

**Order sheet**  
**IN THE HIGH COURT OF SINDH, KARACHI.**

Present:-  
**Mr. Justice Muhammad Iqbal Kalhoro.**  
**Mr. Justice Shamsuddin Abbasi.**

**Constitutional Petition No.D-3012 of 2019**

Tariq Waseem Siddiqui

**Versus**

Federation of Pakistan & others

**Date of Hearing & : 20.05.2021**  
**order**

Mr. Muhammad Nazir Tanoli, advocate for petitioner  
 Mr. Juzer Q. Pishori, advocate for applicant/intervener  
 Mr. Muhammad Ahmed, AAG

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**ORDER**

**Muhammad Iqbal Kalhoro, J:-** When against petitioner two FIRs bearing Crime No.638/2014 and 82/2015 at Police Station Boat Basin and Frere, Karachi were registered u/s 489-F PPC, he went into hiding. Therefore against him, issuance of red warrant and placing his name in Exit Control List (ECL) were recommended by the IOs. Acting on that, action was taken against the petitioner and his name was placed on ECL, which he has impugned in this petition.

2. His counsel has submitted that petitioner appeared in both the trials in the aforesaid FIRs, has been convicted in one case bearing Crime No.638/2015 vide a judgment dated 01.10.2019, has filed appeal and has been released on bail. In the second case, he is on bail.

3. Learned counsel appearing for complainant/proposed intervener has submitted that besides above FIRs, a summary suit for recovery of amount was filed and decreed against the petitioner. He has remained absconder and is likely to conceal himself again if his name is removed from the list.

4. Learned Assistant Attorney General has maintained that red warrant and impugned action of placing his name in ECL were a result of petitioner's absocondence, which stage is now over as he is facing the prosecution in both the cases.

5. From arguments of learned AAG, we have come to view that the justification which induced the authorities concerned to issue a red warrant and place name of the petitioner in ECL is no more available. The petitioner has faced the prosecution and has been convicted in one case and in other case he is on bail, whereas the civil suit for recovery of amounts has reportedly been decreed against him. The law has already taken its course and is further poised to pursue the petitioner in case of any misadventure by him in pending proceedings. But for the time being, as the things stand, there is no justification in law to keep his name on ECL continuously. Therefore, petition is allowed as prayed and in view thereof all pending application(s) are disposed of accordingly.

JUDGE

JUDGE

Rafiq/P.A.