

**IN THE HIGH COURT OF SINDH AT KARACHI**

Const. Petition No.D-6904 of 2019.

**Present:**

**Mr. Justice Mohammad Karim Khan Agha**  
**Mr. Justice Omar Sial.**

Petitioner: Mansoor Ahmed Rajput through Mr. Zubair Ahmed Rajput, Advocate

Respondents: D.G NAB & another through Mr. Zahid Hussain Baladi along with I.O. Asif Raz.

Date of hearing: 23.12.2019

Date of announcement: 23.12.2019

**J U D G M E N T**

**Mohammad Karim Khan Agha, J.-** Petitioner Mansoor Ahmed Rajput son of Ghulam Muhammad Rajput has applied for post arrest bail in National Accountability Bureau Reference No.50 of 2016 **State V Sharjeel Inam Memom** which is proceeding before the Accountability Court at Karachi. The petitioner was initially on pre arrest bail which was recalled by a Division Bench of this Court vide order dated 23.10.2017 and since that time he has remained in custody.

2. The brief facts of the case are that a number of government officials in the Information Department, Government of Sindh in collusion and in connivance with various accused of media outlets by misusing their authority had favored the beneficiaries (media outlets) to the tune of millions of rupees which had caused huge loss to the Government of Sindh which lead to the filing of the aforesaid reference.

3. This is the petitioner's first petition for post arrest bail. According to the petitioner he has been in custody for more than 26 months and out of the 52 prosecution witnesses only 17 witnesses have been examined and that the trial is not likely to be completed in near future as the concerned Accountability Court is now vacant and as such he is entitled to bail on the ground of hardship especially as no delay has been caused on by him or his counsel. He also contended that other co-accused who are also government officials in the Information Department, Sharjeel Inam Memon, Zulfiqar Ali Shalwani and Mohammad Yousuf Kaboro, and who

more senior to the petitioner and played a greater role in the alleged scam than the petitioner had already been granted post arrest bail by this court and as such since his role was lesser based on the rule of consistency he was also entitled to the same treatment and to be enlarged on post arrest bail.

4. On the other hand, Mr. Zahid Hussain Baladi, Special Prosecutor, NAB opposed the grant of bail to the petitioner, as according to him no ground for hardship had been made out and the rule of consistency was not applicable to his case and as such his post arrest bail petition should be dismissed.

5. We have heard learned counsel for the petitioner, Special Prosecutor, NAB and perused the record.

6. In our view the petitioner has played a similar or lesser role in the alleged scam as that of Sharjeel Inam Memon, Zulfiqar Ali Shalwani and Mohammad Yousuf Kaboro who have already been enlarged on bail by this court and as such based on the rule of consistency the petitioner is also entitled to the same relief and as such he is also entitled to the grant of post arrest bail. The fact that the petitioner has also remained in custody for more than 26 months and completion of the trial is still nowhere yet insight<sup>^</sup> also tilts the balance of favor of the petitioner for the grant of post arrest bail. Accordingly the petitioner is granted post arrest bail subject to furnishing a solvent surety in the sum of Rs.10,00,000/- (Rupees Ten Lac only) and P.R Bonds in the like amount to the satisfaction of the Nazir of this Court.

7. The Secretary, Ministry of Interior, Government of Pakistan is directed to place the name of petitioner on the ECL forthwith. A copy of this order shall be sent through fax to the Secretary, Ministry of Interior,  
Government of Pakistan for compliance.

8. These are reasons for our short order of even date.