

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

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| Date | Order with signature of Judge |
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Present:-
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Abdul Mobeen Lakho

C.P.No.D- 2203 of 2020

Amir Ali.....Petitioner

Versus

Federation of Pakistan
& othersRespondents

Date of hearing : **30.06.2020**
Date of order : **30.06.2020**

Mr. Khawaja Naveed Ahmed, Advocate for the Petitioner
Mr. Muhammad Akram Javed, Special Prosecutor, NAB

ORDER

Muhammad Iqbal Kalhoro, J. Petitioner is seeking post-arrest bail in Reference No.01/2013 pending against him before the learned Accountability Court No.III, Sindh at Karachi. His earlier petition C.P. No.D-1981/2019 filed for same relief was dismissed on merit along with several other petitions filed by co-accused vide order dated 21.10.2019. He has filed this second petition on a sole ground that directions to the trial court to conclude trial within a period of 03 months by the aforesaid order since has not been complied with, petitioner is entitled to bail. Besides, it has been urged that petitioner is 75 years old and is seriously ill; therefore, he is entitled for bail additionally on the ground of his illness.

2. As per allegations, all the accused including petitioner in connivance with each other arranged a fake and fraudulent Entry No.11 in respect of government land admeasuring 29 acres in Deh Songal, Tappo Gujro shown to be situated in Sectors, 31, 32 & 24-A Scheme-33, Karachi in favour of Raufullah Lodhi. Later on after his death another entry No.11/229 dated 20.12.2005 in respect of same land was arranged in favour of his legal heirs. Thereafter, on the said land a housing scheme with the name & style as “Al-Raheem Villas” was launched, whereby, allegedly the accused cheated 275 people into paying them an amount of Rs.179 million which they distributed among each other. When the scam surfaced name of housing society was changed as Al-Raheem Raza City and was claimed to be an extension of

Abdullah Shah Ghazi Goth, Block F-II. Then the accused in connivance with each other went on a spree of selling out the said land in shape of plots to different people and earned an amount of Rs.578 million. It has been further alleged that while executing such a plan the official accused in connivance with private accused misused official authority, issued Sanads illegally and unlawfully, prepared Dasti Soorat-e-Haal/Revenue Sketch, by which location of land from NA Class 1 & 65 shown in Entry No.11 was changed to exist in Sector 31 and 32, Scheme-33 Karachi. It has been alleged lastly that such collaboration of the accused with each other has resulted in usurping of the aforesaid government land worth of Rs.2.5 Billion and its sale to different people has earned the accused an amount of Rs.757 million.

3. In Para No.12 of the order dated 21.10.2019 we have dealt with role of the petitioner and have stated that against Amir Ali on whose application the investigation commenced sufficient evidence justifying his transposing as accused in the case is available on record. He seems to be actively involved in hoodwinking his own community to invest in a housing project that from record he appears to know was to be evolved on the government land.

4. Insofar as non-compliance of directions of this court to conclude the trial expeditiously within a period of 03 months, suffice it to say that such directions are never meant to create a fresh ground or a right in favour of an accused to seek bail on and are only aimed at pushing for expeditious conclusion of the trial. For this view, reference can be placed on the case of **Nisar Ahmed Vs. The State (PLD 2016 Supreme Court 11)** and **Muhammad Nawaz alias Deno and another Vs. The State (2003 M L D 79)**. As to entitlement of petitioner to bail on the medical ground, it may be stated that no documentary proof has been filed to show that petitioner is suffering from any ailment at the first place and second treatment of such ailment is not possible inside the jail and third his remaining in jail with such condition is detrimental to his life. This being the position, we do not find the petitioner entitled to the relief sought through this petition, and hence dismiss it accordingly.

J U D G E

J U D G E

Rafiq P.A.