

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No.D-26 of 2025

[Waqas Kumar alias Vicky vs. Federation of Pakistan and others]

Before:-

Mr. Justice Amjad Ali Bohio,

Mr. Justice Ali Haider 'Ada'.

1. *For orders on office objections.*
2. *For the hearing of the main case.*

05.05.2026

Mr. Hamayoon @ Soorat Ali Khan, Advocate for the petitioner.

Syed Naveed Ahmed Shah, Deputy Attorney General, along with Bilal, Inspector (FIA).

ORDER

Ali Haider 'Ada' J.- Through this constitutional petition, the petitioner has sought directions against the respondents, particularly the Federal Investigation Agency / National Cyber Crime Investigation Agency, for cancellation of notice issued to him during Enquiry proceedings and further for restoration/opening of his bank account allegedly blocked by the authorities.

2. In pursuance thereof, the FIA/NCCIA has filed para-wise comments stating therein that an enquiry is presently underway on the complaint of a private complainant, namely Qamar Abbas, who alleged that one accused, Abdul Majeed, was operating a fake medicine company through online business activities, whereby amounts were received from members of the public but medicines were not delivered. During the course of enquiry, it transpired that one bank account maintained with Allied Bank Limited in the name of the present petitioner/Waqas Kumar was allegedly being utilized in connection with the transactions carried out by the principal accused. It is further stated in the comments that for verification and enquiry, the petitioner was called upon through notice to join the proceedings; however, instead of cooperating with the enquiry, he approached this Court

by filing the instant petition. The respondents have further prayed that the petitioner be directed to appear before the enquiry authorities and explain the relevant banking transactions allegedly linked with the principal accused so that the enquiry may be finalized in accordance with law.

3. Learned counsel for the petitioner has filed written synopsis primarily contending that the transactions between the petitioner and the principal accused, Abdul Majeed, were purely commercial in nature and undertaken in the ordinary course of business. It is further contended that the petitioner neither possessed knowledge nor intention regarding any alleged fraudulent or suspicious transaction. Learned counsel submits that the notice was issued and bank account allegedly blocked in an arbitrary manner without conducting proper enquiry. In support of his submissions, reliance has been placed upon PLD 2024 Lahore 584, PLD 2026 Sindh 29 and PLD 2021 Lahore 612.

4. Conversely, learned Deputy Attorney General submits that the matter originated upon a complaint lodged by a private individual and that preliminary verification revealed sufficient material requiring formal enquiry. He further contends that the petitioner was merely called upon to join enquiry proceedings through lawful notice, but instead of cooperating with the enquiry process, he invoked constitutional jurisdiction of this Court. Learned DAG further submits that the reply furnished by the petitioner was not sufficient to address the queries raised during the enquiry and his personal appearance was necessary for clarification of the relevant transactions. It is further contended that the petitioner's bank account appears connected with alleged fraudulent online transactions carried out with members of public, therefore, the enquiry agency is legally justified in seeking explanation from the petitioner. So far as the allegation regarding blockage/freezing of bank account is concerned, learned DAG has pointed out that not a single document has been placed on record by the petitioner

demonstrating that his account has formally been frozen or seized through any illegal process.

5. Heard learned counsel for the parties and perused the material available on record.

6. It is by now well-settled that the domain of enquiry and investigation squarely falls within the jurisdiction of the competent investigating agencies, who are required to conduct an impartial inquiry and investigation strictly in accordance with law. Mere issuance of notice for appearance before an enquiry officer or calling a person for explanation during enquiry proceedings does not amount to harassment unless mala fide, ulterior motive, or abuse of process is prima facie established. In the present case, the petitioner has failed to demonstrate any mala fide or ulterior motive on the part of FIA/NCCIA in initiating or conducting the enquiry proceedings.

7. The record further reflects that the petitioner's bank account allegedly surfaced during an enquiry about online transactions carried out by the principal accused. Therefore, if the enquiry agency requires clarification regarding such transactions, the petitioner is under legal obligation to cooperate with the enquiry proceedings and furnish the necessary explanation before the competent authority.

8. It is also a settled proposition of law that constitutional jurisdiction ordinarily cannot be invoked to obstruct or prematurely terminate lawful enquiry or investigation proceedings. Any interference at such stage would amount to preempting the lawful powers of the investigating agencies and the competent Courts. Reference in this regard may be made to **Emperor v. Khwaja Nazir Ahmad**" (AIR (32) 1945 Privy Council 18) to **"Shahnaz Begum v. The Hon'ble Judges of the High Court of Sindh and Baluchistan and another"** (PLD 1971 SC 677), and even in the case of **"Brig. (Retd.) Imtiaz Ahmad v. Government of Pakistan through Secretary, Interior Division, Islamabad and 2**

others" (1994 SCMR 2142), wherein it has consistently been held that Courts should refrain from interfering in the course of lawful investigation or inquiry except in exceptional circumstances. Reliance may also be placed upon **Ghulam Sarwar Zardari v. Piyar Ali alias Piyaro and another** 2010 SCMR 624; **Hayatullah Khan and another v. Muhammad Khan and others** 2011 SCMR 1354 and **Muhammad Hanif v. The State** 2019 SCMR 2029.

9. So far as the grievance regarding blockage/freezing of the account is concerned, no documentary proof has been produced by the petitioner substantiating such allegation. Moreover, the FIA or any other agency is bound to proceed strictly in accordance with law and cannot freeze or block any bank account except through due legal process.

10. In view of the foregoing discussion, this Court is of the considered view that the instant petition is devoid of merit and does not call for interference in constitutional jurisdiction. Consequently, the same is hereby dismissed.

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