

ORDER SHEET**IN THE HIGH COURT OF SINDH, KARACHI.****C.P.No.D-6492 of 2017**

Haji Imam Bux.Petitioner

VERSUS

Fed. Of Pakistan & othersRespondents

C.P.No.D-6493 of 2017

Ahsan Zubair KhanPetitioner

VERSUS

Fed. Of Pakistan & anotherRespondents

C.P.No.D-5511 of 2019

Muhammad Azeem.....Petitioner

VERSUS

Fed. Of Pakistan & anotherRespondents

C.P.No.D-7728 of 2019

Muzzaffar Ali Soomro.....Petitioner

VERSUS

Federation of Pakistan & another.....Respondents

C.P.No.D-7630 of 2019

Samad WaqarPetitioner

VERSUS

NAB & another.....Respondent

C.P.No.D-7631 of 2019

Faisal Waqar.....Petitioner

VERSUS

NAB & another.....Respondent

15.10.2020

Mr. Zia ul Haq Makhdoom a/w Mr. Asadullah Nizamani, Advocate for petitioner in C.P.No.D-7630 and 7631 of 2019.
 Mr. Faheem Zia, advocate for the petitioner in C.P.No.D-5511/2019.
 Mr. Riaz Ahmed Phulpoto, advocate for petitioner in C.P.No.D-6492/2017.
 Mr. Waseem Samo, Advocate for petitioner in C.P.No.D-6493/2017.
 Mr. Khadim Hussain Thahim, Advocate for petitioner in C.P.No.D-7728/2019.
 Mr. Muhammad Akram Javed, Special Prosecutor NAB a/w Muhammad Kamran I.O. NAB.

ORDER

MUHAMMAD IQBAL KALHORO J. By this common order, the captioned petitions filed by the petitioners for pre arrest bail in NAB Reference No.21/2019 pending before learned Accountability Court-III, Karachi are disposed of.

2. The charge concerns the affairs of Madras Cooperative Housing Society, Karachi (Society) and revolves around allegation of carving out illegally 16 residential plots bearing No.R-51 to R-66 from amenity area reserved for School and Club besides illegal relocation and amalgamation of commercial plots against original layout plan. All the people who have participated in any capacity in such activity have been made accused except the officials of Sindh Building Control Authority (SBCA), who approved revised layout plan which is the source leading to such change on the ground. The fact that said revised layout plan has not been cancelled yet is undisputed. In terms of such revised lay out plan almost 28 different commercial plots were relocated and amalgamated but NAB has arraigned only petitioners Samad Waqar and Faisal Waqar, the brothers, concerned with two sets of such commercial plots. Regarding other owners who equally got benefit from the revised layout plan, the reference is silent.

3. When these facts were put to learned Special Prosecutor NAB and I.O. of the case, they could offer no explanation as to why sauce for goose was not considered sauce for the gander by NAB. However, they insisted on the case of petitioner Haji Imam Bux that he was honorary Secretary of the society and played master role in carving out residential plots out of amenity area. But this is only a bald allegation not supported by any document and is in sharp contrast to provisional allotment letter of one of such plots R.57 dated 09.02.2009 sanctioned by the Managing Committee and bears signature of one Muhammad Hussain, founder, and not by the petitioner Haji Imam Bux. In the backdrop, his counsel's assertion that office term of this petitioner started from July, 2009 and before that the plots had already been allotted seems to have gone uncontested.

4. We have, therefore, come to view that the case against the petitioners requires further enquiry and their false implication out of malafide cannot be ruled out. Resultantly, all these petitions are allowed. The interim pre arrest bail granted to the petitioners is hereby confirmed on the same terms and conditions and in addition subject to their unhindered presence in the course of trial without any exception. Yet, if any of the petitioner attempts to evade or prolong the trial by any means beyond a reason, the trial court may file a reference before this court against him for recalling the facility extended to him by this order.

JUDGE

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