

Order Sheet
IN THE HIGH COURT OF SINDH, KARACHI.

Present:-

Mr. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Fahim Ahmed Siddiqui.

C.P.No.D-3914 of 2021

Syed Samiullah Shah

Versus

NAB & others

Date of hearing
& order

: **03.08.2021**

Syed Samullah Shah, advocate for petitioner
Mr. Shahbaz Shotra, Special Prosecutor, NAB a/w IO. M. Adeel Khan

ORDER

Muhammad Iqbal Kalhoro, J:- Petitioner has been arrested in Reference No.55/2007, which pertains to allegation of illegal refund of sales tax claimed by the company M/s. Masoom Ali Sons (Pvt.) Ltd. As the petitioner was merely an employ of the company, during investigation no incriminatory evidence was found against him, which is so recorded in para-12 reproduced as under:-

“That the Investigation Report also reveals that no incriminating evidence has been found against Humayon Khan (accused No.10), Muhammad Arif Qureshi (accused No.12), Mazhar Iqbal Malik (accused No.13) Aamir Abdullah (accused No.14) **and Syed Amir Ali (accused No.15)**”

Nonetheless, he was referred by the Investigating Officer to the trial. The trial court without looking at para-12 of the reference initiated proceedings against him u/s 87 & 88 Cr.P.C and declared him a proclaimed offender and therefore issued arrest warrants against him. It is only in pursuance of the warrants of arrest, he was arrested on 15.06.2021.

2. We have heard the parties at some length and have confronted IO and learned Special Prosecutor, NAB with para No.12 of the reference. They have not been able to rebut it or advance any other material against the petitioner that he involved in illegal refund of sales tax. In absence of any incriminating evidence against him and particularly IO’s findings in para-12 of the reference, we are of the view that case against the petitioner is of further inquiry and he is entitled to bail. Consequently, the petition is allowed and the petitioner is granted bail subject to furnishing a solvent surety in the sum of Rs.100,000/- (Rupees one lac only) and P.R. bond in the like amount to the satisfaction of the Nazir of this

Court. He is directed to cooperate in the trial and the trial court, if finds him causing any delay, may file a reference before this court for recalling the concession granted to him by means of this order.

3. The petition stands disposed of in the above terms. The observations made hereinabove are tentative in nature and shall not prejudice case of either party at the trials.

JUDGE

JUDGE

Rafiq/P.A.