JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.

WRIT PETITION NO. 150 OF 2026

KHALID ANWAR ETC
Vs
FEDERAL INVESTIGATION AGENCY THROUGH ITS DIRECTOR GENERAL, ETC

Petitioners by	**:**	**Raja Rizwan Abbasi, Advocate.**
Respondents by	**:**	**Raja Zamir-ud-Din Ahmed, A.A.G.** **Mr. Shehroz Riaz, S.I., NCCIA.**
Assisted by	**:**	**Ms. Amna Danial Khawaja, Judicial Law Clerk.**
Date of hearing	**:**	**04.05.2026**

MUHAMMAD AZAM KHAN, J.

1. Through the instant Writ Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, **("Constitution"),** the Petitioners seek declaration to the effect that actions of the Respondents, whereby restriction have been imposed on the bank accounts, are illegal, unlawful, without lawful authority, contrary to law, and void ab initio, thereby directing the Respondents to forthwith withdraw the restrictions imposed on the bank accounts of the Petitioners.

2. Brief facts of the case, as gathered from the Writ Petition, documents appended therewith, and the one-page brief submitted by Respondent No. 3/NCCIA, are that Muhammad Faysal Anwar, who is the brother of Petitioners No. 1 and 2 and cousin of Petitioner No. 3, proceeded to Dubai in the year 2023 and allegedly started working in a company (Finance Car Dubai) owned by one Aziz Dil. According to the Petitioners, before his departure from Pakistan, Muhammad Faysal Anwar had obtained loans from various relatives and private persons, with the understanding that he would return the same after securing employment abroad. The Petitioners' case is that during his stay in Dubai, the said Muhammad Faysal Anwar remitted certain amounts to Pakistan through regular banking channels and exchange companies, partly for the welfare and upkeep of his family residing in Islamabad, including payment of school fees,

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rent, utility bills, and other household expenses, and partly towards the return of amounts previously borrowed by him. It is further pleaded that Petitioner No. 1 received amounts in his bank account only as a facilitator for the family of his brother, whereas Petitioners No. 2 and 3 received amounts which, according to them, represented repayment of loans earlier advanced to Muhammad Faysal Anwar.

3. The learned Counsel for the Petitioners argued that no show-cause notice was issued to the Petitioners and no opportunity of hearing was afforded before their accounts were restrained, which alone is sufficient to vitiate the impugned action. Learned counsel maintained that the Petitioners are neither accused persons nor beneficiaries of any alleged fraud, and that they have merely received family remittances or returned loan amounts through regular banking channels. He submitted that the Petitioners have no nexus with the alleged dispute between Aziz Dil and Muhammad Faysal Anwar, which is at best a private monetary dispute between two individuals arising out of alleged transactions in Dubai. He further contended that even if NCCIA was competent to conduct an inquiry into an alleged offence, it could not, in the absence of express statutory power, approach banks and cause the blocking of bank accounts. The Petitioners, therefore, have approached this Court with the grievance that their bank accounts had been blocked without any lawful order, prior show-cause notice, opportunity of hearing, judicial approval, or statutory basis.

4. Conversely, learned Assistant Attorney General, assisted by the representative of NCCIA, opposed the petition and submitted that the Petitioners' accounts were not blocked arbitrarily but in connection with Enquiry No.2669/2025, initiated upon the complaint of Aziz Dil alleging that an amount of AED 838,238 was transferred from his company's bank accounts into the accounts of Muhammad Faysal Anwar and his family members without his consent. According to the Respondents, the Petitioner No. 1 was specifically asked to explain the amounts credited into his account, but he failed to provide

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satisfactory documentary proof, correspondence, loan agreements, or other material to substantiate his version that the funds were either for family welfare or repayment of loans. It was submitted that the Petitioners only furnished affidavits of relatives, which, according to NCCIA, did not sufficiently explain the source and purpose of the amounts received. The NCCIA representative further stated that the agency acts under AMLA provisions read with Rule 5 of the National Cyber Crime Investigation Agency (Function) Rules, 2025 (hereinafter referred to as the **"*Rules*"**), and that the practical mechanism followed by the agency is to send an email to the concerned bank containing the account details along with the inquiry particulars, whereafter the bank places restriction on the concerned accounts. Learned A.A.G. maintained that the matter is still under probe and that the restriction was imposed to prevent dissipation of suspected funds during inquiry. He accordingly submitted that the petition is premature and liable to be dismissed, and that the Respondents may be permitted to continue the inquiry in accordance with law.

