

Judgment Sheet

PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

JUDICIAL DEPARTMENT

Cr.M No.466-A/2018

JUDGMENT

Date of hearing.....14/06/2018.....

*Petitioner...(Qadeer Ahmad) by Qazi Muhammad Arshad,
Advocate.....*

*Respondent (State etc) by M/S Aurangzeb Mughal, DAG and Nadeem
Khan, Advocate..*

SYED MUHAMAMD ATTIQUE SHAH, J:-

Accused/petitioner Qadeer Ahmad, seeks his post arrest bail in case FIR No.08/2018 dated 03.03.2018 for offences under Sections 18-B and 22-B of the Immigration Ordinance, 1979 registered at Police Station FIA/ACC, District Abbottabad.

2. The case of the prosecution, as set up in the FIR, lodged on the report of Muhammad Ibrahim son of Maqsood-ur-Rehman, is that the present accused / petitioner alongwith his brother Jameel obtained Rs.350,000/- from him for sending him to Dubai on work visa; that visa was provided by the agent, while, the air ticket and other expenses were incurred by the complainant and they have also not provided any

accommodation to them and kept them in a mosque for two months and thereafter, he was served with a notice and directed by the company to leave Dubai and as such, he came from Dubai on his own expenses.

3. Perusal of record would reveal that the accused/petitioner is charged for the offences under sections 18-B/22-B of Immigration Ordinance, 1979, however, the punishment provided for the said offences is imprisonment, which may extend to fourteen years or fine or both and in such like cases, where offence is also punishable with imprisonment or fine or both, accused shall be entitled to bail as a matter of right because if after conclusion of trial, the trial Court sentenced him with fine only, then in such eventuality, his detention in judicial lockup would amount to double jeopardy. Thus, keeping in view the peculiar facts and circumstances of the present case, the role of present accused/ petitioner is arguable for the purpose of bail. The investigation in the case is complete and accused/ petitioner is no more required for further investigation to the police or prosecution.

4. The observations rendered hereinabove being tentative in nature would not affect the mind of the trial Court in any manner whatsoever, during trial of the case.

5. Accordingly, for the reasons stated hereinabove, accused petitioner, Qadeer Ahmad, is admitted to bail subject to his furnishing bail bonds in the sum of Rs.200,000/- (Rupees Two lacs), with two sureties each in the like amount to the satisfaction of *Illaqa*/Duty Judicial Magistrate, Abbottabad.

Above are the reasons for short order of this Court of even date.

Announced.
Dt.14.06.2018

J U D G E

/*M.Saleem*/

(SB) Mr. Justice Syed Muhammad Attique shah