

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D- 119 of 2025
(Akhtar Muhammad Vs. Federation of Pakistan & others)

Constitution Petition No. D- 120 of 2025
(Sultan Ahmed Rind Vs. Federation of Pakistan & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Before;

Adnan-ul-Karim Memon, J;
Abdul Hamid Bhurgari, J;

Mr. Sikandar Ali Junejo, advocate for the petitioner.
 Syed Naveed Ahmed Shah, Deputy Attorney General.
 Mr. Adnan Arshad Jatoi, Special Prosecutor NAB.

Date of hearing and order: 17-06-2026.

ORDER.

Adnan-ul-Karim Memon J:- The petitioners named above seek removal of their names from the Exit Control List (ECL) vide letter dated 10/11.12.2020, by the order of this Court in C.P No.1329 of 2020 and C.P. No. 1391 of 2020 vide order dated 24.11.2020 and 1.12.2020.

2. The case of the petitioners is that they had a contractual arrangement for publication work with TMA Khanpur, District Shikarpur, in connection with which a cheque was issued by the then TMO in favour of the petitioner, which was duly encashed against publication services rendered. It is further submitted that subsequently, an FIR was registered at P.S. ACE Shikarpur in which the petitioner's name was not initially mentioned and no notice was served upon him. Later, the matter was transferred to NAB, and a supplementary reference No. 05 of 2019 was filed before the Accountability Court, Sukkur, wherein the petitioners apprehended arrest and sought pre-arrest bail. It is stated that the petitioners later obtained bail, joined the trial proceedings, and the reference after amendment was transferred to the Court of Special Judge Anti-Corruption, Larkana, where the petitioner is regularly attending. The petitioner further submits that his name was placed on the Exit Control List (ECL) vide letter dated 10/11.12.2020, due to which they are unable to obtain a passport and travel abroad for performing Umrah.

3. The counsel for the petitioners contends that despite repeated efforts, their names have not been removed from the ECL, leaving them with no other adequate remedy except to approach this Court. The petitioners accordingly pray for removal of their name from the ECL, issuance of a passport, a direction regarding their non-involvement in any NAB reference, and any other relief deemed appropriate in the interest of justice.

4. On behalf of Respondents No. 2 & 4/ FIA, learned AAG submitted that as per the report dated 10.02.2025, the petitioner's name is active on the ECL maintained by the Ministry of Interior, which was placed pursuant to compliance with the orders of this Court in C.P No.1329 of 2020 and C.P. No. 1391 of 2020. It is contended that FIA is merely an executing/implementing agency of the ECL at immigration points and has no authority to add or remove names from the list. It is further stated that the petitioner's grievance lies within the domain of the Ministry of Interior, which is the competent authority, and that the petitioner has an alternate remedy of filing a review before the Federal Government under the Exit from Pakistan (Control) Ordinance, 1981. He prayed to dismiss the petitions.

5. On behalf of NAB, it is stated that the petitioners were cited as an accused in Reference No. 05 of 2019, which has now been transferred to the Court of Special Judge Anti-Corruption, Larkana, after amendments in the NAO, 1999. It is further submitted that the petitioner's name was placed on the ECL by the Ministry of Interior in compliance with the orders of this Court.

6. We have considered the arguments advanced by learned counsel for the parties and perused the record with care.

7. Admittedly, the petitioners seek removal of their names from the Exit Control List (ECL), which was initially placed pursuant to the orders of this Court dated 24.11.2020, passed in C.P. No.1329 of 2020 and C.P. No.1391 of 2020. It is also an undisputed position that the petitioners are facing trial in Reference No. 05 of 2019, which, after amendment in the legal regime, has been transferred to the Court of Special Judge Anti-Corruption, Larkana, where proceedings are stated to be pending and the petitioners are attending.

8. The record further reflects that the names of the petitioners are not independently placed by FIA or NAB, the ECL entry is

maintained by the Ministry of Interior under the Exit from Pakistan (Control) Ordinance, 1981, read with the relevant Rules, in compliance with judicial directions.

9. It is well settled that FIA is merely an implementing/immigration executing agency and has no jurisdiction either to place or remove any name from the ECL, as rightly submitted.

10. So far as the grievance of the petitioners is concerned, the primary ground pleaded is that they intend to perform Umrah and that they are no longer required to be restrained from travelling abroad. However, the fact remains that the petitioners are facing an ongoing criminal trial in a reference involving allegations of financial irregularities. The existence of such proceedings, by itself, constitutes a relevant and legitimate consideration for placement on the EC.

12. In addition, since the initial restraint emanates from judicial orders passed by this Court in connected proceedings, any relaxation, modification, or lifting of such condition must be sought in the same proceedings through appropriate application, which shall be considered strictly in accordance with law and on its own merits.

13. Accordingly, these petitions are disposed of with the observation that the petitioners may avail the available statutory remedy before the competent authority and/or approach this Court in the relevant proceedings for any relaxation of travel restriction, if so advised. No order as to costs.

Judge

Judge