

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Misc. No. 88/B/2020.

Attia Khalid

Versus

The State, etc.

Criminal Misc. No. 89/B/2020.

Attia Khalid

Versus

The State, etc.

Criminal Misc. No. 90/B/2020.

Attia Khalid

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.
	27.02.2020.	Mr. Hamid Nawaz, Advocate for petitioner. Barrister M. Mumtaz Ali, AAG. Mr. Abdul Rashid Sheikh, Advocate for complainant in Crl. Misc. No.90/B/2020. Complainants/Mirza Hassan Asghar Baig and Muhammad Imran Arif in person in their respective petitions.

By way of this common order, I intend to decide all the captioned Crl. Misc. petitions, whereby petitioner Attia Khalid has prayed for post-arrest bail in case FIR No.52, dated 01.07.2019, U/S 18/22 Emigration Ordinance, 1979, P.S. FIA/AHTC, Islamabad, FIR No.140, dated 03.04.2019, U/S 18/22 Emigration Ordinance, 1979 read with Sections 419, 109 PPC, P.S. FIA/AHTC, Islamabad and FIR No.192, dated 28.04.2019, U/S 18/22 Emigration Ordinance, 1979 read with Sections 419, 109 PPC, P.S. FIA/AHTC, Islamabad.

2. In all three cases, complainants namely Mirza Hassan Asghar Baig, Muhammad Imran Arif and Fawad Naseem Javed have leveled similar allegations that petitioner Attia Khalid has received amounts of Rs.5,36,700/-, Rs.5,70,000/- and Rs.9,34,800/- respectively for the purpose of providing work visa of Canada or of any other foreign country but she has failed to arrange work visa of foreign country as agreed by the petitioner herself, nor returned the amount.

3. Learned counsel for the petitioner contends that petitioner is an employee of principal accused, who has used the petitioner in this emigration fraud and as such petitioner is not involved in this case; that investigation has been completed against the petitioner and she is no more required for the purposes of investigation; that challan has been submitted in the Court and there is no likelihood of early conclusion of the trial.

4. Conversely, learned AAG alongwith learned counsel for complainant Fawad Naseem Javed and other complainants in person contend that complainants have been deprived from their hard earned money as they have paid huge amount to present petitioner who induced them to arrange employment visa in the foreign country.

5. Arguments heard, record perused.

6. Cursory glimpse of record reveals that petitioner has been nominated as accused in all three criminal cases by three different complainants with the

allegations that she has received huge amounts of Rs.5,36,700/-, Rs.5,70,000/- and Rs.9,34,800/- respectively in different intervals of time to arrange work visa of Canada or of any other foreign country and said amounts have been received by the petitioner in Players Project Studies Academy in the office situated in National Police Foundation O-9, Islamabad in connivance with co-accused.

7. The tentative assessment of record reflects that petitioner is not an overseas employment promoter in terms of Section 12 of the Emigration Ordinance, 1979 and as such she is dealing with the Emigration of different individuals without license rather induced the complainants through deception and received huge sum of money to arrange the work visa of Canada or of any other foreign country. The entire background of the case *prima-facie* connects the petitioner with the hideous crime of fraudulently inducing to emigrate to different individuals by way of willful misrepresentation, inducement as well as through agreement which is punishable with imprisonment for a term which may extend to 14 years or fine or with both and as such the offence with which petitioner has been charged falls within the prohibitory clause of Section 497 Cr.P.C. and even non-bailable.

8. The documentary evidence reflects the role of petitioner which could not be denied rather connects the petitioner with such offence, therefore, at this stage

petitioner is not entitled for concession of post-arrest bail especially when charge has been framed and there is likelihood of early conclusion of the trial. Although on last date of hearing i.e. 20.02.2020, learned counsel for the petitioner has sought adjournment during the course of arguments to arrange payment to show bonafide of the petitioner but after consuming time of one week, petitioner has refused to pay or deposit the alleged amount.

9. In view of above position, petitioner is not entitled for the concession of post-arrest bail, therefore, all these petitions are **dismissed** having no merits.

10. However, while relying upon **2011 SCMR 1332 (Rehmatullah and others Vs. The State)** learned trial Court seized with the matter is directed to conclude the trial within a period of six (06) months under intimation to this Court.

(MOHSIN AKHTAR KAYANI)
JUDGE