

IN THE HIGH COURT OF SINDH, KARACHI

Present:

Mr. Justice Muhammad Saleem Jessar

Mr. Justice Nisar Ahmed Bhanbhro

Const. Petition No. D-664 of 2026

(Zia ul Hassan v. the Federation of Pakistan and another)

Petitioner : *Zia ul Hassan son of Muhammad Aslam Khan Sadozai through Mr. Habib-ur-Rehman Jiskani, Advocate*

Respondent No.1 : *The Federation of Pakistan Through Mr. Mohsin Shahwani, Additional Attorney General for Pakistan*

Respondent No.2 : *The National Accountability Bureau through Mr. Moazam Ali, Special Prosecutor*

Date of hearing : **06.03.2026**

& Order

Date of Reasons : **09.03.2026**

ORDER

MUHAMMAD SALEEM JESSAR J. Through this petition, the petitioner has sought following reliefs:

“a) Issue an appropriate writ of mandamus and/or any other writ, order or direction declaring the continuation of the impugned Inquiry/Investigation against the Petitioner to be illegal, without lawful authority and of no legal effect, particularly after the amendment of Section 5(o) of the National Accountability Ordinance, 1999, despite the availability of recommendations on record for withdrawal/termination thereof

b) Quash the Inquiry/Investigation bearing No 720120(117)/IW II/CO C/1-5/NAB/Sukkur/2017/1213, titled "Investigation against Zia-ul-Hassan & others", as recommended by concerned officers of Respondent No. 2,

c) Issue an appropriate writ of prohibition restraining the Respondents, their officers, agents and functionaries from taking any further coercive or adverse action in pursuance of the impugned Inquiry/Investigation. including but not limited to the filing of any Reference, till the final disposal of the present Petition,

d) Grant any other relief deemed just, proper and appropriate in the circumstances of the case”

2. Learned counsel for the petitioner submits that the National Accountability Bureau (NAB) initiated an inquiry against Zia-ul-Hassan and others regarding alleged corruption and accumulation of assets beyond known sources of income. During the said inquiry, the petitioner was issued Call-Up Notice dated 16.01.2018 requiring him to appear before NAB Sukkur and produce record relating to a House situated in DHA, Karachi. The petitioner complied with the notices, appeared before the authorities and furnished the required record, though he was neither initially named as an accused nor shown as a beneficiary. Subsequently, Call-Up Notices dated 14.02.2019 were issued to the petitioner, where after the petitioner approached this court for grant of ad-interim pre-arrest which was accorded vide order dated 22.02.2019 in C.P. No. D-1247 of 2019. Despite the lapse of considerable time, the inquiry has neither been concluded nor have any lawful proceedings been initiated against the petitioner. Learned counsel further contends that after amendment in the National Accountability Ordinance, 1999 (NAO-1999) through the National Accountability (Second Amendment) Act, 2022, NAB jurisdiction stands confined to cases involving an amount of not less than Rs.500 million. According to the learned counsel, the alleged liability in the present matter is below the said threshold; even NAB's own officers recommended termination of the proceedings and NAB Headquarters acknowledged that the case falls within the category affected by the amendment. Despite this, the respondents have neither closed the inquiry nor discharged the petitioner, thereby keeping him under continuous apprehension and stigma in respect of proceedings which, according to the learned counsel, are now ex-facie without lawful authority. He prayed to allow the petition.

3. Learned Additional Attorney General contends that NAB Sukkur had initiated inquiry into the matter, which was later on converted into investigation. He argued that vide letter dated 15th November, 2022 have recommended for termination /withdrawal of the investigation on the ground that the amount involved is less than Rs. 500 Million and since year 2002 the Review Committee has not decided the fate of the said recommendation made by NAB Sukkur. He however conceded to the fact that NAB had no jurisdiction to proceed further in the matter, therefore, he raised his no objection if the petition was allowed./

4. Learned Special Prosecutor NAB contended that NAB has itself opined in the inquiry/investigation did not fall within the ambit of the definition of offence under Section 5(o) of NAO, 1999. He contended that in compliance of the decision of Regional Board Meeting of NAB Sukkur has requested NAB Head Quarters Islamabad for termination of the investigation through letter dated 15.11.2022 but no further orders were issued by the Islamabad Head Quarters. He contended that appropriate directions may be issued to the NAB Islamabad for deciding the recommendation of NAB Sukkur.

