

officials without search warrants conducted raids, arrested applicants; offence does not fall under prohibitory clause. It is further contended that some of the applicants are employees of the company and the allegation against them was only to the extent of moving money from one place to another, therefore, they are entitled for bail.

4. In contra, Learned Assistant Attorney General assisted by I.O. submits complete breakup regarding role of applicants as well as he has contended that in forensic report of mobile phones and computers, sufficient evidence has come on record that applicants are involved in Hawala/Hundi crime, therefore, they are not entitled for bail.

5. In captioned bail applications there are two sets of applicants, applicants Syed Wisal Ahmed Naqvi, Ali Raza, Qalb-e-Abbas and Murtaza Ali are owners/proprietors of the company whereas, rest of the applicants are employees. Allegation against the applicants who are owners/proprietors of the company is that they shifted millions of dollars and other currency in different countries from Pakistan without proper channel (banking system), hence, caused colossal loss to the public exchequer and thus committed a crime punishable under FER Act 1947. Besides, it has also come on record that accused Wisal Ahmed Naqvi is government servant working in BS-19 and allegedly he shifted more than one crore rupees from his account as well as he is partner of that company.

6. With regard to accused Ali Raza @ Ali Raza Parsa, during investigation, it has come on record that accused Ali Raza @ Ali Raza Parsa having franchise of Exchange Company in the name of M/s Swiss Exchange Company Category-B Pvt. Limited without authorization from the State Bank in collusion and connivance with other co-accused remitted huge amounts in shape of foreign currencies/ PKR in/out of Pakistan by means of illegal transactions through Hawala/Hundi. During investigation on scrutiny of mobile phone recovered from accused, it has surfaced that he in collusion with other accused persons illegally facilitated various individuals for transfer/receipt of amounts in/out of Pakistan by means of Hawala/Hundi. The accused was also found involved in Foreign Funding

to Iran by way of Hawala/Hundi. The accused has also connection with various scholars through whom the Hawala/Hundi was conducted. Accused was also Group Admin of many Whatsapp chat groups used/operated for illegal transactions of Hawala/Hundi. The accused had also purchased foreign currency from HBL Currency Exchange Pvt Limited to the tune of Rs.12,485,350/-. Various properties have been purchased by the accused in his name as well as in the names of his family members. P.Ws in their 161 Cr.P.C statements involved the accused with the commission of crime.

7. Accused Syed Wisal Haider Naqvi is a Government servant working in BS-19. Name of accused was disclosed by accused Ali Raza during interrogation. During investigation, one Mobile phone was secured from the possession of accused Syed Wisal Haider Naqvi and upon its scrutiny it came on surface that accused was equally involved with accused Ali Raza Parsa and others and remitted huge amount in the shape of Dollars through illegal transactions of Hawala/Hundi to Iran. Further WhatsApp chat reveals that he was in continuous contact with absconding accused Kazim Raza. PW Syed Aman Ali Zaidi in his 161 Cr.P.C statement that accused was Secretary of Makatib e Wilayat Foundation Pakistan and Jamran Foundation Pakistan and was assigned duty by accused Wisal Haider to lookafter USD Account as well as PKR account being maintained in the office of Wisal Haider Naqvi and according to details of account payments in respect of Khums received in shape of PKR as well as USD from the office of Agha Abul Fazl Bahauddini by accused Wisal Haider Naqvi in respect of salaries and other expenses to the tune of Rs. 10 Million per month. PW further stated in his 161 Cr.P.C statement huge amount from a rider appeared on behalf of accused Ali Raza Parsa. Accused Wisal Haider also invested huge amount received by him in respect of Khums with accused Ali Raza. Details of investment reveal that accused Wisal Haider invested Rs.24,89,32,438/- and received profit of Rs.15,027,700/- profits.

8. During investigation, accused Muhammad Abbas was arrested and from his possession mobile phone was secured and on scrutiny it was found that he was connected with accused Murtaza Ali and was also involved in remittance of million of rupees/USD through Hawal/Hundi. PWs also involved him in the commission of crime.

9. At the time of raid by FIA officials at M/s Swiss International Exchange Company-B Pvt. Limited, accused Hasnain Raza was also

arrested, who disclosed himself as Manager of M/s Masooma Builders and from the possession recovered and upon its scrutiny it came on record that he was connected with other accused persons including accused Ali Raza and absconding accused Kazim Raza. It was also established during investigation that accused was active member and was involved in remittance of huge amount in the shape of USD through Hawala/ Hundi

10. With regard to role of applicants Syed Wisal Haider Naqvi, Ali Raza, Qalb-e-Abbas and Murtaza Ali, they are running the company and they were found in illegal transaction without banking channel. With regard to the contention that the offence is not falling within prohibitory clause, it is significant to refer 2009 SCMR 174 wherein it is held that there is no universal principle that bail is to be granted in every case, where the offence is not falling within the prohibitory clause, but each case is to be seen through its own facts and circumstances. In the present case, this is a case against country and allegedly they have challenged the system and writ of the country by bypassing the banking channel and transfer of huge amounts in different countries thus cause colossal loss to the public exchequer, therefore, they are not entitled to post arrest bail. **Dismissed.**

11. With regard to the case of employees, admittedly, the allegation against the applicants is that they being employees of that company were involved in moving money from company to the different places. Since there is no direct nexus of the employees (accused) as they were not operating any bank account, they were only the employees, therefore, there is no direct nexus and they are entitled to bail. Accordingly, by short order dated 11.03.2022, except accused Syed Wisal Haider Naqvi, Ali Raza, Qalb-e-Abbas and Murtaza Ali, remaining applicants were admitted to post arrest bail subject to furnishing solvent sureties in the sum of Rs.200,000/- each to the satisfaction of trial Court. These are the reasons for the same.

12. Needless to mention here that any observations hereinabove in this order is tentative in nature and shall not effect the merits of the case.

JUDGE