

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

**C.P Nos. D-5669 of 2014, D-5390 of 2014
& D-3036 of 2014**

DATE	ORDER WITH SIGNATURE OF JUDGE
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C.P No.D-5669 of 2014.

Syed Shahzad Ali Bukhari-----Petitioner.
 Versus
 National Accountability Bureau & another-----Respondents.

C.P No.D-5390 of 2014

Farhat Parveen -----Petitioner.
 Versus
 National Accountability Bureau & another-----Respondents.

C.P No.D-3036 of 2014

Munir Ahmed -----Petitioner.
 Versus
 D.G. NAB Sindh -----Respondents.

09.05.2017

Mr. Faheem Shah, Advocate alongwith Petitioner Syed Shahzad Ali Bukhari in C.P No.D-5669/2014.

Mr. Javed Ahmed Chattari, Advocate alongwith Petitioner Ms. Farhat Parveen in C.P No.D-5390/2014.

Petitioner Munir Ahmed present in person in C.P No.D-3036/2014.

Mr. Yasir Siddique, Spl. Prosecutor NAB.
 Ms. Naheed Parveen, DAG.

It appears that this Reference is outcome of a Criminal Complaint bearing No.314/2010 filed by The Security and Exchange Commission of Pakistan (SECP). Thereafter, on an application under Section 16(A) of the NAB Ordinance, the matter was transferred to the NAB Court and a Supplementary Reference bearing No.05/2012 was filed. On 17.02.2016 when these Petitions came up for confirmation of pre-arrest bail or otherwise, the following order was passed:-

“Learned counsel for the petitioner in C.P No.D-3036/2014 contends that initially Criminal Complaint No.314/2010 was filed by SECP in respect of the matter in hand. However, petitioner Muneer Ahmed was not treated as one of the accused in the aforesaid complaint and later on NAB has filed an application under section 16(A) of the NAB Ordinance which was treated as Reference under section 18 of the NAB Ordinance, 1999.

On inquiry, Mr. Dayo appearing on behalf of the NAB categorically states that he does not possess any document to show that petitioner has any nexus with the offence. Be that as it may, it is very strange that a person against whom I.O could not collect any iota of evidence has been sent to face the Reference. In the circumstances we would like to issue notice to Director Investigation Wing-3, NAB (Sindh) for 09-03-2016, when he shall be in attendance with relevant record of Reference No.5/2012.”

Thereafter the concerned Director Investigation failed to turn up before this Court nor today he is in attendance. Special Prosecutor NAB, while confronted, has no justification of his absence. It further appears that another co-accused, having the same role, as that of the present petitioners, has been granted post arrest bail vide Order dated 24.07.2013 in **C.P No.D-2120/2013** (***Muhammad Siddiqi Saddidy S/O Haji Sher Mohammad v. NAB***) on the ground that initially when the complaint was filed, the Petitioner’s name was not stated as an accused. Even otherwise, the Petitioners in these Petitions were investors of the Company against whom there is allegation of fraud and misusing of the investors’ accounts. These Petitions are pending since 2014, whereas, NAB Authorities have failed to bring on record anything against the Petitioners. In the circumstances, by following the rule of consistency, for the reason that other co-accused having similar role has been granted post-arrest bail as above, and in view of the dicta laid down by the Hon’ble Supreme Court in the case reported as **1986 SCMR 1380** (***Muhammad Ramzan v. Zafarullah and another***), subsequently followed by this Court in the case reported as **2013 PCr.L.J 649** (***Manzoor Ali v. The State***), that when post-arrest bail has been granted to one co-accused, there is no reason to deny Pre-arrest Bail to others, ad-interim pre-arrest bail, earlier granted to all three Petitioners in the above Petitions, are confirmed on the same terms.

All three petitions stands disposed of in the above terms.

Judge

Judge