

ORDER SHEET

IN THE HIGH COURT OF SINDH, AT KARACHI

Constitutional Petition No. D – 4924 of 2015

Date	Order with signature of Judge
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1. For hearing of CMA No.21225/2015.
2. For hearing of main case.

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13.09.2018.

Petitioner is called absent.
Mr. Malik Altaf Javed, Advocate for the Petitioner.
Mr. Yasir Siddique, Special Prosecutor NAB a/w I.O. Omaish
Kumar.

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In terms of order dated 19.08.2015, the petitioner was admitted to interim pre-arrest bail by this Court in respect of an enquiry relating to affairs of land allotted to various individuals in Nai Malir/River Bed Deh Sea Shore mainly on the ground that he was apprehending his imminent arrest, disgrace and humiliation at the hands of NAB authorities. On 10.08.2018 the petitioner was called absent but his counsel was in attendance and informed the Court about his arrest in some other reference by the NAB on 12.06.2018 after rejection of his bail plea by the Hon'ble Supreme Court. We were about to dismiss this petition for having become infructuous but on the request of learned counsel, who submitted that this petition can be heard even in absence of the petitioner, adjourned it today for him to satisfy the Court on this particular point.

Today, learned counsel for the petitioner has submitted that the petitioner has been arrested in some other reference and as such his non-appearance before this Court is beyond his control and even in his absence this petition can be heard. In support of his submissions, he placed reliance on the cases of *Saleh alias Muhammad Saleh v The State* {2007 P.Cr.L.J. Karachi 1085}, *Abdul Hamid Khan Jatoi v The State* {1973 P.Cr.L.J. Karachi 1032}, *Riaz Wazir Ahmad v The State* {2004 SCMR 1167} and *Noor Ahmed & another v The State* {PLD 1982 Lahore 214}.

On the other hand, learned Special Prosecutor NAB has opposed request of the learned counsel for the petitioner and has cited many precedents, whereby in similar circumstances this Court has dismissed pre-arrest bail applications after arrest of accused in some other case.

It is obvious that this petition was filed by the petitioner for pre-arrest bail apprehending his imminent arrest and disgrace and humiliation at the hands of NAB authorities and in consideration of such grounds, he was granted ad-interim pre-arrest bail. But after his arrest, may be in some other reference, such grounds have ceased to exist in favour of the petitioner as such this petition, in our humble view, has become infructuous and is accordingly disposed of. The interim order dated 19.08.2015, granted earlier, is hereby recalled.

JUDGE

JUDGE

Naeem