

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

Constitution Petition Nos. D-508, 473, 482, 501, 502, 503,
504, 506 & 538 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGES
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Present:

Mr. Justice Muhammad Junaid Ghaffar

Mr. Justice Zafar Ahmed Rajput

Mr. Justice Muhammad Iqbal Kalhoro

Fresh Case.

1. For order on office objection No. 01.
2. For Order on CMA No. 2719/25 (Exp)
3. For Order on CMA No. 2720/25 (Stay)
4. For hearing of main case.

13.02.2025.

Mr. Shoukat Hayat and Mr. Syed Mohammad Abdul Kabir, Advocates for Petitioners in C.P No. D- 508/2025.

Mr. Raj Ali Wahid, Advocate for Petitioner in CP No. D-473/2025.

M/s. Zamir Hussain Ghumro, Faizan Hussain Memon and Muhammad Saleem Khaskheli, Advocates for Petitioners in CP No. D- 482/2025.

Mr. Aamir Mansoob Qureshi, Advocate for Petitioner in C.P No. D- 538/2025.

Mr. Adil Channa, Advocate for petitioner in C.P Nos. 501, 502 & 503 of 2025.

Mr. Irshad Ahmed, Advocate for Petitioner in C.P No. D-504/2025.

Mr. Mr. Kashif Nazeer, Assistant Attorney General.

These matters have been placed before this Larger Bench pursuant to order of the Honourable Chief Justice dated 11.02.2025 on an office note arising out of order dated 10.02.2025 passed in CP No.D-508 and 538 of 2025 by a Division Bench of this Court in the following terms:-

“Learned counsel for the petitioners, while placing on record copies of orders passed in Constitutional Petitions No.D-473, 482, 501, 502, 503, and 506 of 2025, state that through the instant petitions, the petitioners seek enforcement of their fundamental rights, and in the subject Reference, the Constitutional Bench has already granted interim relief to the petitioners in the above-referred petitions; however, in the listed cases, the Constitutional Bench has declined to exercise its jurisdiction in the petitioners’ case, who are also entitled to the same relief from the Constitutional Bench, which passed an order today directing that these petitions be placed before the Regular Bench according to the roster, observing that the listed petitions do not fall within its purview; hence, these matters may be referred to the Hon’ble Chief Justice, High Court of Sindh, for an appropriate order for fixation of these petitions. Order accordingly.

Office to place a copy of this order in the abovementioned petitions.”

It appears that the Petitioners in C.P No. D- 508 & 538 of 2025 approached the Constitutional Bench¹ of this Court and sought an identical relief which had already been granted by another Constitutional Bench² vide Order dated 04.02.2025 in C.P No. D-473 of 2025; however, when these petitions were placed before that Bench on 10.02.2025, the following order was passed:-

“1. Urgent application is allowed.

2-5. This matter does not fall within the purview of the Constitutional Bench. Learned counsel for the petitioners expresses his anxiety. Let this case be fixed before a Regular Bench today according to the roster.”

The above order of the Constitutional Bench does not state any reason as to why the matter was referred to the Regular Bench when earlier, another Constitutional Bench headed by the same learned Judge had already entertained an identical matter and had even passed interim orders. It has been contended by the Petitioners Counsel that same relief ought to have been granted to these Petitioners as has already been granted to various other similarly placed Petitioners in C.P No. D-473 of 2025 and followed by another Constitutional Bench³ in various other petitions including C.P Nos. D- D-508, 473, 482, 501, 502, 503, 504, 506 & 538 of 2025.

On perusal of the record, their contention appears to be correct, as the Constitutional Bench⁴ without assigning any reasons, had referred the matter to the Regular Bench on the same date.

In our considered view, since the Constitutional Bench had already entertained identical matters and had also passed interim orders by granting ad-interim pre arrest bail(s); whereas, these petitions are in respect of the same Reference filed by NAB before the Accountability; therefore, it was incumbent

¹ Muhammad Karim Khan Agha J. (head of Constitutional Bench) and Yousuf Ali Sayeed J.

² Muhammad Karim Khan Agha.J (head of Constitutional Bench) & Adnan-ul-Karim Memon.J

³ Muhammad Karim Khan Agha.J (head of Constitutional Bench) & Ms. Sana A. Minhas. J

⁴ Muhammad Karim Khan Agha J. (head of Constitutional Bench) and Yousuf Ali Sayeed J.

upon the subsequent Constitutional Bench to entertain these petitions; and if not, then was required to assign its reasons for not doing so; hence, proprietary demands that these matters be taken up by a Constitution Bench presided by the head of the Constitutional Benches who shall proceed further in accordance with law and keeping in view the orders earlier passed by it.

Accordingly, referred issue regarding exercise of jurisdiction in these two petitions stands answered accordingly. This matter be placed before a Constitution Bench presided by the head of the Constitutional Benches by the office along with connected petitions on **17.02.2025**.

JUDGE

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