5. Heard arguments of the parties and perused the material available on record.

6. From the careful perusal of the record, it appears that the petitioner was given call up notice for his alleged involvement in the offence of corruption and corrupt practices. From the contents of the call up notice it transpires that the petitioner was required to extend information regarding certain transactions led by the other accused namely Zia-ul-Hassan Lanjar, Hussain Ali Effendi, Khan Bahadur Bhatti, Abdul Haleem and others. The petitioner was granted bail by this Court vide order dated 22.02.2019, thereafter he appeared before Investigating Officer, inquiry was converted into investigation and continued since the year 2017 until 12th October, 2022 when NAB Sukkur in its original Board meeting held on 22nd October, 2022, decided that the investigation proceedings may be withdrawn under Section 31-B(1) of NAO (Second Amendment) Act 2022. The matter was referred to NAB Headquarters Islamabad but order has not yet been passed on the recommendations of the NAB Sukkur.

07. The definition of the Offence enunciated that an offence of corruption triable under this ordinance would involve the pecuniary limits which shall not be less than Five Hundred Million Rupees. The offence of corruption and corrupt practices below this threshold would not be triable under the provisions of the NAO, 1999, per definition of offence of corruption and corrupt practices contained under Section 5(o), which reads as under:

5(o). "Offence" means the offences of corruption and corrupt practices and other offences as defined in this Ordinance of the value not less than five hundred million rupees and includes the offences specified in the Schedule to this Ordinance

08. Section 9 of the NAO, 1999 defines the Corruption and Corrupt practices, for the purposes of instant investigation, sub section a(v) and (xii) of the said section would be relevant for the purpose of instant petition, the same are reproduced for the ease of reference:

9. Corruption and corrupt practices. – (a) A holder of a public office, or any other person, is said to commit or to have committed the offence of corruption and corrupt practices –

(i)

(ii).....

(iii)....

(iv)....

(v) if he or any of his dependents or other Benamidars, through corrupt and dishonest means, owns possesses or acquires rights or title in assets substantially disproportionate to his known sources of income which he cannot reasonably account for.

Explanation I - The valuation of immovable property shall be reckoned on the date of purchase either according to the actual price shown in the relevant title documents or the applicable rates prescribed by the District Collector or the Federal Board of Revenue whichever is higher. No evidence contrary to latter shall be admissible.

Explanation II - For the purpose of calculation of movable assets, the sum total of credit entries of bank account shall not be treated as an asset. Bank balance of an account on the date of initiation of inquiry may be treated as a movable asset. A banking transaction

shall not be treated as an asset, unless there is evidence of creation of corresponding asset through that transaction.

(vii)

(viii).....

(ix)

(x)

(xi)

(xii) if he aids, abets, attempts, or acts in conspiracy with a person or a holder of public office accused of an offence as provided in clauses (i) to (xi).

9. Provision of the law referred above enunciated that acquiring of the assets was an offence, if the acquired assets were found beyond the known sources of income. Similarly, when an accused abets, aids or acts in conspiracy with a person or a holder of public office.

10. Section 18 of the NAO, 1999 empowers the NAB to inquire and investigate the matters related to charges of corruption and corrupt practices and file reference for trial if sufficient incriminating material was collected during investigation. Section 18 reads as under:

18. Cognizance of offences: *(a) The Court shall not take cognizance of any offence under this Ordinance except on a reference made by the Chairman NAB or an officer of the NAB duly authorised by him.*

(b) A reference under this Ordinance shall be initiated by the National Accountability Bureau on –

(i) a reference received from the appropriate government; or

(ii) receipt of a complaint; or

(iii) its own accord.

