

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
CrI. Bail Application No. D- 109 of 2021

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Before;

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

Applicant Mehtab Ali Tunio, applicant in person.

The State Through Mr. Ashfaqe Ahmed Abro, Assistant
Attorney General, Pakistan.

Mr. Mujeeb-ur-Rehman Soomro, Special
Prosecutor, NAB.

Applications in disposed of case.

1. For Orders on MA No. 562/2026 (561-A Cr.P.C)
2. For Orders on MA No. 585/2026 (561-A Cr.P.C)

Date of hearing and order: 08-06-2026.

ORDER.

Adnan-ul-Karim Memon J:- The applicant named above, through the instant applications, seeks the return of his passport for its renewal purpose.

2. In compliance with the order dated 20.02.2024, the Accountant of this office submitted that the applicant/accused Mehtab Ali was initially granted interim pre-arrest bail vide order dated 26.01.2021 in Reference No.13 of 2019, subject to furnishing solvent surety in the sum of Rs. 500,000/- along with P.R. bond in the like amount and depositing his original passport before the Additional Registrar of this Court. Accordingly, one Aurangzaib s/o Meer Muhammad, caste Tunio, furnished a solvency certificate No.03 dated 22.01.2021 issued by Mukhtiarkar Larkano, which was accepted as surety, and the applicant deposited his passport bearing No. KJ-1791413. It is further submitted that on 20.10.2021, the interim pre-arrest bail was converted into protective bail for a period of ten days against the same surety. Subsequently, vide order dated 14.09.2023, the original surety

papers/solvency certificate were returned to the surety after due verification and identification. The CMA No.115/2024 had been filed by the applicant seeking the return of surety documents on the ground that the accused has since surrendered before the learned Judge, Accountability Court, Sukkur, where he was granted interim pre-arrest bail vide order dated 28.10.2021, which application was allowed vide order dated 14.9.2023, and subsequently the passport was given to applicant vide order dated 19.3.2024 for four months and his name was ordered to be removed from ECL and after such period the applicant was directed to deposit the passport with Additional Registrar of this Court, in terms of order dated 26.1.2021.

3. The applicant, who is present in person, submits that his original passport No. KJ-1791413 was earlier deposited with this Court pursuant to bail conditions, and thereafter, due to subsequent developments, including transfer of proceedings from NAB to Anti-Corruption Establishment Sindh and furnishing of fresh surety before the trial court, the said passport is no longer required for any proceedings. He states that he was later permitted to travel abroad under the Ministry of Interior memorandum dated 17.04.2024 in compliance with the order of this Court dated 19.03.2024, allowing multiple travel permissions for four months, and he has complied with all conditions. The applicant has therefore moved an application under Section 561-A Cr.P.C., praying that his passport No. KJ-1791413 be returned after renewal through the Assistant Director, Regional Passport Office Larkana, and that necessary directions be issued to the concerned authorities for removal of his name from the Exit Control List (ECL), as continued retention of his name therein is causing obstruction in renewal and issuance of passport despite completion of codal formalities and payment of requisite fees. It is submitted that continuation of the ECL entry and non-renewal of the passport is causing hardship to the applicant, whereas no further purpose of investigation or trial is being served by such restriction. The applicant accordingly prays for appropriate directions in the interest of justice.

4. We have heard the applicant in person, as well as learned AAG on the listed applications and perused the record with the assistance of the Accountant of this office.

5. The factual matrix is not in dispute that the applicant was initially required to deposit his passport as a condition of interim pre-arrest bail granted on 26.01.2021, which was duly complied with. It is also evident that the surety furnished at that stage has already been discharged and returned after verification, and that subsequently, vide order dated 19.03.2024, the applicant was permitted to travel abroad for a limited period in compliance with the directions of this Court, with the competent authority of the Ministry of Interior issuing a formal memorandum dated 17.04.2024 granting multiple travel permissions. It further transpires that the passport was temporarily released for the said purpose, and the applicant has complied with the conditions imposed by this Court by filing a statement along with the passport to be deposited with office of this Court on the premise that the respondents refused to renew the passport and returned to him one week back, compelling him to surrender the same to this court in terms of order dated 19.3.2024.

6. In the present circumstances, the original purpose for which the passport was retained, namely, securing the presence of the applicant during the pendency of proceedings, stands substantially mitigated, particularly in view of the fact that the applicant has already undergone travel restrictions and has not been shown to have violated any condition of bail or court order. Moreover, no material has been brought on record to suggest that the retention of the passport is presently required for any investigative or judicial purpose, especially when the trial has already progressed through different forums, and the surety obligations have been duly substituted and discharged. Office to accept the statement so filed today, and the subject passport shall be returned to him for the aforesaid purposes.

7. However, it is equally settled that the surrender or return of a passport by a court is always subject to the condition that the accused shall remain bound to appear before the competent court as and when required and shall not misuse the concession granted. Likewise, any relief regarding removal from the Exit Control List lies within the domain of the competent Federal authority, though this Court may issue appropriate directions where continued entry is shown to be causing unjustified impediment despite completion of codal requirements.

8. In view of the above position, the application appears to be founded on genuine hardship, and continuation of restraint on renewal and retention of the passport does not appear to serve any further useful purpose in the circumstances of the case. Accordingly, subject to the applicant's undertaking to remain available for all proceedings before the trial court and to abide strictly by all bail conditions, the prayer for return/renewal of passport deserves consideration. Similarly, the concerned authorities are directed to process the matter of ECL in accordance with the law, expeditiously, in light of the earlier judicial orders passed in the field. The listed applications by consent are disposed of in the above terms.

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Nasim/P.A