

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. D-1763 / 2014

**Present:**

**Mr. Justice Muhammad Junaid Ghaffar.**

**Mr. Justice Muhammad Humayon Khan.**

**Mrs. Naheed Jamal ----- Petitioner**

**Versus**

**The Chairman NAB & another ----- Respondents**

**Date of hearing: 19.05.2017.**

**Date of order: 19.05.2017.**

**Petitioner: Through Mr. Irfan Bashir Bhutta Advocate.**

**Respondent: Through Mr. Muhammad Altaf Special  
Prosecutor NAB.**

**ORDER**

**Muhammad Junaid Ghaffar, J.** Through this Petition, the Petitioner seeks pre-arrest bail in Reference No. 61/2013 pending before the Accountability Court No.I at Karachi. The precise allegation against the Petitioner is that she in connivance with other co-accused more precisely with Accused No. 1 Syed Zahid Ali was involved in running illegal business of variable profit in the name and style of M/s Nationwala Financial Services Company, thus cheating innocent and general public at large. It is further alleged that the Petitioner induced nurses and staff of Jinnah Post Graduate Medical Centre and collected the hard earned money of the staff for investment in the said company.

3. We have heard the Learned Counsel for the Petitioner and the Special Prosecutor NAB and our observations are as under:-

- a) At the very outset the Learned Counsel for the Petitioner has referred to order dated 29.9.2014 passed in C.P. No. D-3998/2014 and other connected matters through which three co-accused in this Reference were granted post arrest bail. To this the Special Prosecutor NAB submits that bail was granted to these three accused on the ground of delay and hardship and not on merits. Though we do not disagree with his submissions to this effect; however, we are of the view that merely for this fact the Petitioner cannot be denied the concession of pre-arrest bail as apparently she is neither the main accused, nor the beneficiary as such. Moreover, as informed, the trial is proceeding at a very slow pace as there are at least 155 witnesses, who claim to be affectees as well, therefore, denial of bail to the present Petitioner who is otherwise a lady would not serve any useful purpose.
- b) It further appears that in the Reference as well as in the investigation report it has not come on record that this Petitioner is a beneficiary in any manner nor any bank account details of this Petitioner have been so stated.
- c) Though the learned Special Prosecutor NAB has vehemently relied upon the 161 Cr.P.C statements of the nurses who invested their money; however, perusal of such 161 Cr.P.C statements reflect that money by all was invested with Syed Zahid Ali the main Accused through the Petitioner. It is yet to be established that the money was given to the present Petitioner as the statements of the affectees are not clear and specific to that effect. Some of them have made payments through cheques but none has stated that cheques were issued in the name of the present Petitioner. Nor it is the case of NAB that money had gone into the account of the petitioner.

- d) It further appears that even the main accused Syed Zahid Ali has been granted bail (though with certain conditions for deposit / surety of the alleged embezzled amount), therefore, there seems to be no justifiable reasons to deny the concession of bail to the present Petitioner. Moreover, the petitioner is on ad-interim pre-arrest bail since more than 3 years and has not misused the concession of bail, whereas, she is also attending this Court as well as the Trial Court.

4. In view of hereinabove facts and circumstances of this case, we are of the view that the case of present petitioner is of further inquiry, and therefore, by means of a short order in the earlier part of the day, the ad-interim pre-arrest bail granted to the Petitioner (**Mrs. Naheed Jamal**) vide order dated 7.4.2014 was confirmed by us on the same terms. The above are the reasons thereof.

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ARSHAD/