(c) Where the Chairman NAB, or an officer of the NAB duly authorized by him, is of the opinion that it is, or may be, necessary and appropriate to initiate proceedings against any person, he shall refer the matter for inquiry. If after completion of inquiry the allegations of commission of an offence under this Ordinance are substantiated with material evidence, the matter shall be converted into investigation:

Provided that the report of the inquiry shall be provided to the accused.

(d) The responsibility for inquiry into and investigation of an offence alleged to have been committed under this Ordinance, shall rest on the NAB to the exclusion of any other agency or authority, unless any agency or authority is required to do so by the Chairman NAB or by an officer of the NAB duly authorised by him

(e) omitted

(f) Any Inquiry or Investigation under this Ordinance shall be completed within six months.

(g) The Chairman NAB, or an officer of the NAB duly authorized by him, shall appraise the material and the evidence placed before him during the inquiry and the investigation, and if he decides that it would be proper and just to proceed further and there is sufficient material to justify filing of a reference, he shall refer the matter to a Court.

(h) If a complaint is inquired into and investigated by the NAB and it is concluded that the complaint received was prima facie frivolous or has been filed with intent to malign or defame any persons, the Chairman NAB or Deputy Chairman NAB or an officer of the NAB duly authorised by the Chairman NAB, may refer the matter to the Court, and if the complainant is found guilty he shall be punishable with imprisonment for a term which may extend to one year, or with fine or with both.

11. Perusal of the above provision of law made it crystal clear that NAB can initiate the proceedings for filing of reference on receipt of a complaint from Government or any source, or of its own. The law binds the NAB to complete any inquiry or investigation within a period of six months. The purpose to frame this time limit is to save national exchequer usually spent in the lengthy process of inquiry and investigation and to save the persons accused of the offence from unnecessary harassment, pain and mental agony caused due to prolonged prosecutions at pretrial stage. The law further necessitates for conversion of an inquiry into investigation when sufficient incriminating material was collected at inquiry stage. In all, the NAB has got a period of six months to complete inquiry and if the matter is converted into investigation a further time of six months for completion of investigation would be permissible under the law, the NAB cannot go beyond the period of Twelve months for

completion of entire proceedings that would culminate into filing of reference.

12. Under the provisions of NAO, 1999 and SOPs framed thereunder, the NAB has been provided a three-tier investigation system to probe into the white-collar crimes, for the reason that the persons charged with the accusation of corruption usually enjoy administrative positions and wield sufficient influence on the affairs of the office to deny the access of investigating agency to the record. Under the Police Rules, 1934, Local Police was required to complete investigation within fourteen days time in ordinary cases and within ninety days in Terrorism cases. Federal Investigation Agency and Anti-Corruption Police were required to complete investigation within ninety days. Under the NAO, 1999, the NAB was provided a twelve months' time to complete both inquiry and investigation and furnish its results to the Court having jurisdiction. In comparison to other agencies involved in detecting white collar crimes, NAB was given vast powers to call for information from any person or department regarding any material or document, seek assistance of any other department and even make a request for mutual legal assistance and cooperation of a foreign country in the matters of inquiry or investigation.

13. In the digital age, it takes minutes to seek personal information of any person accused of amassing wealth through ill gains, which in the past took years because of the manual records. No department can refuse to transmit the record if called by the NAB for the purposes of inquiry or investigation. Section 19 of the NAO, conferred powers to an officer of the NAB to call for any record, any information from any Person (person includes authority, entity, organization or Bank etc.). The person who is called by NAB to furnish record cannot take any excuse and deny the production of record or evidence. Section 19 reads as under:

19. Power to call for information: The Chairman NAB or an officer of the NAB duly authorised by him may, during the course of an inquiry or investigation of an offence under this Ordinance:

