

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Present:**

Justice Qazi Faez Isa, CJ  
Justice Amin-ud-Din Khan  
Justice Athar Minallah

**Criminal Petitions No.1163 and 1231/2023**

*(Against the order dated 5 October 2023 passed by The High Court of Sindh, Karachi in Criminal Bail Applications No.1959 and 2166 of 2023)*

Yawar Abbas

*(Criminal Petition No.1163/2023)*

Tariq Mehmood

*(Criminal Petition No.1231/2023)*

....Petitioners

**Versus**

*The State through Anti Corruption Circle, Federal Investigation Agency, Karachi and another*

*(Criminal Petition No.1163/2023)*

*The State through D.A.G.*

*(Criminal Petition No.1231/2023)*

....Respondents

For the petitioners:

Mr. Zain ul Abidin Jatui, ASC assisted by Mr. M. Mustafa Mamdani, Advocate High Court.  
*(in criminal petition No.1163 of 2023)*

Mr. Shaukat Hayat, ASC.  
*(in criminal petition No.1231 of 2023)*

For the respondents:

Raja M. Shafqat Abbasi, DAG alongwith Mr. Abdul Jabbar, Assistant Director/Investigating Officer.

Date of Hearing:

13 December 2023

**ORDER**

**Qazi Faez Isa, CJ.** These two bail applications have been respectively filed by Yawar Abbas, working as Superintendent Custom Intelligence, and Tariq Mehmood, working as Senior Preventive Officer in the Collectorate of Enforcement. Against both these persons Federal Investigation Agency (FIA) registered FIR at Police Station FIA, Anti-corruption Circle, Karachi being FIR No.19/2023 on 14 July 2023 at 9 am. Learned counsel for the petitioners state that the prosecution case is that the petitioners were in the domestic departure lounge at Karachi airport intending to travel to Islamabad when they were apprehended and on their pointation their official vehicle, parked in the parking lot of the airport was searched wherefrom was recovered Rs.5,437,200, US\$ 2,406 and UAE Dirhams 6,100. Learned counsel for the petitioners states that the said money is not theirs and have no objection if the same is confiscated in favour of the State. It is further contended that the story put forward by the prosecution is unbelievable because the petitioners would not have left such a huge amount in a

**ATTESTED**

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

vehicle parked at the airport while travelling to Islamabad. They further state that both the petitioners did not come home on 7 July 2023 and the police was informed and the Senior Superintendent of Police of District South had given a public statement that the said officers are missing, which was reported in Daily *Jang* of 10 July 2023, while the petitioners were supposedly apprehended on 13 July 2023 at 9.30 pm, whereas the FIR was registered after almost 12 hours, and no reason for such delay has been given.

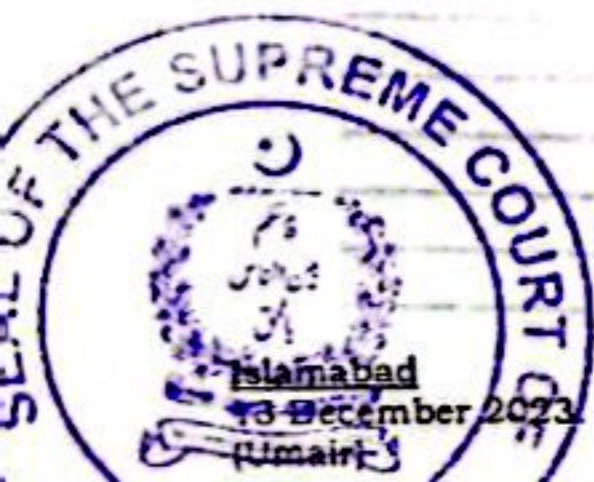
2. We enquired from the learned Deputy Attorney General and the Investigating Officer present in Court, namely, Mr. Abdul Jabbar, Assistant Director FIA, to explain the presence of FIA at the domestic lounge, whether the disappearance of the two persons had been investigated and whether it stands to reason that the petitioners would have left a large amount of money in a car while travelling to another city, but no satisfactory answer was forthcoming. We had expected much better from FIA, a Federal agency paid for by the taxpayers of the country, but it appears that the truth has become a casualty within it too. We may also express our surprise that the Customs department was not concerned about the disappearance of two of its officers and the police did not attend to their disappearance. Under the circumstances a case of further enquiry is made out and both petitioners to be released on bail subject to submitting personal bonds and one security each in the sum of one hundred thousand rupees to the satisfaction of the trial court. Both these petitions are converted into appeals and allowed in the said terms.

3. Since the learned counsel, on behalf of petitioners, have emphatically stated that the said money is not theirs and as there is no other claimant of the money the same be confiscated in favour of the State and be deposited in the treasury of the Government of Pakistan, and not retained by FIA.

**Sd/-HCJ**

**Sd/-J**

**Sd/-J**



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**Senior /Court Associate  
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Islamabad**