

Order Sheet
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

CP No. D- 1131 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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07.08.2025

For orders on office objections
For hearing of main case

Mr. Ishart Ali Lohar, Advocate for petitioners
Mr. Shamsuddin Rajpar, D.A.G

Petitioner has challenged the call up notice issued to him under Section 160 Cr.P.C. in an Enquiry No. 17 of 2024 initiated by FIA AML Circle Sukkur whereby the Petitioner has been directed to appear before the Enquiry Officer on 19th June 2025 but he has not appeared.

Learned D.A.G. has produced a copy of order dated 25.3.2025 passed by the Division Bench of this court in CP No. D- 508 of 2025; whereby this Court has already held as under:-

“ The Federal Investigation Agency (FIA), under its statutory mandate, is fully empowered to conduct inquiries and investigations into matters falling within the purview of its jurisdiction as prescribed under the FIA Act and relevant laws. The issuance of a call-up notice is a lawful mechanism to summon individuals for inquiry, facilitating due process and ensuring compliance with investigative procedures. Courts have consistently held that an investigation agency, including the FIA, has the authority to initiate an inquiry where reasonable grounds exist, and such an inquiry does not amount to harassment or lack of jurisdiction unless shown otherwise through cogent evidence. The petitioner's claim of being subjected to double jeopardy is misconceived, as the principle of double jeopardy under Article 13 of the Constitution and Section 403 Cr.P.C. applies only where an accused has already been convicted or acquitted by a competent court for the same offence. A mere inquiry or investigation by the FIA does not amount to trial or punishment and unless the petitioner establishes that he has been tried and punished for the same offence previously, his plea is unsustainable. It would be appropriate to refer a Judgment dated 06.03.2025 passed by this court in the unreported cases of **Rahim Bux Phulpoto & others v. Federation of Pakistan & others (C.P. No.D-275 of 2025)** and **Riaz Ahmed Mangi & others v. Federation of Pakistan & others (C.P. No.D-276 of 2025)**, whereby the petitioners therein challenged the FIA's functions relating to inquiries, investigation and registration of case, which have been elaborately discussed.

11. In view of the above facts and circumstances, it is not within the domain of this Court to preemptively halt or interfere in an ongoing inquiry conducted by a legally competent Investigating Agency. The FIA has acted within its statutory mandate and the petitioner has legal remedies available to challenge any unlawful action at the appropriate stage. Premature judicial intervention would disrupt the legal process, hinder law enforcement, and set an undesirable precedent. Accordingly, this Court finds no justification to interfere with the ongoing inquiry at this stage. Thus, instant petition is dismissed in limine along with pending application(s). However, the petitioner shall be afforded a fair opportunity to present his case before the relevant authorities and no adverse action shall be taken against him without adherence to due process and applicable legal safeguards ensuring his fundamental rights coupled with his right to a fair hearing. Let a copy of this order be transmitted to the Director General, FIA, Islamabad, for information and necessary action.

In view of above, this Petition is disposed of with direction to the petitioner to join the enquiry.

JUDGE

JUDGE

karar_hussain/PS*