

**Order Sheet**  
**IN THE HIGH COURT OF SINDH,**  
**BENCH AT SUKKUR**

Const. Petition No.D-107 of 2020  
Const. Petition No.D-110 of 2020

Date of hearing	Order with signature of Judge.
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**Application in d/o case**  
For hearing of CMA 6590/2022

**07-06-2023**

Mr. Mehfooz Ahmed Awan, Advocate for applicants/ petitioners.  
M/s Mujeeb Rehman Soomro and Bahawal Din, Special Prosecutors,  
NAB Sukkur.

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Since NAB laws have been amended a large number of cases which were pending before the Accountability Courts were sent back to the Chairman, NAB for submission to the appropriate Courts. The Chairman, NAB, however, raised the objection that the power to transfer cases by the Chairman did not exist. At the time, the cases were returned. It is our understanding that the NAB laws have now been amended further and that such powers have been granted to the Chairman.

Learned Special Prosecutor further informs that the NAB is in the process of dealing with all those cases which were returned to it on account of lack of jurisdiction. In the meantime, however, litigants are facing difficulty to the extent that in a number of cases when bails were allowed this Court has ordered that the passports of the petitioners be kept in the custody of the Court in addition to the petitioners furnishing surety. As a consequence of the aforesaid development, litigants are facing problems as there is no Court which can pass an order on return of their passport or return of their sureties. References from which the bail originates in these particular cases are currently in no Court. Today this Court has been approached for the return of passports of petitioners Bibi Talat and Bibi Gul Naz. Because of increasing number of cases, we feel it appropriate to direct the D.G.,

NAB, Sukkur to file a categorical statement on the next date of hearing, at the moment with regard to these petitioners only, in which the D.G., NAB shall clearly state whether NAB wishes to place the names of the petitioners on ECL or not? Such confirmation from the NAB is essential. It is primarily the duty of the State to identify whether or not a person is a flight risk? We notice from the documents in these cases that NAB at no stage has raised threat of flight risk in respect of the petitioners. It would be unfair and an impediment on the fundamental right of every citizen of Pakistan not to freely travel if the passports of the petitioners remain confiscated without any logical reason. We also fail to understand as to why passports are not being returned when in a number of cases petitioners have sought and obtained permission to travel abroad and that in nearly all cases they have returned to Pakistan. No purpose would be served for withholding their passports in such an eventuality. Let D.G., NAB, Sukkur file his concise, simple, small and categorical statement whether or not NAB wants the names of Bibi Talab and Bibi Gul Naz on ECL and that their passports should remain confiscated as they are flight risk.

Adjourned to **14.06.2023**. Let copy of this order be sent to D.G., NAB for information and compliance. *Office to place a signed copy of this order in captioned connected matter.*

**JUDGE**

**JUDGE**

Ahmad