam Azam Qambrani**  
**Judge**

Announced in Open Court, on this 12<sup>th</sup> day of March, 2020

**Judge**