5. I have heard learned counsel for the Petitioners, learned Assistant Attorney General, and the representative of NCCIA, and have perused the available record with their able assistance.

6. Before adverting to the rival contentions of the parties, it would be advantageous to briefly examine the statutory and legal framework governing the powers and functioning of NCCIA, particularly in relation to attachment, freezing or blocking of bank accounts during the course of inquiry or investigation. The controversy in the instant matter has arisen from Enquiry No. 2669/2025 initiated by Respondent No. 3/NCCIA on the complaint of one Aziz Dil, alleging unauthorized transfer of funds from his company accounts into the bank accounts of Muhammad Faysal Anwar and certain members of his family, including the present Petitioners. During the pendency of the said inquiry, the bank accounts of the Petitioners were admittedly blocked/restricted by the Respondents. The justification advanced by the Respondent No. 3/NCCIA before this Court is that the agency derives authority to take such action under

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the provisions of Anti-Money Laundering Act, 2010 ("AMLA, 2010") read with Rule 5 of the National Cyber Crime Investigation Agency Rules, 2025. It has been further stated that the practical mechanism adopted by the agency is to communicate with banks through email by providing account particulars along with inquiry particulars and account details, pursuant whereto the concerned banks impose restrictions upon the accounts under inquiry. The legality and validity of such action, therefore, necessarily requires examination of the legislative history of NCCIA, the source of its powers, the statutory mechanism provided under AMLA, 2010, and the extent to which subordinate legislation or administrative practice may authorize interference with the bank accounts and property rights of citizens.

7. Historically, cybercrime matters in Pakistan were being dealt with by the National Response Centre for Cyber Crimes ("NR3C"), which functioned as a subordinate wing of the Federal Investigation Agency ("FIA") under the FIA Act, 1974. At that stage, the officers exercising powers in cybercrime matters were operating under the umbrella of FIA, and consequently enjoyed the powers vested in the "Agency" under Section 5 read with Section 3 of the FIA Act, 1974. The said provisions are reproduced herein below for ready reference: -

> *"**3. Constitution of the Agency:***
>
> *1. Notwithstanding anything contained in any other law of the time being in force, the Federal Government may constitute an Agency to be called the Federal Investigation Agency for inquiry into, and investigation of the offences specified in the Schedule, including an attempt or conspiracy to commit, and abetment of, any such offence.*
>
> *2. The Agency shall consist of a Director General to be appointed by the Federal Government and such number of other officers as the Federal Government may, from time to time, appoint to be members of the Agency."*
>
> ***"5. Powers of the members of the Agency:***
>
> *1. Subject to any order which the Federal Government may make in this behalf, the members of the Agency shall, for the purpose*

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of an inquiry or investigation under this Act, have throughout Pakistan such powers, including powers relating to search, arrest of persons and seizure of property, and such duties, privileges and liabilities as the officers of a Provincial Police have in relation to the investigation of offences under the Code or any other law for the time being in force.