(a) call for information from any person with regard to particulars of the subject inquiry or investigation for the purpose of satisfying himself whether there has been any contravention of the provisions of this Ordinance or any rule or order made there under;

(b) require any person to produce or deliver any document or thing useful or relevant with regard to the subject inquiry or investigation;

(c) examine any person acquainted with the facts and circumstances of the case with regard to the subject inquiry or investigation ; and

(d) require an bank or financial institution, notwithstanding anything contained in any other law for the time being in force, to provide any information relating to any person whosoever, including copies of entries made in a bank's or a financial institution's books such as ledgers, day books, cash books and all other books including record of information and transactions saved in electronic or digital form, and the keepers of such books or records shall be obliged to certify the copies in accordance with law with regard to the subject inquiry or investigation.

(2) Any person called to provide information under sub-section (1) in relation to an offence alleged to have been committed under this Ordinance, shall be informed if he is an accused person or otherwise, and if the person is alleged to have committed an offence he shall be informed of the allegations against him in such manner as would enable him to file his defence.

14. Under section 20 of the NAO, the financial institutions were obliged to transmit the information of suspicious transactions through the quickest possible means, failure to provide information was treated as offence punishable up to five years' imprisonment. The system of the banks and financial institutions has not only been digitalized but made available under One Link System and Bank can transmit the required information within minutes time through the digital channels. In case of any request by the NAB for provision of any information, its compliance was mandatory, in case of non-compliance consequences of prosecution and conviction may follow. Section 20 reads as under:

20. Reporting of suspicious financial transactions. — *(a) Notwithstanding anything contained in any law for the time being in force, it shall be the duty of all banks and financial institutions to take prompt and immediate notice of all unusual or large transactions in an account, which have no apparently genuine economic or law full purpose and upon bonafide professional judgment of the Bank or financial institution] that such*

transactions could constitute or be related to an offence under this Ordinance, the manager or director of such Bank or financial institution shall report all such transactions to the Chairman NAB forthwith by the quickest possible mode of communication to be confirmed in writing.

(b) Whoever fails to supply the information in accordance with sub-section (a) shall be punishable with rigorous imprisonment which may extend to 5 years, and with fine.

[Explanation. – For the purposes of this section, a transaction in cash over two million Rupees shall be considered as an unusual or large transaction.]

15. Section 27 further empowers the NAB to seek assistance of any department of the Federal Government, Provincial Government, Local Authority, Bank, Financial Institution, person or any authority and institution or department in the public sector or the private sector and require or demand any information or document. Section 27 of the NAO, 1999 reads as under:

***27. Power to seek assistance.** The Chairman NAB, or an officer of the NAB duly authorised by him, shall have the power to seek full and complete assistance and call for all or any documents and information relevant to or in connection with any matter or inquiry or investigation pending before the NAB, or disposal of any property surrendered to or seized by the NAB, from any department of the Federal Government, Provincial Government, local authority, bank, financial institution, person or any authority and institution or department in the public sector or the private sector, as he may deem fit and proper to demand or require, except to seek information, document or assistance the secrecy of which is protected under the law.*

16. Refusal to extend assistance in the inquiry or investigation tantamount to hamper the process of inquiry or investigation, any attempt to hinder the due process of law to happen in the matters related to NAO, 1999 were treated as an offence under section 31, which reads as under:

***31. Prohibition to hamper investigation.** – (a) Notwithstanding anything contained in any other law for the time being in force, if any person concerned with the inquiry,*

investigation and prosecution of a case consciously and deliberately and with malice compromises, hampers, misleads, jeopardizes or defeats an inquiry or investigation of a case under process before NAB or any concerned agency or authority or the Court or any other court he shall be guilty of an offence under this Ordinance punishable with rigorous imprisonment for a term which may extend to ten years.

(b) No person will be proceeded against under this section except with the sanction of a Committee comprising the Chairman NAB Deputy Chairman NAB and the Prosecutor General Accountability.

