

IN THE HIGH COURT OF SINDH, AT KARACHI

PRESENT:-

MR. JUSTICE MUHAMMAD IQBAL KALHORO

MR. JUSTICE SHAMSUDDIN ABBASI.

Constitutional Petition No. D – 3683 of 2015

1. For hearing of CMA No.16006/20015.
2. For hearing of main case.

Petitioner Ghulam Mustafa Phul son of Umed Ali.

Respondents Federation of Pakistan & 4 others.

Petitioner Through Mr. Shoukat Hayat,
Advocate.

Respondents Through M/s Yasir Siddique, Special
Prosecutor, NAB and Zahid Khan, Assistant
Attorney General.

Date of hearing 10.08.2018
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ORDER

SHAMSUDDIN ABBASI, J:- In terms of order dated 19.06.2015, petitioner was admitted to interim pre-arrest bail. Today, the petitioner is called absent, but his counsel is in attendance. He submits that the petitioner has been arrested after rejection of his bail plea by the Hon'ble Supreme Court of Pakistan in some other NAB reference. He also submits that after granting interim pre-arrest bail to the applicant, without touching the merits of the case, it cannot be recalled, without touching the merits of the case.

2. On the other hand, Special Prosecutor NAB, submits that the petitioner has been arrested by NAB authorities, after rejection of his bail plea by the Hon'ble Supreme Court of Pakistan in Case No.2652-K of 2018, on 12.06.2018 and presently he is in custody and facing trial in different NAB references before Accountability Court No.I, Karachi.

3. A bare perusal of the order dated 19.06.2015 reflects that the petitioner was granted interim pre-arrest bail by this Court,

without touching the merits of the case, on the sole ground of imminent danger of his arrest, disgrace and humiliation at the hands of NAB authorities. Needless to say that after arrest of the petitioner in some other NAB reference this ground is no more available to the petitioner. Since he is in custody in some other NAB references, therefore, he cannot be allowed to remain on interim pre-arrest bail in the present petition, which has become infructuous and accordingly dismissed simultaneously recalling the interim order dated 19.06.2015.

JUDGE

JUDGE

Naeem