

## IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

**Present:**

Mr. Justice Adnan Iqbal Chaudhry  
Mr. Justice Riazat Ali Sahar

Constitution Petition No.D-1528 of 2025  
(Shaikh Jameel Gul and others v. The Federation of Pakistan and others)

1. For orders on office objection
2. For hearing of M.A. 6022/2025 (S/A)
3. For hearing of main case

Petitioners : Shaikh Jameel Gul and others through Mr. Farooq H. Naek, Advocate

Respondents 1-4 : Federation of Pakistan through Secretary, Ministry of Interior, Government of Pakistan, Islamabad through Mr. Ghulam Abbas Sangi, Assistant Attorney General along with Inspector Ramesh Kumar, FIA Hyderabad

Respondent 5 : Hyderabad Electric Supply Company Limited through M/s. Muhammad Asif Shaikh and Fayaz Ahmed Laghari, Advocates

Date of hearing : 31.03.2026

Date of decision : 31.03.2026

### **ORDER**

**Adnan Iqbal Chaudhry J.** – The Petitioners have challenged summons dated 12.06.2025 issued by the Federal Investigation Agency [FIA], Crime Circle, SITE Area, Hyderabad, under section 94 Cr.P.C., calling upon 'All Banks' to provide statements of bank accounts of the Petitioners in connection with an enquiry under the Federal Investigation Agency Act, 1974.

2. As per the impugned summons, the FIA is enquiring into the allegation that 25 officers of the Hyderabad Electric Supply Company Ltd. [HESCL] are involved in corruption; that they have accumulated assets beyond their known source of income; and that they are involved in money laundering. The Petitioners are not those officers. The Petitioner No.14 is the CEO of HESCL, whereas the Petitioners 1 to 13 are either independent directors or nominee directors on the Board of HESCL appointed by the Ministry of Energy, Government of Pakistan. As per the comments of the Inspector

FIA, the reason for summoning the bank statements of the Petitioners is that a secret source has revealed that the Petitioners took a bribe for extending the service of one officer of HESCL after his retirement. We are inclined to agree with learned counsel for the Petitioners that the stated reason is hardly plausible. The learned Assistant Attorney General also acknowledges that thus far there is no other material with the FIA that indicates any nexus between the Petitioners and the officers of HESCL who are under enquiry.

3. Nevertheless, apart from the fact that the impugned summons does not highlight the offence under enquiry in terms of the Schedule to the FIA Act, 1974, the following legal defect emerges in the impugned summons issued by the FIA under section 94 Cr.P.C.

4. The power to summon documents under section 94(1) of the Cr.P.C. is subject to the following proviso:

*“Provided that no such officer shall issue any such order requiring the production of any document or other thing which is in the custody of a bank or banker as might disclose any information which relates, to the bank account of any person except,—*

*(a) for the purpose of investigating an offence under sections 403, 406, 408 and 409 and sections 421 to 424 (both inclusive) and sections 465 to 477A (both inclusive) of the Pakistan Penal Code, with the prior permission in writing of a Sessions Judge; and*

*(b) in other cases, with the prior permission in writing of the High Court.”*

5. Section 94 Cr.P.C. thus prohibits the summoning of bank statement of a person unless it is for purpose of investigating specific offences, and that too with the permission of the Sessions Judge. The FIA does not show that it had obtained permission of the Sessions Judge before issuing summons for the bank statements of the Petitioners. For this reason, we are inclined to allow the petition. Therefore, the impugned summons dated 12.06.2025 issued to the banks of the Petitioners under section 94 Cr.P.C. is set aside. Petition disposed of.

JUDGE

JUDGE