

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

C.P No.D-192 of 2020

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| Date | Order with Signature of Judge |
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For hearing of main case

14.05.2020.

M/s. Shahab Sarki and Meraj Uddin, Advocates for Petitioner.
Mr. R. D. Kalhoro, Special Prosecutor, NAB.

Mohammad Karim Khan Agha, J. Petitioner Abdul Hameed has filed this petition for post arrest bail in Reference No.13-A of 2016. Learned counsel for the petitioner under instructions is prepared to withdraw the same provided that directions are given by this Court which shall enable the trial to be completed expeditiously without any undue delay.

2. Special Prosecutor, NAB has informed us that the I.O. has yet to give his evidence in chief and is to be subject to cross examination and as such the trial is near completion. We note that there is only one accused in this Reference being the petitioner and as such this matter can be proceeded with and completed expeditiously. One of the problems is that apparently the concerned Accountability Court is lying vacant which is delaying the matter. Since this matter is on the verge of completion we hereby **direct** that this matter be placed before Mr. Abdul Ghani Soomro, Administrative Judge, Accountability Court No.I, Karachi who shall hear the same on day to day basis and will not allow any adjournment by any of the parties on any flimsy ground. On the next date of hearing I.O will be present before the trial court when his evidence shall be completed. Thereafter PW Ashfaque Hussain who according to Special Prosecutor NAB has already given his evidence in chief shall be called by the trial Court and shall be subject to cross examination by learned counsel for the petitioner. It is the responsibility of the NAB to produce PW Ashfaque Hussain before the trial Court and if it fails to

do so NAB should give-up that witness as there is no reason for the trial to be delayed any further and for the petitioner to continue rotting in jail on account of the failure of the NAB to timely produce its witness. Even if PW Ashfaq Hussain does not live in Karachi he can travel by road in order to attend the proceeding provided that he is given 03 days notice by the learned trial Court. By that time perhaps even air travel or train operation may be available. PW Ashfaq Hussain's cross examination shall be conducted on the same day in order to avoid logistical/travel issues.

3. Thereafter the petitioner's statement under Section 342 Cr.P.C. shall be recorded and arguments heard from the parties. Since only the evidence of the I.O. and one cross examination of PW Ashfaq Hussain is remaining the Accountability Court No.1 Karachi is **directed** to decide this Reference within 06 weeks of the date of this order. A progress report shall be submitted to this Court every 02 weeks through MIT-II. A copy of this order shall be faxed to Superintendent Central Jail Karachi who shall ensure that the petitioner is produced before the trial Court on each and every date of hearing.

4. Learned counsel for the petitioner being satisfied with the above directions hereby withdraws his post arrest bail petition which is accordingly dismissed as withdrawn.

5. Before parting with this order we had ordered that I.O. to be present in Court, however, he is called absent without intimation and as such this Court has not received the assistance required and hereby caution the I.O. that in future he must comply with the orders of this Court so that the matter proceeds smoothly otherwise action may be taken against him.

6. A copy of this order shall be sent by facsimile to D.G. NAB to ensure that when an I.O. is called by the Court he must appear and assist the Court. He shall also ensure the attendance of I.O. Zamir Abbasi before the trial Court on the next date of hearing who shall record his evidence on that date. A copy of this order may also be sent through fax to Mr. Justice Abdul Ghani Soomro, Administrative Judge,

Accountability Court No.I, Karachi for information and compliance who shall take this matter up for hearing on the date already fixed which we believe to be **02.06.2020** when I.O. Zamir Abbasi and the petitioner shall be present in Court and complete the I.O's evidence.

7. The petition stands disposed of in the above terms.

MAK/PS**