

Form No: HCJD/C-121.

**JUDGEMENT SHEET**

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

W.P. No. 2626 of 2019

Shahid Yaqoob Chaudhry

***Vs***

The State and another

| <b>S. No. of<br/>order/<br/>proceedings</b> | <b>Date of<br/>order/<br/>Proceedings</b> | <b>Order with signature of Judge and<br/>that of parties or counsel where<br/>necessary.</b> |
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**07-07-2020** Mr Imam Haider, Advocate for the petitioner.  
Mr Qaiser Masood, Additional Director Law/Deputy Legal Advisor, FIA HQ, Islamabad.  
Mr Tahir Khan, A.D. FIA.

Through this petition, the petitioner has assailed order, dated 26.04.2019, whereby the learned trial Court did not agree with the cancellation report. With the assistance of the learned counsels, the order and the record has been perused.

2. Mr Tahir Khan i.e. the Investigating Officer has appeared. He has stated that it does not appear from the record that the voluntary return was accepted to the extent of sale of two commercial plots. He has drawn the attention of this Court to letter, dated 08.06.2016 issued by the National

Accountability Bureau in support of his stance that the voluntary return was in respect of violation of rectified layout plan and creation of commercial plots and other allegations.

3. The learned counsel for the petitioner and the Investigating Officer have been heard and the record perused with their able assistance.

4. The cancellation report was not accepted by the learned trial Court on the ground that the voluntary return was confined to the extent of sale of two commercial plots. The record and letters issued by the National Accountability are not in consonance with the observation recorded by the learned trial Court in the impugned order. It, therefore, appears that the learned trial Court had misread the record. The learned trial Court may not have taken into consideration the relevant letters and record of the case, particularly pertaining to the National Accountability Bureau. It was on the basis of such record that the Investigating Officer had come to the conclusion that no case was made out and, therefore, cancellation report was submitted.

5. For the above reasons, the petition is allowed and the impugned order, dated

26.04.2019 is hereby set aside. The cancellation report shall be treated as pending before the learned trial Court. The learned trial Court is expected to consider the cancellation report and the relevant documents and, thereafter, pass a speaking order.

**(CHIEF JUSTICE)**

*Asif Mughal/\**