

PESHAWAR HIGH COURT ABBOTTABAD
BENCH

JUDICIAL DEPARTMENT

JUDGMENT SHEET

Cr. M (Bail) No. 600-A/2022.

Date of hearing 13.10.2022.

Petitioner/s (Muhammad Ejaz) by Mr. Fazullah Khan, Advocate.

Respondent/s (The State) by Syed Shahid Mehboob, Assistant Attorney General with Haseeb Jamal SI (FIA) and complainant by Mr. Bilal Zaman Kiyani, Advocate.

FAZAL SUBHAN, J. Accused/petitioner

Muhammad Ejaz Saeed seeks his release

on bail in case FIR No. 27/2022 dated:

27.07.2022 under sections 109 PPC, 22

(B) of Emigration Act read with section

3,6 PSMA, registered at Police Station,

FIA/C.C, District, Abbottabad.

2. Complainant/Mst. Sughra Bibi

reported the matter to the local police that

her son namely Faizan Ahmad met with

some unknown agents who offer him a

Canadian visa. That her son was sent to

Iran by the human traffickers/smugglers

to further send him to Canada, but in Iran those traffickers/smugglers detained him and asked from his family for ransom of Rs. 700,000/- through telephone number 00989376048842 (Iran dialing code through call) and +0306985069280 (Greece dialing code through whatsapp). Family deposited Rs. 100,000/- into the account of Muhammad Ijaz son of Ghulam Fareed account 0297-0010047743850018 (Allied Bank Bahawalpur). That human traffickers/smugglers gave threats to his family that they will kill victim if they do not arrange the remaining amount so. Complainant also alleged that human traffickers threatened that they would kill the victim in case the further payment is not made. She produced the deposit slips and call recording before the FIA authorities, therefore, the instant FIR was registered.

3. Arguments of learned counsel for petitioner, complainant as well as learned AAG heard and record perused.

4. From the record, it is clear that the complainant Mst. Sughran widow of Muhammad Mushtaq has directly named the petitioner in her report for alluring her son on the pretext of sending him to Canada (foreign country). The petitioner contacted the complainant and demanded Rs. 36,00,000/-, however, she being poor lady, only managed to arrange Rs. 1,00,000/-, which were transferred to his account, and the bank statement available on file confirms the receipt of said amount and its withdrawal. The whereabouts of the son of complainant are not known whereas, through a viral video available in USB, the son of complainant is in custody of the person connected with the petitioner. CDR available on file shows the contacts of petitioner with one Mst. Kausar Parveen, a member of gang. It is argued that now

ransom has been demanded through Mst. Kausar Parveen for the release of son of complainant and therefore, section 365-A PPC is attracted to the case,

5. For the time being, section 365-A PPC is not applied to the case, however, section 22 (b) of the Emigration Ordinance, 1979 has been applied, which provides punishment of 14 years with fine, hence, it falls within the prohibitory clause of section 497 Cr. P.C. Similarly, section 3/6 of Prevention of Smuggling of Migrants Act, also provides 14 years' punishment, hence, from tentative assessment of record, petitioner is prima facie connected with a crime, which falls within the prohibitory clause of section 497 Cr. P. C and therefore, he is not found to be entitled for grant of bail. Resultantly, this petition is dismissed.

Announced.
13.10.2022.

Tahir P/Secretary.



JUDGE