

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

**Mr. Justice Muhammad Junaid Ghaffar
Mr. Justice Muhammad Humayon Khan**

C.P No.D-5034 of 2013

Javed Akhtar Qureshi -----Petitioner.
Versus
The Deputy director Coor (IW-I)
& others ----- Respondents.

C.P No.D-5105 of 2013

Ali Akbar -----Petitioner.
Versus
The NAB & others ----- Respondents.

C.P No.D-5008 of 2013.

Asadullah Solangi -----Petitioner.
Versus
The District General (Sindh Region)
& others ----- Respondents.

C.P No.D-5267 of 2013.

Mehmood Rangonwala -----Petitioner.
Versus
National Accountability Bureau
& others ----- Respondents.

C.P No.D-5348 of 2013

Mst. Sabiha -----Petitioner.
Versus
The Director General & others ----- Respondents.

Dates of hearing: 11.05.2017 & 18.05.2017

Date of Order: 18.05.2017

**Mr. Amir Mansoob Qureshi Advocate for Petitioners
in C.P. No. D-5034 & 5348/2013.**

**Mr. Jamil Ahmed Rajput Advocate for Petitioner
in C.P. No. D-5105/2013.**

**Mr. Munawar Hussain Yousufi Advocate for Petitioner
in C.P. No. D-5008/2013.**

**M. Syed Waqar Advocate holding brief for
Mr. Riaz Ahmed Phulphoto Advocate for Petitioner
in C.P. No. D-5267/2013.**

**Ms. Naheed Parveen DAG.
Mr. Riaz Alam Khan Special Prosecutor NAB.**

**Petitioners Ali Akbar, Asadullah Solangi, Mehmood
Rangonwala, Javed Akhtar Qureshi and Mst. Sabiha are
present in Court.**

ORDER

Muhammad Junaid Ghaffar, J. Through this common order, all these Petitions for Bail before Arrest are being disposed of, which arises out of Reference No.62/2013 filed before the Accountability Courts at Karachi. The precise allegation against the Petitioners is to the effect that they in connivance with each other were involved in fake and frivolous Entries in the record of rights, issuance of Sale Certificates and fabricated Sale Deeds and other documents and by doing so have sold out 237 Acres of Government Land bearing Khata No.228/2, 289/1, 289/2, 289/3 and 289/4 situated in Deh Babar Bund, Tapa Hathal Buth, Taluka Thana Bola Khan District Jamshoro.

2. We have heard all the learned Counsel for the Petitioners as well as the Special Prosecutor NAB and our observations are as under:-

- a. At the very outset, it may be observed that one of the accused namely Abdul Jabbar, Ex-Tapedar, Deh Babar Bund, Thana Bola Khan has been granted Post Arrest Bail by a learned Division Bench of this Court vide Order dated 23.07.2014 in the case reported as **2015 YLR 108 (Abdul Jabbar v. The State)**.
- b. The learned Special Prosecutor at the very outset was confronted as to whether this order was challenged any further, to which his response is in negative. He was further asked as to why the rule of consistency would not apply to the present Petitioners, to which he responded by arguing that the said order was on a post arrest bail, whereas, instant petitions are of pre-arrest bail. However, with respect we are not in agreement with such contention of the Special Prosecutor NAB as the said order is though, of a post arrest bail but has been passed after a threadbare examination of the reference and documents and appear to us to be a very reasoned order. Nonetheless, in view of the dicta laid down by the Honourable Supreme in the case of **Muhammad Ramzan v Zafaulah and another (1986 SCMR 1380)** and followed in the case of **Manzoor Ali v The State (2013 PCrL.J.649)**, this argument has no basis.
- c. It further appears that these petitions are pending since 2013 i.e. for the last four years. Whereas, the trial is at very advanced stage and it is not the case of NAB Authorities that the Petitioners have misused the concession of bail, therefor it will serve any useful purpose if these petitions are dismissed. Such view is also supported by the dicta laid down in the case reported as **2011 SCMR 1332 (Rehmatullah v. The State and another)**.
- d. It further appears that even otherwise, the role of accused, who has been granted bail appears to be on a

higher pedestal as against all these present Petitioners, as reflected in the investigation report, and therefore, we are of the view that petitioners are also entitled for the same treatment.

3. In view of hereinabove facts and circumstances of this case and following rule of consistency and so also for the fact that trial is at advance stage, Ad-interim Pre-arrest Bails granted to all Petitioners were confirmed by us by means of a short order in the earlier part of the day and above are the reasons thereof.

Dated: 18.05.2017

Judge

Judge

Ayaz