17. In presence of such unfettered powers for conducting inquiry and investigation envisaged under the provisions of the NAO, 1999 referred supra, it is always expected that the Corruption Watchdog would not falter to book the culprits involved in the white-collar crime within a reasonable time by collecting sufficient incriminating evidence, leaving no chance of escape for the accused during trial. The corruption in any society in any form is not tolerable, it attacks as termite and erodes the society as whole, the nations have not fallen due to wars but crippled due to the menace of corruption. The institutions established under the law to detect the offence of corruption and corrupt practices were saddled with a sacred duty to bring the culprits before the Court of Justice with a zero degree of tolerance.

18. During the hearing of Instant Petition, we came to know that the NAB was seized with the matter for last more than 10 years, and we were expecting that sufficient incriminating material would have been collected during the above period to convince us that Petitioner was making hue and cry of victimization by NAB without any reasons. Respondent NAB was asked to bring on record any material to justify that sufficient incriminating evidence was collected during the last 9 years since inquiry was initiated to establish a charge under section 9 of the NAO, 1999, learned prosecuted frankly conceded that during the referred period sufficient material did not surface to bring a charge of an offence under the provisions of NAO, 1999, therefore, the NAB Sukkur recommended the case for termination / withdrawal of investigation.

19. This Court normally does not interfere into the matters relating to investigation or inquiry, and a reasonable restraint is shown to exercise the powers of judicial review. Investigation is always allowed to take a due process in order to sift grain from the chaff and provide credible information regarding guilt or innocence of the accused facing charge. This Court cannot assume the role of investigator and it is for the investigation agency to conduct the investigation in accordance with law. But it is within the dominion of this Court to exercise the powers of judicial review when such process of investigation or inquiry resulted in abuse of the process of law.

20. In the case of Mian Khan Versus Ghulam Mustafa and 6 others reported as **1996 SCMR 654 Supreme Court of Pakistan has been pleased to hold as under:**

“In the case before us, there were number of- complaints filed by the appellants and others against the respondent. These complaints were being investigated by the Anti-Corruption Department. Unless these investigations were completed it was not possible to hold whether the allegations made against the respondent disclosed an offence punishable under the Act or under some other law. We are, therefore, of the view that there was no justification at this p stage for grant of any injunction interim or otherwise to stop investigation by respondents Nos.3 to 5 on the ground that Anti-Corruption Department had no jurisdiction to investigate into these allegations. In the absence of any charge framed by the Anti-Corruption Department as a result of its investigation into the complaints, it was not possible for the Court to decide whether section 63 of the Act was attracted or not. The learned High Court therefore, could not interfere with investigation of the case by the Anti Corruption Department.”

21. It is settled notion of law that an accused is presumed innocent unless proved guilty. Under the NAO, 1999, the NAB has been given a time limit to complete the process of inquiry or investigation. The wisdom of legislature is quite clear that prolonged inquiries and investigations

result in undue harassment and humiliation of the person under investigation. Under the Constitution of the Islamic Republic of Pakistan, 1973 (the constitution), reputation of a person 'has received the highest protection in Article 4(2)(a). Further under Article 14 of the constitution, the dignity of man and, subject to law, the privacy of home, shall be inviolable right of each and every citizen. Thus, not only is it the constitutional obligation of the State but all the citizens and persons living within the State of Pakistan to respect and show regard to dignity of every person and citizen otherwise if anyone commits an act of malice by defaming any person, would be guilty under the Constitution and would cross the red line of prohibition imposed by the Constitution, attracting serious penal consequences under the law and the person violating the same has to be dealt with under the law.

