

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.**

Date	Order with signature of Judge
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Present. **Mr. Justice Muhammad Iqbal Kalhoro J.**
Mr. Justice Shamsuddin Abbasi, J.

C.P.NO.D-2645 OF 2020

Iftikharuddin.... .Vs..... National Accountability Bureau.

Date of hearing: 23.10.2020 & 06.11.2020

Date of order: 06.11.2020.

Raj Ali Wahid, Advocate for the petitioner
Mr. Shahbaz Sahotra Awan, Special Prosecutor NAB. a/w
Muhammad Kamran I.O. NAB.

ORDER

MUHAMMAD IQBAL KALHORO J: Petitioner is facing a trial in Reference No.01/2019 pending before Accountability Court No.1 Sindh at Karachi and by means of this petition is seeking post arrest bail.

2. This is a case revolving around allegations of keeping a fake and fabricated entry No.11 & 11/229 in respect of Government land admeasuring 29-00 acres situated in sector 31,32 & 24-A, Scheme 33 Karachi by the accused in collusion with each other and launching illegal housing projects thereon, thereby cheating public at large and earning profits to the tune of Rs.757 million.

3. Specific allegations against the petitioner namely Iftikharuddin are set out in para 6 of the reference that he is nephew of accused No.1 Javed Iqbal and is Manager of the housing projects and has added and abated accused No.1 to 4 in arranging the fake entry and cheating public at large. In addition, he is said to have earned an amount of Rs.5.6 million from alleged spree. His counsel has submitted that he was arrested on 25.10.2018 and despite directions for expeditious trial by this court given on two occasions when applications for post arrest bail of the accused were decided, not a single witness has been examined by the trial court. He further submits that for seeking bail petitioner is ready to deposit entire liability amount of Rs.5.6 million with the NAB as security in addition to surety and is ready to submit his passport

and would surrender to an arrangement placing his name on ECL to ensure his constant presence in the trial court.

4. Learned Special Prosecutor NAB and I.O. have opposed bail and have submitted that besides the alleged amount there is other liability against him but have not denied that neither it is stipulated in the reference nor in the investigation report.

5. We have considered the case of petitioner in above backdrop and are clear in our view that on deposit of liability shown in the reference, the accused would not be automatically entitled to concession of bail in the NAB case. But in this case not only the petitioner is willing to make good of his liability but is in jail since date of his arrest i.e. 25.10.2018 and despite directions by this court twice at the time of deciding post arrest bail applications of the petitioner and other accused vide orders dated 21.10.2019 and 26.02.2020, not a single witness out of 50 witnesses has been examined by the prosecution. Keeping in view such pace of trial, it is not hard to extrapolate the time the trial is likely to take to conclude. In the circumstances, the petitioner on the ground of hardship coupled with his undertaking to pay off liability in the shape of security is entitled to concession of post arrest bail in reference No.01/2019. Accordingly he is granted bail against surety of Rs.500,000/- and P.R bond in the like amount to the satisfaction of Nazir of this court. In addition, he shall deposit bank security of Rs.5.6 million with Chairman NAB, which however, shall be subject to final disposal of the case. Besides, his name shall be placed on ECL and he should surrender his passport in the trial court. It is further emphasized that petitioner shall cooperate in the proceedings before the trial court to ensure its smooth pace and in case the trial court finds him making an attempt to cause delay or to tamper with the prosecution evidence, it shall make a reference to this court for recalling the concession granted to the petitioner by this order.

The petition stands disposed of.

JUDGE

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