

IN HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P. No.D-828 of 2026

[Anjum Ali v. Federation of Pakistan & others]

Before:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Riazat Ali Sahar

1. For order on MA No.3379/2026.
2. For order on office objection.
3. For order on MA No.3380/2026.
4. For order on MA No.3381/2026.
5. For hearing of main case.

Petitioner : Anjum Ali through Mr. Ishrat Ali Lohar, Advocate.

Respondents : Mr. Bashir Ahmed Almani, Assistant Attorney General for Pakistan.

Date of Hearing : 29.04.2026

Date of Decision : 29.04.2026

ORDER

RIAZAT ALI SAHAR. J., - Through this Constitutional Petition, the petitioner seeks the protection of law and the enforcement of his fundamental rights as guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973.

2. The background of the case is that the petitioner is employed as a daily-wages worker at a petrol pump, where he performs duties including cash handling and deposit. He received a call-up notice under Section 160 Cr.P.C. dated 13.04.2026 in connection with Enquiry No.ENQ-CC-HYD (CBC)-45/25 initiated by the FIA. The Petitioner has no nexus whatsoever with the allegations forming the subject matter of the inquiry and appears to have been implicated due to misinterpretation of facts. It is a common and alarming practice of the investigating agency to summon individuals and subsequently arrest them without lawful justification. The Petitioner has a genuine apprehension that upon appearance, he may be subjected to **unlawful arrest, causing irreparable harm and prejudice**. The inquiry proceedings are being conducted in a non-transparent, arbitrary and *mala fide* manner, denying the

Petitioner his fundamental right to fair investigation and due process under Article 10-A of the Constitution. The petitioner states that no incriminating material or evidence exists against the Petitioner, yet he is being unnecessarily harassed. The actions of the respondents are thus illegal, unjustified and amount to an abuse of the process of law.

3. Learned counsel for the petitioner, *inter alia*, contends that petitioner is being harassed by the respondents and there is grave apprehension of his ***mala fide arrest*** at the hands of Inquiry Officer during course of inquiry. Learned counsel, therefore, prays for protection of the petitioner and no coercive measure/action against the petitioner. He draws attention to the notice under section 160 Cr.P.C. (available at page-17 of the court file), which reflects as under:-

SUBJECT: 160 Cr.PC Enquiry NO. ENQ-CC-HYD (CBC)-45/25 OF Composite Circle, Hyderabad

FIA, Composite Circle, Hyderabad, is conducting a probe on the above titled Enquiry. The details are mentioned below:

Enquiry No.ENQ-CC-HYD (CBC)-45/25
Enquiry Registration Date: 12-03-2025

Gist of Allegation: During the course of enquiry, it has been revealed that the alleged person, namely Ahsan Ali CNIC No 41306-0502235-5, is involved in money laundering activities through hawala/hundi channels and has conducted an unusual number of large transactions. It has further come to light that you have deposited an amount of Rs.2500000/- into the bank account

No.3305301000002559 of AHSAN ALI, maintained at Faysal Bank Limited, IBB HALA NAKA HYDERABAD (3305). The details of the said transaction are annexed with this notice and form part of the subject matter under probe. You are hereby required to explain the nature, source, and purpose of the aforesaid transaction, failing which appropriate legal proceedings shall be initiated in accordance with law.

Therefore, you are directed to appear in person before the undersigned to record your version, on date: 15-04-2026 time 12:30 at the following address Composite Circle, Hyderabad, A-100, Site Area Hyderabad, Phone No.022-9250005

In case of non-appearance, it will be assumed that you have nothing to present or state in your defense.

4. Learned A.A.G. for Pakistan present in Court in other matters waives notice of this petition on the proposal that during

course of inquiry the petitioner no coercive action would be taken against the petitioner and raised no objection.

5. Heard and perused.

6. Admittedly, the petitioner has been issued a notice under Section 160 Cr.P.C. in connection with Enquiry No. ENQ-CC-HYD (CBC)-45/25 by the Composite Circle, Hyderabad. Although the allegations referred to in the notice are of a serious nature, the petitioner's alleged role is limited to a single banking transaction, which he is required to explain before the Inquiry Officer. At this stage, the matter is at the level of "**inquiry**" and the petitioner is legally bound to cooperate with the proceedings. It is pertinent to note that under the Federal Investigation Agency Act, 1974 and the Federal Investigation Agency (Inquiries and Investigation) Rules, 2002, the terms "**inquiry**" and "**investigation**" represent two distinct procedural stages. An "inquiry" primarily involves the collection of preliminary information to ascertain whether sufficient grounds exist to proceed further, whereas an "investigation" is a more comprehensive process aimed at collecting evidence to establish the commission of an offence. In this context, reference may also be made to **Section 4(1) (k) & (l) of the Cr.P.C.**, wherein "inquiry" is defined as every inquiry other than a trial conducted by a Magistrate or Court, while "investigation" includes all proceedings undertaken for the collection of evidence by an authorized officer. Therefore, at the inquiry stage, the emphasis remains on fact-finding.

7. **It has been observed that as a matter of settled practice, the Inquiry Officer of the FIA ordinarily refrains from effecting arrest during the pendency of an inquiry.** Any further action, if warranted upon completion of the inquiry, is undertaken only with the prior approval of the competent authority. In the present case, since the matter is still at the inquiry stage, **the respondents are directed that no coercive measures, including arrest or harassment of the petitioner, shall be taken unless cogent** and substantial material emerges against him and requisite approval is obtained from the competent authority under SOP dated 12.12.2025 and prescribed rules for lodging FIR and taking cognizance by the FIA authorities. However, the petitioner will

cooperate with the Inquiry Officer. The Inquiry Officer shall remain bound to conduct the proceedings strictly in accordance with law.

8. For what has been discussed above, instant petition petitions stands **disposed of** in the above terms along with listed applications.

9. Let copy of this order be communicated to Deputy Director, Federal Investigating Agency, Crime Branch Circle, Hyderabad for compliance under the intimation of this Court through Additional Registrar.

JUDGE

JUDGE

Abdullah Channa/PS