22. The Petitioner has alleged serious malice on the part of the NAB for investigating the matter. Though allegation of malice has not been substantiated by any proof or evidence, as malice in fact required the evidence that the action was actuated with an ulterior purpose to harm another or benefit oneself. The NAB was shouldered with a burden to investigate the mega scams, thus any action to investigate the charges of corruption and corrupt practices would not amount to malice in fact. Plea of malice in fact required a high standard of proof. The rationale behind such an approach was that a plea of malice in fact frustrated the process of justice. After a complainant established malice in fact against a person, the entire proceeding by the latter was brought to an end. This resulted in the merits of the case being ignored.

23. an other category of malice, which is malice in law has been coined by holding that actions that were manifestly illegal or so anomalous that they lacked nexus with the law under which they were taken, in fact were the actions malice in law. We are of the view that the malice in fact were not established in the present case but the careful examination of the record established the malice in law were established. For the reasons that the NAB without any substantial material on record converted the complaint into inquiry and kept it pending for long without any reasons and thereafter converted it into investigation. After the lapse of about Ten years' time no material has been collected to bring the charge within the definition of an offence defined under section 5(o) and 9(a)(vi) of the

NAO, 1999, though time and again inquiries and investigations were conducted, but no material was collected to establish a charge of offence within the meaning and definition of offence.

24. Reliance in this regard is placed on the dicta laid down by Honorable Supreme Court of Pakistan in the case of SAID ZAMAN KHAN and others Versus FEDERATION OF PAKISTAN through Secretary Ministry of Defence and others reported as 2017 S C M R 1249 has held that

82. All judicial and quasi-judicial forums for that matter even the Executive Authorities exercise only the powers conferred upon them by law so as to fulfill the mandate of such law and to achieve its declared and self-evident purpose. However, where any action is taken or order passed not with the intention of fulfilling its mandate or to achieve its purpose but is inspired by a collateral purpose or instigated by a personal motive to wrongfully hurt somebody or benefit oneself or another, it is said to suffer from malice of facts. In such cases, the seat of the malice or bad faith is the evil mind of the person taking the action be it spite or personal bias or ulterior motive. Mere allegations, in this behalf, do not suffice. Malice of fact must be pleaded and established at least prima facie on record through supporting material.

83. All persons purporting to act under a law are presumed to be aware of it. Hence, where an action taken is so unreasonable, improbable or blatantly illegal that it ceases to be an action countenanced or contemplated by the law under which it is purportedly taken malice will be implied and act would be deemed to suffer from malice in law or constructive malice. Strict proof of bad faith or collateral propose in such cases may not be required.

25. Honorable Supreme Court of Pakistan has depreciated the practice of successive investigations, in the present case too the successive inquiries were conducted without any plausible explanation.

26. In the Case of Riaz Hussain and others Versus the State reported as 1986 S C M R 1934 Honorable Supreme Court disapproved the system of successive investigations and held as under:

The system of re-investigation in criminal cases is a recent innovation which is always taken up at the instance of influential people and favourable reports obtained. This in no way assists the Courts in coming to a correct conclusion, it rather creates more complications to the Court administering justice. We, therefore, disapprove this system altogether.

27. The National Accountability Ordinance 1999 was promulgated to detect mega corruption scandals and it underwent significant changes by the passage of time. While interpreting statutes, the cardinal rule is to take the purposive approach which means to look at the meaning of the words and the object and purpose of the law, which states the aim and objective of the law. Discovering the aim of the legislature carries significant weight while construing the meaning of the words. In the instant case, the Amendment Act XXIV of 2023 changed the definition of offence of misuse of authority with a retrospective effect. The definition of offence under the changed law stood at variance as under the provisions of old law pecuniary limits were not involved, the amended law articulated that any offence involving the corruption of Five Hundred Million and above would be cognizable under the NAO, 1999 and so far, whatever material has been placed on record of this Court both ingredients of the offence were lacking in the case. Therefore, since the date when the enactment came into force all the inquiries, investigations seized with the NAB became coram non iudice and stood abated automatically.

