

IN THE HIGH COURT OF SINDH, KARACHI

Present:

*Mr. Justice Mohammad Karim Khan Agha
Mr. Justice Omar Sial*

**C.P. NO.D-1939 OF 2019
CMA 11045/22**

Petitioner: Sharjeel Inam Memon S/o. Inam ul
Haq through Mr. Raj Ali Wahid
Kunwar, Advocate.

Respondent: The State (NAB) through Mr.
Zahid Hussain Baladi, Special
Prosecutor, NAB.

Date of Hearing: 26.09.2022

Date of Announcement: 04.10.2022

ORDER

Mohammed Karim Khan Agha-J. This application has been moved by the petitioner Sharjeel Inam Memon for the removal of his name from the ECL. According to learned counsel for the petitioner this court vide order dated 25.06.2019 granted bail to the petitioner in a reference which he was facing before Accountability Court 1 Karachi in respect of a case concerning illegal advertisements subject to, amongst others, the condition that his name be placed on the ECL.

2. According to learned counsel for the petitioner the petitioner was initially in jail in this reference for around two years before being granted bail by this court and as such has not been able to freely travel abroad in violation of his Constitutional right of freedom of movement for over 5 years; that he has now been appointed as Minister of information and transport in the Government of Sindh and needs to frequently travel abroad on short notice in respect of the work of his Ministries especially transportation as he needs to hold meetings in respect of improving the public transportation in the city; that he has been allowed one off permissions to travel abroad on numerous occasions by the courts and has always returned back to Pakistan within the stipulated time and being an MPA he has strong roots in the community and as such his name should be removed from the ECL.

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3. Learned Special Prosecutor NAB and DAG have submitted that this matter is up to the court to decide as it was the court which placed the petitioner on the ECL which had not been requested at the time of the bail granting order either by the NAB or the Federation.

4. We have heard the parties and considered the record.

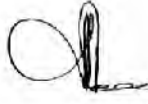
5. We find that Article 15 of the Constitution guarantees the right of freedom of movement which is a fundamental right which cannot be denied to a citizen indefinitely; that the petitioner's unrestricted freedom of movement has already been held in abeyance for more than 5 years; that the petitioner has not caused any delay in his trial; that the petitioner on numerous occasions has been granted one off permissions to leave Pakistan and that he has always returned in time and thereby shown his bona fides and the lack of his intention to abscond; that the petitioner's Ministries, especially transport may require him to leave Pakistan on short notice to deal with matters of public transport which is for the benefit of the people of Karachi as the public transport system in Karachi is woefully lacking; that we have called for a report from the Accountability court where he is currently being tried as mentioned above which reveals that the trial is nowhere near reaching conclusion and as such for the above reasons we hereby allow the review to the extent only that the name of the petitioner is removed from the ECL. It is made clear however that in order to ensure that no delay is caused in the trial of the petitioner on each and every date when he is unavailable a counsel is present to represent him in the aforesaid reference.

6. A copy of this order shall be sent to the Secretary Ministry of Interior Government of Pakistan who shall immediately remove the name of the petitioner from the ECL

7. The review application is d

Reviewed in open court on 04/10/22


Muhammad Khan
Muhammad Arif


Zulfiqar Ali
4/10/22
Sajid J.