

Order sheet
IN THE HIGH COURT OF SINDH, KARACHI.

Present:-
Mr. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Shamsuddin Abbasi.

Constitutional Petition No.D-6532 of 2020

Qazi Jan Muhammad

Versus

The National Accountability Bureau & others

Date of Hearing
& order : 08.04.2021

Mr. Muhammad Ahmed Pirzada, advocate for petitioner
Mr. Riaz Alam, Special Prosecutor, NAB a/w I.O. Umesh Malwani, NAB

ORDER

Muhammad Iqbal Kalhoro, J:- Petitioner is accused in Reference No.08/2020 filed pursuant to an investigation into allegations of illegal allotment of lands by co accused and the petitioner from Malir River bed in Deh Dih of District Korangi, Karachi. Petitioner at the relevant time was Deputy Commissioner (DC) and the precise allegations leveled against him are that he and co accused Ghulam Mustafa Phull, Secretary, Land Utilization Department by invoking section 17 of Colonization of Government Lands Act 1912, Sindh had allowed illegal exchange of 08 lands measuring 69-03 acres; further that he had endorsed an illegal report of supervising Tapedar and Mukhtiarkar in this regard without giving his input for facilitating the beneficiaries against the mandate of law.

2. Learned counsel for the petitioner has submitted that all the accused with more or less similar role have been granted either post or pre arrest bail. The exchange of land allegedly endorsed by the petitioner has been cancelled and the status of the land has reversed to its original position.

3. Learned Special Prosecutor, NAB and I.O. although have opposed grant of bail to the petitioner but have not denied that those accused having identical role have been granted bail and the exchange as well as status of the land has reversed to original position.

4. Hence, we are of the view, since co accused are on bail granted by this court vide various orders including an order passed on 09.11.2020 in C.P. No.D-1143/2020 & others that has not been challenged and there is

apparently nothing on record to suggest that any such accused including petitioner has misused concession of bail, he is entitled to the same relief on rule of consistency. Accordingly, this petition is allowed in the above facts and circumstances and the interim bail granted to the petitioner vide order dated 18.02.2020 is hereby confirmed on the same terms and conditions.

5. Petition stand disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

JUDGE

Rafiq/P.A.