2. *Subject to rules, if any, a member of the Agency not below the rank of a Sub-Inspector may, for the purposes of any inquiry or investigation under this Act, exercise any of the powers of an officer-in-charge of a Police Station in any area in which he is for the time being and, when so exercising such powers, shall be deemed to be an officer-in-charge of a Police Station discharging his functions as such within the limits of his station.*

3. *Without prejudice to the generality of the provisions of the sub-section (1) and sub-section (2), any member of the Agency not below the rank of Sub-Inspector authorized by the Director General in this behalf may arrest without warrant any person who has committed, or against whom a reasonable suspicion exists that he has committed, any of the offences referred to sub-section (1) of Section 3.*

4. *For the purpose of the exercise by the members of the Agency of the powers of an officer-in-charge of a Police Station," Police Station" includes any place declared, generally or specially, by the Federal Government to be a Police Station within the meaning of the Code.*

5. ***If, in the opinion of a member of the Agency conducting an investigation, any property which is the subject-matter of the investigation is likely to be removed, transferred or otherwise disposed of before an order of the appropriate authority for its seizure is obtained, such member may, by order in writing, direct the owner or any person who is, for the time being, possession thereof not to remove, transfer or otherwise dispose of such property in any manner except with the previous permission of that member and such order shall be subject to any order made by the Court having jurisdiction in the matter**.*

6. *Any contravention of an order made under sub-section (5) shall be punishable with rigorous imprisonment for a term which may be extend to one year, or with fine, or with both."*

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(Emphasis Supplied)

8. The Agency under Section 5(5) of the FIA Act, 1974, was empowered to conduct an investigation to restrain the removal, transfer, or disposal of property forming the subject matter of the investigation before an order of seizure could be obtained from the competent authority. However, the said power was specifically vested in the Agency, which under Section 2(1) of the FIA Act, 1974, referred exclusively to the *"Federal Investigation Agency"* constituted under Section 3 thereof. The preamble and structure of the FIA Act, 1974, further reveal that FIA was constituted for inquiry and investigation into offences specified in the Schedule and matters connected with the affairs of the Federation. The preamble is as follows: -

> *"Whereas it is expedient to provide for the constitution of a Federal Investigation Agency for the investigation of certain* ***offences committed in connection with matters concerning the Federal Government, and for matters connected therewith****."*

The significance of this aspect cannot be ignored in the present case because the dispute brought before NCCIA admittedly emanates from allegations of unauthorized transfer of money between private persons and a private company operating abroad, with no material having been placed before this Court to demonstrate how the matter, in substance, related to the affairs of the Federation so as to independently attract the jurisdictional mandate contemplated under the FIA Act, 1974.

9. Subsequently, the legal framework underwent substantial change through the Prevention of Electronic Crimes (Amendment) Act, 2025, whereby Section 29 of the Prevention of Electronic Crimes Act, 2016 ("PECA, 2016") was substituted, thereby authorizing the Federal Government to establish an independent investigation agency to be known as the National Cyber Crime Investigation Agency ("NCCIA"), which is reproduced hereunder for ready reference: -

> *"****29. Investigation agency*** *— (1)* ***The Federal Government shall establish an investigation agency to be called the National Cyber Crime***

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Investigation Agency (NCCIA) for inquiry into, investigation and prosecution of the offences specified under this Act.

(2) The NCCIA shall be headed by a Director General, who shall have the power to employ any other officers, prosecutors and staff as may be prescribed.

(3) The Federal Government shall appoint the Director General of the NCCIA for a non- extendable term of three years, and the administration and control of the NCCIA shall vest in the Director General who shall exercise in respect of the NCCIA the powers of Inspector General of Police under the Police Order, 2002 (Chief Executive's Order No. 22 of 2002).

(4) For the purposes of inquiry and investigation, the officers of the NCCIA shall be deemed to be the police officer of equivalent rank as required under the Code. ***The officers of the NCCIA shall have the same powers and functions and related authority for the performance of investigating functions as are conferred on a police officer of the equivalent rank under the Code***.

(5) ***After establishment of the NCCIA, the Cyber Crime Wing of the Federal Investigation Agency shall cease to exist and all personnel, cases, inquiries, investigations, assets, properties, budget, liabilities, rights, obligations, privileges and matters related thereto or connected therewith in respect of the defunct Cyber Crime Wing of the Federal Investigation Agency shall stand transferred to the NCCIA***.

