

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

BEFORE:

MR. JUSTICE ARSHAD HUSSAIN KHAN.

MR. JUSTICE MUHAMMAD HASAN (AKBER).

Criminal Bail Application No.D-200 of 2025.

'Saleem Ahmed Shaikh versus The State through D.G NAB, Sindh.'

Applicant: Saleem Ahmed Shaikh through M/s. Raj Ali Wahid and Kashif Khan Tanoli, Advocates.

Respondents: The State through Mr. Ghous Bux Kaheri, Special Prosecutor, NAB Hyderabad.

Date of hearing: 09.12.2025.

Date of decision: 24.12.2025.

ORDER

MUHAMMAD HASAN (AKBER), J.- The applicant/ accused has moved this Bail Application in NAB Reference No.03-A/2021 (The State V. Munawar Ali Bozdar and others), for the offences allegedly committed under section 9(a) of the National Accountability Ordinance 1999 (Ordinance) and sections 3 & 4 of the Anti-Money Laundering Act 2010 (AMLA). The Applicant is aggrieved by the Order dated 11.11.2025 ("impugned Order") whereby the learned Accountability Court No.1 Hyderabad dismissed his post-arrest bail application.

2. Learned counsel for applicant argued at length and contended that the applicant is innocent and has been falsely roped in this case; that the applicant is not a contractor and the only allegation against him is that he being a public office holder misused his authority; that as per Reference No.3/2021 and other documents the allegation against the applicant are same in nature that are against other co-accused; that he was entitled to the rule of consistency since other co-accused have been granted bail; that there is no reasonable ground to believe that the applicant/accused had committed the offence as alleged; that the prosecution has failed to allege any personal gain against the applicant; that the act of approving bills in a procedural capacity, at most constitutes a departmental irregularity without any evidence of personal financial gain; that the applicant has been booked in this case with mala fide intention. Reliance was also placed on various Judgments of the superior Courts.

3. Conversely, the learned Special Prosecutor NAB has very ably argued the matter and vehemently opposed the bail petition and argued that the applicant is a holder of public office; that the bills have been admittedly signed by the applicant; that the co-accused in this transaction have not been granted bail; whereas the main accused Faheem Soomro has also not been granted bail. In this regard, he drew attention to various documents in the Investigation Report and the NAB Reference to show that authority has been misused by the applicant as holder of public office.

4. Heard learned counsel for the Applicant, learned Special Prosecutor NAB and examined the record.

5. Brief history of the case is that three FIRs dated 03.03.2020 were registered at P.S Thatta and PS Jamshoro @ Kotri, Anti-Corruption Establishment, Sindh, against misappropriation and embezzlement of funds allegedly committed by the officers of the Right Bank Outfall Drain (RBOD-II), Irrigation Department, Government of Sindh and its Contractors under the garb of flood lighting/ emergent works. On an application under section 16-A of the National Accountability Ordinance 1999 (Ordinance) filed by (NAB) before the learned Special Judge Anti-Corruption (Provincial) Hyderabad, the matter was transferred to the Accountability Court Sindh at Hyderabad vide order dated 15.01.2021, which were automatically treated under the law as NAB References 1/2021, 2/2021 and 3/2021. Subsequently, reference 1/2021 was transferred to the Anti-Corruption Court, whereas 2/2021 and 3/2021 remained in the Accountability Court. NAB's further Investigation resulted in the conversion of Reference 3/2021 into Supplementary Reference No.3-A of 2021. In these References, there are at least three categories of accused persons i.e. (a) the Holders of public office/government employees; (b) the Contractors; and (c) the Beneficiaries. Gist of the allegations is that the holders of public office committed misuse of authority; although, despite payments, no work was carried out by the Contractors; and that Beneficiaries received crime proceeds from the Contractors.

6. The present applicant, Saleem Ahmed Shaikh, has been arrayed as accused No.17, and falls under the first category of "the Holders of public office/government employees", and the Charge against him is that he, being an Assistant Executive Engineer, Sub-Division-III, RBOD Division-I, Sann, by illegal means signed and recommended two (02) bills of Rs. 13,932,800/-, knowingly that no services have been rendered by the contractors/ co-accused persons; that no competitive bidding process was followed as required under Sindh Public

Procurement Rules, 2010 (SPPRA) and there was no provision of Flood Fighting/ Emergent Works, therefore, he along with other co-accused, extended illegal and undue favour to contractors/ co-accused Imtiaz Ahmed Qureshi and Manzoor Ali Solangi.

7. On his bail application under section 498 Cr.P.C., the applicant was granted ad-interim pre-arrest bail by the Accountability Court, which was subsequently declined vide order dated 08.02.2025, and the applicant was arrested on the same day. Thereafter, post-arrest bail was filed by the applicant before the learned Accountability Court, which was also declined vide order dated 11.03.2025 from what has been gathered from the impugned order, the said order was assailed by the applicant before this Court, but subsequently, such Bail Application was withdrawn, as co-accused were admitted to bail by the learned Accountability Court. Hence on the ground of rule of consistency, he again filed post-arrest bail application before learned Accountability Court, which was rejected vide impugned Order dated 11.11.2025, on the premise that the role of the applicant/accused is different from the co-accused and sufficient material is available on record which connects the applicant/accused with the commission of offence and nothing is on record which could appeal the prudent mind that the case against him has been lodged under mala fide by the prosecution / NAB. We have gone through the Written Arguments/Synopsis have been filed on behalf of NAB, wherein paragraph "F" of its GROUNDS reflects that multiple accused have been granted bails in the same Reference, whereas the applicant seeks relief under the rule of consistency.

8. After going through the entire record, without touching the merits of the case on a tentative assessment; and considering the bail Orders of other co-accused persons, we are of the view, that the rule of consistency does not apply to the present Applicant because there is a difference between cases of other accused persons and the present Applicant; firstly, because the co-accused/ holders of public office, who were involved in signing of these subject bills, have not been admitted to bail. The Bills were signed by Abdul Ghaffar Soomro, Executive Engineer, RBOD Division-I who has not been granted bail as yet. Secondly, the Government Contractor involved in this transaction, Imtiaz Qureshi of M/s. Favourite Services, as accused No.36, has also not been admitted to bail. Documentary evidence in the shape of Applicant's signatures are available on record which directly connects him to the crime. In view of the above, no case for bail at this stage, under the rule of consistency, is made out by the applicant. Consequently, the bail application is rejected. The observations

made herein are tentative in nature, which shall not influence the learned trial Court while independently adjudicating the case on its own merits.

Before parting with this Order, we appreciate the learned law officer for NAB, for ably assisting the Court.

JUDGE

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