

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D - 5896 of 2019

Present: Ahmed Ali M. Shaikh, CJ and Omar Sial, J

Petitioner : Irfan Khan Yousufzai
through M/s Rehman Ghous and Raghib Junejo,
Advocates

Respondents : Chairman NAB & others
through M/s. Riaz Alam Khan, Special Prosecutor
NAB

ORDER

Omar Sial, J. The petitioner Irfan Khan Yousufzai is an accused in Reference No. 7 of 2019 and through this petition has sought post arrest bail.

2. The Karachi Development Authority approved for auction 137 plots of land. An auction was held on the 7th and 10th of March, 2017. Bids were received for 85 plots. An auction was held and the auction committee recommended that the approval of KDA's Governing Body be sought for the acceptance of the auction pertaining to 65 plots. On 3-5-2017, the Governing Body gave the requisite approval. Consequently, payments were received and the allotments made. The primary case is that the auction was sham and that the plots were disposed of for a price lower than the market value.

3. The specific allegation against the petitioner Irfan Khan Yousufzai is that he being the Project Director (LARP), KDA, signed the minutes of the proceedings of the auction held on the 7th and 10th of March, 2017. Yousufzai denies that he ever signed the minute sheet and as a matter of fact denies that he was even the Project Director at the relevant time.

4. It is an admitted position that the plots in question have been surrendered back to the KDA and the loss to the national exchequer, if any, has been reimbursed. This post arrest bail has been sought on the grounds of consistency as all the co-accused in the Reference have been granted bail by this Court on 3-9-2019. Learned Special Prosecutor, NAB does not controvert the foregoing.

5. In view of the above, as the other co-accused in the case have been granted bail and the learned Special Prosecutor, NAB has been unable to distinguish the case of the petitioner from the case of the co-accused already granted bail, we are of the view that the petitioner too is entitled to the concession of bail.

6. Above are the reasons for our short order dated 29-10-2019 in terms of which post arrest bail was granted to the petitioner.

JUDGE

CHIEF JUSTICE