(6) ***Unless otherwise provided for under this Act, the investigation agency and the authorized officer shall in all matters follow the procedure laid down in the Code to the extent that it is not inconsistent with any provision of this Act***.

(7) The investigation agency shall establish its own capacity for forensic analysis of the data or in information systems and the forensic analysis reports generated by the investigation agency shall not be inadmissible in evidence before any court for the sole reason that such reports were generated by the investigation agency.

(8) Notwithstanding provisions of any other law, the Federal Government shall make rules for appointment, promotion, transfer in the investigation agency including undertaking of specialized courses in digital forensics, information technology, computer science and other related matters for training of officers and staff of the investigation agency:

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Provided that until such time, rules are made by the Federal Government, service matters of officers and staff of the NCCIA shall be regulated under the Civil Servants Act, 1973 (LXXI of 1973) and rules made thereunder.

(9) Without prejudice to anything contained in this section, the rules, orders or any instruments made and issued under this Act prior to commencement of the Prevention of Electronic Crimes (Amendment) Act, 2025 (of 2025) shall, mutatis mutandis, apply to the NCCIA with necessary modifications."

(Emphasis Supplied)

In pursuance thereof, the Federal Government issued S.R.O. 748(I)/2025 dated 29.04.2025, formally establishing NCCIA for the purposes of investigation of offences under PECA, 2016. Consequently, NCCIA ceased to function merely as a subordinate wing of FIA and emerged as an independent statutory body deriving its existence and authority directly from PECA, 2016. This distinction assumes considerable legal importance because once NCCIA became an independent statutory body, it could only exercise those powers which were expressly delegated to it by the Legislature through PECA, 2016 or any other applicable law. In other words, NCCIA could no longer automatically claim or inherit every coercive power previously available to FIA under the FIA Act, 1974. This precise legal position has already been examined by the learned Division Bench of this Court in "*Muhammad Uzair Anwar and 2 others v. Federation of Pakistan through Secretary, Ministry of Interior, Islamabad and others*" **(PLD 2026 Islamabad 63)**, wherein it was held that NCCIA, after its establishment under PECA, 2016, is no longer a subordinate office of FIA and, therefore, cannot assume the powers vested in FIA under Section 5(5) of the FIA Act, 1974, unless such powers are expressly conferred upon it through legislation.

10. The Respondents have further attempted to justify their action by placing reliance upon the provisions in AMLA, 2010. In this regard, it is significant to note herein that the Federal Government, through S.R.O. 1647(I)/2025 dated 26.08.2025, notified NCCIA as an investigating and prosecuting agency under

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AMLA, 2010 by exercising powers conferred under Clause (xviii) of Section 2 of the AMLA, 2010. Furthermore, certain offences under PECA, 2016, Section 10, 14, 16, 17, 22, 22A, 22B, 22C, and 26A, were inserted into Schedule-I of AMLA, 2010 by the Federal Government through S.R.O. 1648(I)/2025 dated 26.08.2025 by exercising the powers conferred under Section 42 of the AMLA, 2010, thereby treating such offences as predicate offences for the purposes of money laundering proceedings. Under AMLA, 2010, the expression "proceeds of crime" has been defined to mean property derived or obtained directly or indirectly from the commission of a predicate offence, while Section 3 thereof defines the offence of money laundering in relation to acquisition, possession, concealment, transfer or use of such proceeds of crime. However, AMLA, 2010 itself prescribes a complete statutory mechanism for provisional attachment or freezing of property. Section 8 of AMLA, 2010 specifically provides that the investigating officer or prosecution agency may provisionally attach property involved in money laundering only with the prior permission of the Court, and such attachment remains subject to statutory timelines and subsequent confirmation proceedings under Section 9 thereof. For ready reference, Section 8 is being reproduced herein below: -