28. It transpired from the record that the Investigation Officer NAB itself concluded in its recommendation dated 12.10.2022 that offence did not fall within the ambit of NAO, 1999 and the matter should not be referred for inquiry to Anti Corruption Establishment, rather investigation be terminated. Since NAB has itself admitted that no case for a probe by the NAB laws was made out, therefore, pendency of investigation with the NAB Headquarters Islamabad without taking any decision since year 2022 reflects its inaction and delay so caused has occasioned in

miscarriage of justice and undue harassment for a person under the prohibitory investigation.

29. The NAB was seized with the inquiry and investigation in the present matter since year 2017. Under the provisions of NAO, 1999 it would have been completed within a period of 12 months, and presented to the Competent Authority for perusal and making a determination that reference should be filed or not. Least to say that IO for the period of about more than Nine years did not collect any incriminating evidence despite of successive inquiries and investigations. The law requires that the things should be done in the manner as provided under the law. There is no concept of successive inquiries, further inquiries under the NAB law, thus the case under NAB inquiry has resulted into misuse of powers and abuse of the process of law. The fundamental rights of the petitioner as to the dignity and to be dealt in accordance with law have been put under stake, therefore, a case for exercise of the powers of judicial review in the instant matter is made out, as the NAB lacked its jurisdiction to entertain the subject inquiry which prima facie fell outside the limb of section 5(o) and 9(a)(v) & (xii) of the NAO, 1999.

30. This view finds support from the judgment of Honorable Supreme Court from the case of CHAIRMAN, NATIONAL ACCOUNTABILITY BUREAU and another Versus MUHAMMAD IRSHAD KHAN reported as 2008 S C M R 1012, wherein the judgment passed by the Learned Division Bench of the High Court quashing NAB inquiry was upheld and it was held:

8. On bare perusal of the impugned judgment it will transpire that the judgment is supported by strong and convincing reasons. It may be observed that at least three investigations were conducted by the NAB authorities. On two occasions though the Investigating Officer recommended the filing of the reference but the case could not be filed for the reasons that in the opinion of the Legal Expert the case against the respondents was weak. In the third investigation, the Investigating Officer furnished the report stating that there was no sufficient evidence to submit the reference before the Court of law for

successful prosecution against the accused, therefore, he submitted that the case might be considered for closure after taking legal opinion in the matter. When the matter was referred for legal opinion, the Legal Expert concurred with the view of the Investigating Officer but still the Deputy Director-General, NAB, was not satisfied and he again referred the matter for investigation. It is obviously evident from the record that in the first instance, the investigations were initiated in the year 2001 but no sufficient evidence could be collected against the respondent despite repeated investigations for the purpose of his prosecution. Evidently, a futile exercise of reinvestigation continued for six years causing undue harassment to the respondent. Thus the learned High Court rightly issued directions in the nature of judgment which is impugned before us.

31. For what has been discussed herein above, Petitioner has made out a case for indulgence of this Court to exercise the powers of judicial review under article 199 of the Constitution. In view of the above legal and factual position, the acts of the NAB of carrying out inquiry in the present case are declared to be without lawful authority, perverse and without jurisdiction, accordingly set aside and the investigation bearing No.720120(117)/IW-II/CO-C/T-5/NAB/Sukkur/2017/1213 initiated in the matter stands quashed.

32. It further transpired from the record that besides Petitioner there were other persons namely Zia ul Hassan son of Ghulam Rasool, Khan Bahadur and Hussain Ali required in the NAB investigation No.720120(117)/IW-II/CO-C/T-5/NAB/Sukkur/2017/1213. Since the NAB has itself resolved to terminate the investigation in totality against all accused. This order therefore shall operate for all the accused nominated under investigation and they shall not be compelled to open a separate spate of litigation, the investigation in the matter is hereby quashed in respect of all the accused persons.

33. For the aforementioned reasons, the instant petition was allowed and the subject investigation was quashed by a short order dated 06.03.2026 and above are the reasons for the same.

JUDGE
HEAD OF CONST. BENCHES

JUDGE

Nadir /PS*

Approved for reporting