

IN THE HIGH COURT OF SINDH AT KARACHI*Present: Ahmed Ali M. Shaikh, CJ and Omar Sial, J*

C.P. No. D – 3215 of 2020

Abdul Lateef Brohi v. The Chairman NAB & others

Mr. Farooq H. Naek, Advocate for petitioner.

Mr. Sattar Muhammad Awan, Special Prosecutor NAB.

Date of short order : 29th January, 2021**ORDER**

Omar Sial, J: Abdul Lateef Brohi is one of the seven accused in Reference No. 10 of 2019. He has sought post arrest bail.

2. Brief facts of the case against the petitioners is that an entry (**Entry No. 3**) was wrongly inserted in an order passed in 1964 by the then Deputy Commissioner which showed that 19-20 acres of land in Deh Thoming Scheme No. 33 in Karachi was owned by one Abdul Hameed (also a co-accused in the case). NAB's case is that Javed Iqbal was the mastermind in having the false entry inserted in the said order. Abdul Hameed, in the year 2004, seems to have appointed one Muhammad Ibrahim (also a co-accused in the case) as his attorney to deal with the said land who sold the same to Waseem Ahmed (also a co-accused in the case). Subsequently, on 14-10-2006, the land was transferred by Waseem to Javed Iqbal. In the year 2014, Javed Iqbal sold the said land to Rufi Builders and Developers. Burdi is accused of making a subsequent entry (Entry No. 43) which had the effect of changing the description of the land from NA-Class 105 to Sector 49-A. Brohi (the present petitioner) is accused of signing the revised lay out plan of the property in question.

3. In 2007 a suit was filed in this Court (being Suit No. 288 of 2007) by Javed Iqbal. He claimed in the said Suit that after having sold him the land, Waseem Ahmed was interfering with his possession and colluding with government officials to have the entry which showed Iqbal as the owner cancelled. On 14.4.2008, this Court restrained the City District Government from interfering with Iqbal's possession and further ordered that if any entry in the record of rights in favour of Iqbal had been cancelled the same should be restored.

4. We have heard the learned counsel for the petitioner as well as the learned Special Prosecutor, NAB and have examined the record to which our attention has been drawn by the parties.

5. The learned Special Prosecutor agrees that the principal accused in the Reference, namely Javed Iqbal, has been granted bail whereas co-accused Waseem Ahmed and Muhammad Hussain Burdi have also been granted bail. Accordingly, the petitioner too is entitled to the concession of bail on the grounds of consistency.

6. Learned Special Prosecutor argued that the judgment in Suit No. 288 of 2007 had been obtained through misrepresentation and fraud and was in fact a collusive suit. He did frankly agree though that the judgment is still in the field and that no person has to date challenged the same.

7. As co-accused in the case have been granted bail and prima facie it appears that the conversion of the land took place as a consequence of a judgment of this court, the case of the petitioner is one of further inquiry.

8. Above are the reasons for our short order dated 29-1-2021.

JUDGE

CHIEF JUSTICE