> *"**8. Attachment of property involved in money laundering** ___ (1) An investigating officer may, on the basis of the report in his possession received from the concerned investigating or prosecuting agency, by order in writing, **with prior permission of the Court**, provisionally attach a property, which he reasonably believes to be the property involved in money laundering for a period not exceeding one hundred and eighty days from the date of the order:*
>
> *Provided that the Court may grant further extension for a period up to one hundred and eighty days.*
>
> *(2) The investigating officer shall within forty-eight hours immediately after attachment under sub-section (1), forward a copy of the order, and the report referred to in that sub-section, to the head of the concerned investigating agency, in a sealed envelope.*
>
> *(3) Every order of attachment made under sub-section (1) shall cease to have effect after the expiry of the period specified in that sub-section or*

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> *on the date of the finding made under sub-section (2) of section 9 whichever is earlier.*
>
> *(4) Nothing in this section shall prevent the person interested in the enjoyment of the immovable property attached under sub-section (1) from such enjoyment.*
>
> ***Explanation —*** *For the purposes of this sub-section, "person interested", in relation to any immovable property, includes all persons claiming or entitled to claim any interest in the property.*
>
> *(5)* ***The investigating officer who provisionally attaches any property under sub-section (1) shall, submit to the Court monthly report on the progress made in the investigation****."*
>
> *(Emphasis Supplied)*

The expression "Court" under the aforementioned provision refers to the Court specified under Section 20 of the Act, namely the Court of Sessions. Thus, the legislative intent is manifest that freezing or attachment of property under AMLA, 2010 is not to be undertaken merely through executive correspondence or administrative communication, but through a structured statutory process involving judicial oversight and satisfaction of the competent Court.

11. It is also pertinent to observe that PECA, 2016, being the parent statute, unlike AMLA, 2010, and Section 5(5) of the FIA Act, 1974, does not expressly confer upon NCCIA any independent substantive power to freeze, attach, or block bank accounts of citizens during inquiry or investigation. The Respondents have attempted to rely upon Rule 5 of the National Cyber Crime Investigation Agency Rules, 2025, which purports to authorize NCCIA conducting inquiry or investigation to freeze property directly connected with the commission of an offence under the Act, which is being reproduced hereunder: -

> *"**Powers of the members of the NCCIA.** (1) The NCCIA conducting an inquiry or investigation may freeze a property, directly connected to commission of an offence under the Act.*

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> *(2) Prior permission shall be obtained from the authorized officer as designated by the Director General before freezing or de-freezing of the property.*
>
> *(3) Any contravention of order made under sub-rule (2) shall be punishable under section 174 or 188 of Pakistan Penal Code (Act XLV of 1860).”*

However, it is a settled principle of law that subordinate legislation cannot travel beyond the parent statute. Rules framed under a statute cannot create substantive coercive powers where the parent enactment itself is silent. Reliance in this regard is placed on “*Mian Zaiuddin v. Punjab Local Government and others*” **(1985 SCMR 365)**, “*Khawaja Ahmed Hassan v. Government of Punjab and others*” **(2005 SCMR 186)**, **Suo Motu Case No.11/2011**, in the matter of “*National Police Foundation Land*” **(PLD 2014 SC 389)**, **Suo Motu Case No.13/2009 (PLD 2011 SC 619)**, “*Zarai Taraqiati Bank Limited and others v. Said Rehman and others*” **(2013 SCMR 642)**, “*Farrukh Raza Sheikh v. The Appellate Tribunal Inland Revenue and others*” **(2022 SCMR 1787)** and “*Khawaja Ahmad Hassan v. Government of Punjab and others*” **(2005 SCMR 186)**.

