

IN THE HIGH COURT OF SINDH AT KARACHI

Before: Mr. Justice Ahmed Ali M. Shaikh, CJ.
Mr. Justice Mohammad Karim Khan Agha, J.

CPD.No's. along with Petitioners

1.C.P. No. D-3145 of 2017

Mohammad Ayub S/o Abdul Sami.

2. C.P. No.D-4223 of 2017

Zameer Ahmed Shah S/o Zulfiqar Ali Shah.

3. C.P. No.D-4220 of 2017

Syed Muzafar Ali Shah Bukhari
S/o Syed Mumtaz Ali Shah Bukhari

4. C.P. No.D-3952 of 2017

1. Himmat Ali S/o Mian Khan.
2. Muhammad Hassan S/o Gulsher Chohan.

5. C.P. No.D-4027of 2017

Hafiz Muhammad Ishaq S/o Khuda Bux.

6. C.P No.D-3949 of 2017

Nabi Bux Jiskani S/o Natho Khan

7. C.P No.D-3437 of 2017

Gul Hasan S/o Mehmood Khan

Counsel for the Petitioners.

1. Mr. Abdul Naeem Pirzada, Advocate for petitioner in CP No.D-3145/2017.
2. Mr. Humayon Shaikh, Advocate for petitioner in CP No.D-4223/2017, 4220/2017.
3. Counsel called absent in CP No.D-3952/2017.
4. Bakhsan Khan Mahar, Advocate for petitioner in CP No.D-4027/2017.
5. Mr. Khan Muhammad Sangi, Advocate for petitioner in CP No.D-3949/2017.
6. Mr. Nizamuddin Baloch, Advocate for petitioners in CP No. D-3437/2017.

Counsel for the Respondents.

Mr. Muhammad Zuabir Malik, Special Prosecutor NAB.

Date of hearing: 22.08.2017

Date of order: 22.08.2017

ORDER

Mohammed Karim Khan Agha, J. By this common order we propose to dispose of all the above mentioned petitions filed on behalf of the above mentioned petitioners (the petitioners) all of whom were granted ad interim pre arrest bail by this Court vide orders dated 13.4.2017, 16.5.2016, 12.5.2016, 25.5.2016, 03.11.2016, 20.5.2016 and 10.5.2016 respectively in connection with corruption inquiries/investigations being carried out against them by the National Accountability Bureau (NAB) under the National Accountability Ordinance 1999 (NAO).

2. Briefly the facts of the case are that it is alleged in the investigation conducted by the NAB under the NAO that through the source report as the press clipping of Daily Kawish that development funds of TMA New Sukkur city were misappropriated by the Officers/ Officials of New TMA Sukkur. The material used in the development works was allegedly substandard and not up to the mark which is illustrated by the deterioration of all the development work in a very short passage of time. In short, the petitioners in the capacity of Town Officer / Administrators along with other accused officials / officers and contractors caused loss to state exchequer, thus, their actions fall within the ambit of the NAO.

3. We have heard the learned counsel for the parties and perused the material placed on record.

4. It is apparent that most of the petitioners are relatively lowly placed beneficiaries being sub contractors etc and whose individual liability as worked out by the NAB ranges between approximately RS.11,000 and RS.250,000. In most of the cases the amount of the surety given when granting ad interim pre arrest bail to the petitioners was in the region of such liability. The petitioners are no longer required for investigation purposes and keeping in view that the primary purpose of the NAO is to pursue

large scale mega corruption cases we do not consider that it would serve any useful purpose in recalling the ad interim pre arrest bail already granted to the petitioners bearing in mind their role in the scam and the very minor amount liable to be paid by each of the petitioners. Accordingly the ad interim pre arrest bail granted to **all** the aforesaid petitioners through the various orders of this court as mentioned above are hereby confirmed subject to the same terms and conditions.