

Bail - Rule of Consistency
- mukhtikars, Tapedars - mukhtikars

1118

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI.

C.P.No.D-3259 of 2018

C.P.No.D-3812 of 2018

Date	Order with signature of Judge
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Before:

Mr. Justice Muhammad Iqbal Kalhoro J

Mr. Justice Mohammad Karim Khan Agha J

31.05.2018.

Mr. Mitharam Dharani, Advocate for petitioner Nazeer Amin Maqbool Memon in C.P.No.D-3259/2018.

Mr. Abdul Wahab, Advocate for petitioner Abdul Rehman in C.P.No.D-3812/2018.

Mr. Yasir Siddique, Special prosecutor NAB

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MOHAMMAD KARIM KHAN AGHA J: Petitioners Nazeer Amin Maqbool Memon (Mukhtiarkar) and Abdul Rehman (Tapedar) are seeking post arrest bail in NAB Reference No.55/2016 (State Vs. Allah Bachayo and others). The petitioners had earlier filed petition before this Court, wherein they were admitted to interim pre arrest bail but same was subsequently recalled and petition was dismissed. Petitioner Nazeer Amin Maqbool Memon and other co-accused approached Honourable Supreme Court but their petitions were dismissed and then they were taken into custody.

2. Briefly stated facts of the case as per NAB reference are that the petitioners alongwith other co-accused were facing inquiries/investigations against them by the NAB in relation to acts of corruption and corrupt practice falling within the purview of the NAO, 1999 which led to NAB filing Reference No.55/2016 (State Vs. Allah Bachayo and others) on 07.10.2016 against the petitioners and other co-accused to the effect of their involvement in illegally allotting 77 acres of Government land situated in Deh Rehri, Bin Qasim Town Karachi and its sale to private persons through illegal entries which had been made/allowed without verification in the land registers by the official accused including the petitioners which caused a colossal loss to the national exchequer to the tune of Rs.385 million. The allegations against the petitioners are that they being Tapedar and Mukhtiarkar kept and attested the mother entry on the basis of which

the Government land was subsequently transferred to private persons illegally.

3. Learned counsel for the petitioners has argued that co-accused Shabbir Hussain, Ali Sher Mirani, Ali Akber Hingora and Nazeer Ahmed have been granted bail by this court vide order dated 11.05.2018 and the case of the present petitioners is on similar footings to that of the above named co-accused.

4. Learned Special Prosecutor NAB conceded to above and recorded his no objection to grant of bail to the petitioners.

5. We have heard learned counsel for the parties and perused the material available on record. Co-accused Shabbir Hussain, Ali Sher Mirani and Ali Akber Hingoro were revenue officials having similar allegations against ^{as per} the petitioners and were granted bail by this court vide order dated 11.05.2018 and the case of the present petitioners is on similar footings to that of the said co-accused. Moreover, the liability as to creation and attestation of mother entry by the petitioners would be determined by the trial court where reference against the petitioners is pending. Learned Special Prosecutor NAB has recorded no objection on the basis of rule of consistency. We, therefore, admit the petitioners to post arrest bail on the rule of consistency subject to furnishing a solvent surety in the sum of Rs.2.5 million each and P.R bond in the like amount to the satisfaction of the Nazir of this court. The names of the petitioners shall be placed on ECL by the Ministry of Interior with immediate effect.

The above petitions stand disposed of in the above terms.

A copy of this order be transmitted to the Secretary, Ministry of Interior for compliance in terms of putting the names of the petitioners Nazeer Amin Maqbool Memon and Abdul Rehman on ECL.