12. Furthermore, Sections 27, 28, and 51 of PECA, 2016, under which the said Rules have allegedly been framed, relate generally to recognition of offences, applicability of PPC provisions, and rule-making powers for carrying out the purposes of the Act. None of these provisions expressly delegates to NCCIA an independent power to restrain or freeze bank accounts of citizens without judicial authorization. It is a settled principle of law that delegated legislation must remain confined within the boundaries of the parent statute; it cannot enlarge the scope of authority beyond what the Legislature itself has enacted. Therefore, Rule 5 cannot be interpreted in a manner so as to create an independent coercive mechanism permitting deprivation of property rights merely through executive communication with banks, particularly when such action directly impacts the fundamental rights of citizens guaranteed under Articles 4, 9, 23, and 24 of the Constitution. In ***Muhammad Uzair Anwar Case***

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(Supra), the learned Division Bench of this Court settled a similar matter in the following manner: -

> *"11. It is highlighted here that the collection and preservation of data/evidence relating to the commission of offences under the 2016-Act is different from freezing of the properties i.e. Bank accounts of persons, for which express sanction of the Legislature in the parent statute i.e. 2016-Act is required. There is plethora of judgments1 that subordinate legislation shall neither be in conflict with the provisions of parent statute nor travel beyond its permissible scope and that the rule making authority shall not act as Majlis-e-Shoora (Parliament) to assume powers not delegated by the parent law.* ***Rule 5 of the Rules thus appears to have been framed in excess of the powers delegated by sections 27, 28 and 51 of the 2016-Act****.*
>
> *12.* ***The NCCIA appears to have diverted the process prescribed under the 2010-Act. In case, the NCCIA was of the view that the amounts available in the Bank accounts of the appellants were the proceeds of crime (as defined section 2(xxvii) of 2010-Act) or derived out of the predicate offences (as provided in section XV of Schedule-I to section 2(xxvi) of the 2010-Act) then the proper course was to obtain an order of the Court in terms of section 8 of the 2010-Act****."*
>
> (Emphasis Supplied)

13. Examined in the backdrop of the aforesaid statutory framework, the Respondents' action in the instant case appears to have bypassed the mechanism prescribed by law. The inquiry in the present matter was initiated by Respondent No. 3/NCCIA on the basis of allegations levelled by the complainant regarding the alleged transfer of funds into the accounts of Muhammad Faysal Anwar and certain members of his family. However, the material placed before this Court does not demonstrate that the roles, involvement, or alleged criminal acts attributable to each of the Petitioners were independently identified or bifurcated before coercive action was undertaken against them. The record rather reveals that the Petitioners, being relatives of the principal accused, were collectively subjected to restriction of their bank accounts merely because certain amounts had allegedly been credited into their accounts. In matters involving serious allegations carrying potential criminal consequences, the investigating agency is under an obligation to conduct a thorough, transparent and legally structured

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inquiry by first associating each affected person with the proceedings, disclosing the precise allegations against him or her, confronting such person with the relevant material, and thereafter determining, through objective assessment, whether any offence under the relevant statute was prima facie made out. Instead of adopting such a course, NCCIA appears to have proceeded with undue haste by directly approaching the concerned banks and causing blockage/restriction of the Petitioners' bank accounts during the pendency of an inquiry which, according to the Respondent No. 3/NCCIA, still remains under probe. Such action carries serious consequences, as blockage of a bank account directly interferes with a citizen's access to property, financial resources, livelihood, business dealings, and ordinary day-to-day affairs, all of which fall within the protective ambit of the fundamental rights guaranteed under the Constitution.

14. Moreover, the nature of allegations in the present matter admittedly required detailed factual investigation and proper determination of the jurisdictional foundation under PECA and AMLA before any coercive measure could validly be adopted. However, no provisional attachment order under Section 8 of AMLA, 2010 has been produced by the Respondent No. 3; no approval or authorization of the competent Court has been shown. It is essential to reiterate here that an administrative email sent by the Respondent No. 3/NCCIA cannot assume the character of a lawful attachment order merely because it originates from an investigating agency. If the Respondents were of the view that the amounts lying in the accounts of the Petitioners constituted "proceeds of crime", then the proper course available under law was to proceed strictly in accordance with the mechanism contemplated under AMLA, 2010, by approaching the competent Court for provisional attachment and subsequent confirmation proceedings. The Respondents, however, appear to have circumvented the statutory safeguards and directly resorted to blocking/freezing of the Petitioners' bank accounts through administrative correspondence, thereby depriving the Petitioners of access to their own funds without notice,

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hearing, and judicial oversight. Therefore, the impugned action, in the peculiar facts of the present case, cannot be sustained in the eyes of the law.

