

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Iqbal Kalhoro J.
Mr. Justice Agha Faisal J.

C.P.No.D-2448 of 2022

Roshan Ali Kanasro	-----	Petitioner
	Versus	
NAB & another	-----	Respondents

Mr. Mukesh Kumar Khatri alongwith Mr. Kamran Khan,
advocate for Petitioner.
Mr. Irfan Ahmed Memon, DAG
Mr. Shahbaz Sahotra, Special Prosecutor NAB

16.05.2022

ORDER

MUHAMMAD IQBAL KALHORO J: Petitioner, standing a trial in reference No.19/2019, was arrested on 19.02.2021. So far, in the trial, out of 19 witnesses, 03 have been examined, whereas examination-in-chief of 07 witnesses has been recorded but since the trial Court is lying vacant, no further progress has been made. The allegations against him are that he, in the capacity of Managing Director in Planning, Development, Monitoring & Implementation Cell, Department of Culture, Tourism & Antiquities, Government of Sindh and as Chairman of Tender Committee granted tenders of various works to his favourtees against the rules and regulations.

2. Learned counsel has submitted that two members of the tender committee namely Muhammad Azam and Altaf Hussain have been granted bail by Honourable Supreme Court on merits vide order dated 19.02.2021 in Civil Petitions No.2602 of 2020 & others, whereas another co-accused namely Shahanshah Hussain has been granted bail by this Court in C.P.No.D-1056/2021 vide order dated 22.05.2021 on hardship as well as on deposit of security against outstanding liability. He has further stated that petitioner is entitled to bail not only on merits: rule of consistency as two co-accused having been assigned same allegations have been granted bail but he is also

ready to deposit security of the liability outstanding against him.

3. Learned Special Prosecutor NAB has however opposed the bail.

4. We have considered submissions of the parties and perused material available on record. Petitioner is in jail for more than one year and only 03 witnesses out of 19 have been examined. The court is lying vacant and hence there is no chance that in near future proceedings in the trial will start. Two co-accused with similar allegations have been granted bail by the Honourable Supreme Court on merits and the third accused namely Shahanshah Hussain has been granted bail by this Court on hardship ground. These factors while deciding this petition for some relief, interim in nature and subject to outcome to be made in the trial, cannot be ignored. Under these circumstances, we are of the view that the petitioner has been able to make out a case for bail. Accordingly, this petition is allowed and petitioner is granted bail subject to furnishing a solvent surety in the sum of Rs.500,000/- and PR bond in the same amount in addition to submitting security of Rs.3 Million in the trial Court to its satisfaction.

5. Petitioner is directed to cooperate in the proceedings of the trial and the trial court, if finds the petitioner causing any delay in the trial, may file a reference before this court for recalling the concession granted to him by means of this order. Needless to say findings above are tentative in nature and shall not affect merits of the case.

JUDGE

JUDGE

A.K