

BEFORE THE EX-OFFICIO JUSTICE OF PEACE/
ADDITIONAL SESSIONS JUDGE-III QUETTA

Application No.06/2024

Abdul Khalid Son of Muhammad,
Resident of Chaman Road, Street No. Muslimbagh,
Quetta

(Applicant)

VERSUS

No.06/2024

The State through,
Federal Investigation Agency (FIA),
Quetta

(Respondent)

PETITION U/S 22-A (6)(3) CR.P.C.

(Applicant)

Miss Aster Mehak Advocate for the Applicant
Mr. Haroon Mehboob Khan DDPP for State present.

ORDER

20th July, 2024

1. By means this order, I shall dispose of the instant application filed by the complainant / applicant against respondent under section 22-A of the Cr.P.C. seeking directions for the unfreeze/restoration of his Account titled as "Abdul Khaliq Traders" bearing Account No.11130108187982.

The main contents of the application are that, the applicant opened an account with Meezan Bank having Account No.11130108187982 wherein initially he deposited a cheque of Rs.249,000/- on 07th February 2024, however, on depositing the cheque when he approached the bank for withdrawal of cash, he was informed that his account was blocked/freezeed by the Federal Investigation Agency (FIA) without any information or intimation to him, therefore, his aforesaid cheque was dishonored. He averred that, the applicant is



doing business with the name and style "Abdul Khalid Traders", whereas no such illegal business has ever been carried out by the applicant nor FIA has the authority to freeze/block the account of the applicant, hence termed the act of FIA as illegal and unlawful in contravention of provision of Section 5(5) of the FIA Act, 1974. Hence, the instant application.

3. The learned counsel for the applicant contended that, account of any person can be blocked only by order in writing with permission of the Court, but FIA CBC Authorities have illegally blocked the aforementioned accounts on the basis of malafide intention whereas the FIA authorities have no jurisdiction to block the bank accounts of the accused/applicant without prior permission of the Court as provided under Section 5 (5) of the FIA Act, 1974. He lastly prayed for de-freezing/restoration of his bank account.

4. The learned Law Officer F.I.A. raised objection on the application by contending that, since the said account was used in the commission of alleged offence, which was seized and frozen, therefore, the applicant is not entitled for de-freezing/reinstatement of said bank accounts.

5. In the light of discussions made hereinabove and the principles laid down by the Honorable High Court of Balochistan in Constitutional Petition bearing No.1828 of 2022 in case of "Abdul Karim v. Director General, FIA and others (CID No.100107504757)" A/W Constitutional Petition No.1845 of 2022 in case titled "Muhammad Naeem v. Director FIA Commercial Banking Circle Quetta and others. (CID No.100107504791)" which has widely been circulated for the District Judiciary wherein it has been held that, any embargo upon the freezing, removal, transfer or otherwise subject account must be freezed through



Court's order; while in the case in hand, the FIA agency without getting any permission or the Court order has freezed/blócked the accounts of the applicant which is against the law and principles set forth by the Honorable High Court.

6. Thus, keeping in view the above given reasons, the application is allowed and the concerned FIA and Bank authorities are directed to des freeze/restore the above mentioned account maintained by applicant *Abdul Khalid*, in his favour, if not required in any other case(s). Application file after completion be annexed with main case file.

Given under my hand and seal of the Court this 20th day of July, 2024

Announced in the open Court

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(Abdul Qadir Baloch)
Ex-Officio Justice of Peace/
Additional Sessions Judge-III Quetta

Compared By.....
Section Writer.....
S.M. - Farooq.....

22/07/2024

Certified to be True Copy
SUPDT:
District & Session Judge, Quetta
Article 87 of the Qanoon-e-Shahanshahi, 1974

22/07/2024