15. Moreover, Section 1(4) of PECA, 2016, indeed extends its applicability to an act committed outside Pakistan by any person, but the said provision is conditional in nature. It applies only where the act committed outside Pakistan firstly constitutes an offence under PECA, and secondly affects a person, property, information system, or data located in Pakistan. However, it is pertinent to mention herein that before NCCIA could assume jurisdiction, it was required to show which specific offence under Chapter II of PECA was attracted by the facts of Enquiry No.2669/2025 to the Petitioners. The one-page brief submitted by NCCIA alleges unauthorized transfer of AED 838,238 from the complainant's company accounts into the accounts of Muhammad Faysal Anwar and his family members, but it does not disclose any particular offense or any other prohibited act falling within Chapter II of PECA, 2016. In the absence of such essentials, Section 1(4) cannot be invoked as a general jurisdictional device to convert a private financial dispute into a cybercrime inquiry.

16. The record reflects that no notice or opportunity of hearing was afforded to the Petitioners before the blocking of their bank accounts. The Respondent No. 3/NCCIA did not place on record any document justifying the restriction. This omission is material. Blocking/freezing a bank account directly disables a citizen from accessing money, discharging liabilities, or conducting routine civil and commercial life. Such a measure, therefore, infringes Article 4, 9, 18, 23, 24, and 10-A of the Constitution. Due process is not a technical formality, but a constitutional guarantee. A citizen cannot be deprived of property or subjected to executive restraint except in accordance with law. Where law requires a thing to be done in a particular manner, it must be done in that manner and not otherwise. Reliance in this regard is placed upon **2025 SCMR 153**, **2024 SCMR 770**, **2023 SCMR 1502**, wherein the following has been settled: -

> *"Where the law prescribes a thing to be done in a particular manner following a particular procedure, it shall be done in the same manner following the provisions of law without deviating from the prescribed*

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procedure, and where a power is given to do a certain thing in a certain way the thing must be done in that way or not at all."

17. In the foregoing circumstances, this Court is of the considered view that the impugned action of NCCIA in causing blockage/restriction of the Petitioners' bank accounts, without lawful statutory foundation, without individualized determination of liability, and without adherence to the procedure contemplated by law, was disproportionate, excessive, harsh and unreasonable, particularly in relation to those Petitioners whose alleged involvement was founded solely upon their familial connection with the principal accused. Consequently, the impugned action cannot be sustained in the eyes of the law. If a citizen's property is to be restrained, the authority must show the source of power. No such exercise is visible from the record. The Petitioners (family members) appear to have been proceeded against collectively merely because amounts were allegedly credited into their bank accounts. Such collective treatment of relatives, without role bifurcation, offends fairness, proportionality, and individualized responsibility.

18. In light of the above discussion, the instant writ petition is hereby ***allowed***. The blocking/freezing of the bank accounts of the Petitioners is declared to be without lawful authority and of no legal effect. The Respondents, including NCCIA and the concerned banks, are directed to forthwith unblock/unfreeze the bank accounts of the Petitioners. This declaration shall not prevent the competent agency from proceeding strictly in accordance with law, if so advised, provided that any future coercive action affecting the Petitioners' property or bank accounts shall be taken only under an express statutory provision, after compliance with the prescribed procedure, and subject to the safeguards of notice, hearing, proportionality, and judicial oversight wherever required by law. No order as to costs.

(MUHAMMAD AZAM KHAN)
JUDGE

Sajid/--

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