

Judgment Sheet

IN THE PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH.

*JUDICIAL DEPARTMENT*

**Cr.M/B.No. 795-A/2018.**

**JUDGMENT**

*Date of hearing:* 03/12/2018

*Petitioner (Kazim Khan) By Mr. Atif Ali Jadoon,  
Advocate.*

*State by: Sardar Muhammad Asif, Assistant  
AG along with Hammad Hussain  
Shah Gilani, AAG.*

*Complainant in person.*

**SYED MUHAMMAD ATTIQUE SHAH, J:-**


Through this single order, I intend to dispose of instant Bail petition as well as connected bail petition bearing No. 848-A of 2018 as both the petitions are outcome of one and the same FIR.

2. Petitioners Kazim Khan and Liaquat Ali seek their release on bail in case FIR No. 49/2018 dated 20.06.2018 under Section 18-B & 22-B of Emigration Ordinance, 1979, Police station FIA/ACC, Abbottabad.

3. Accused/petitioners as per FIR are charged for defrauding the complainant on the pretext of sending him abroad on work visas and obtaining huge amount from him in this respect.

4. Arguments heard and record gone through.

5. Record reveals that main allegations of the complainant is that he was defrauded by the accused/petitioners on the pretext of sending him abroad on work visa. There is nothing on record to suggest that the amount was utilized by the accused/petitioners, rather there is a visa duly issued in the name of complainant for Oman. The question as to whether the accused/petitioners defrauded the complainant or the complainant himself was not willing to go abroad on the said visa, can only be decided by the learned trial court. The offence for which the accused are charged, provides alternate punishment i.e. imprisonment for fourteen years or fine or both, therefore, this Court considers that if ultimately the trial court arrives at conclusion to award only the sentence



of fine in view of the facts and circumstances of the case then withholding bail of the petitioners would amount to incarceration before judgment and also to deprive them from their liberty. The inquiry/investigation in the case is almost complete and they are no more required by the prosecution for the purpose of investigation.

6. In view of the above facts and circumstances of the case, both the petitions in hand stand accepted. Resultantly, petitioners are admitted to bail on furnishing bail bonds in the sum of Rs. 200,000/- (two hundred thousand) with two sureties each in the like amount to the satisfaction of Illaqa/Duty Judicial Magistrate concerned. Sureties must be local, reliable and men of means.

7. These are the reasons for short order of the even date.

**Announced.**  
**Dt.03.12.2018.**

  
**J U D G E**

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IN THE PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH.

JUDICIAL DEPARTMENT

**Cr.M Bail No. 795-A/2018.**

JUDGMENT

Date of hearing.....03.12.2018.....

Petitioner (Kazim Khan) by Mr. Atif Ali Jadoon, Advocate.

State by: Sardar Muhammad Asif, AAG along with Syed Hammad Hussain  
Shah Gilani AAG for the Federation.

Complainant in person.

**SYED MUHAMMAD ATTIQUE SHAH, J:-** For the reasons to be recorded later, this petition is allowed and accused/petitioner Kazim Khan S/o Muhammad Yousaf is admitted to bail in case FIR No. 49/2018 dated 20.06.2018 under Section 18-B, 22-B of the Emigration Ordinance, 1979 Police Station FIA, Abbottabad, on furnishing bail bonds in the sum of Rs.200,000/- (two lac) with two sureties each in the like amount to the satisfaction of Illaqa/Duty Judicial Magistrate concerned, who shall ensure that the sureties are local, reliable and men of means.

**Announced.**  
**Dt.03.12.2018.**

*[Signature]*  
JUDGE