

ORDER SHEET
**HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD**

C.P No.D-1174 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
1. For hearing of M.A No.7386/2021 <u>24.11.2021</u>	Mr. Munir Ahmed Kalhoro, advocate for petitioners Mr. Jangu Khan, Special Prosecutor NAB ***

Through this petition, the petitioners have challenged the impugned call-up notices dated 08.02.2018 and 10.08.2018, which was later on converted into Reference and accordingly vide order dated 06.09.2019, passed by a Division Bench of this Court at Karachi, petitioners No.1 & 2 were granted interim bail; while the petition was dismissed to the extent of petitioner No.3, who was expired during pendency of petition. Subsequently on account of filing reference before the learned Accountability Court at Hyderabad, the petition was transmitted to this Court vide order dated 13.10.2020 for further proceedings.

On 28.09.2021 the petitioners and their counsel were called absent without intimation and accordingly the petition was dismissed for non-prosecution. Thereafter, learned counsel for the petitioners moved the listed application for restoration of the petition in its original position.

At the very outset learned Special Prosecutor NAB apprised the Court about promulgation of Ordinance No.XXIII of 2021 by the President of Pakistan and its publication in Gazette of Pakistan on 07.10.2021 and submits that by means of Section 7 of the Ordinance *ibid*, amendment has been made in Section 9 (b) of National Accountability Ordinance 1999 (XVIII of 1999), whereby powers to deal with the bail matters in the cases registered under the above Ordinance have been conferred upon the Accountability Courts (Trial Courts) concerned, therefore, restoration of instant petition will serve no purpose.

Confronted with the above position of law, learned counsel for the petitioners submits that instant petition may be restored only to the extent of converting it into an application for protective bail and the petitioners may be granted protective bail, enabling them to approach the learned trial Court for pre-arrest bail. Learned Special Prosecutor NAB raised no objection to this extent.

In view of the above, listed application is disposed of. Resultantly, the petition is restored to its original position, and at the same time, same is converted into an application for protective bail. Consequently applicants/petitioners are

granted protective bail for ten (10) days from today against the surety already furnished by them pursuant to order dated 06.09.2019. Petitioners/applicants are at liberty to approach the learned trial Court for the available remedy, which shall be decided by the learned trial Court strictly in accordance with law and on its own merits, without being influenced by the orders passed by this Court in the present matter before.

This order shall cease to effect on expiry of ten (10) days from today or on applicants'/petitioners' surrendering themselves before the learned trial Court, whichever is earlier.

Instant petition stands disposed of accordingly.

JUDGE

JUDGE

Sajjad Ali Jessar