

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 2204 of 2021

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

8th December, 2021

Mr. Shaukat Hayat, Advocate for applicant.

Mr. Muhammad Ahmed, Assistant Attorney General a/w Inspector Javed Babar, I.O.

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Omar Sial, J.: Pervaiz Akhtar has sought post arrest bail in crime number 13 of 2021 registered under sections 161, 165-A and 109 P.P.C. read with section 5(2) of the Prevention of Corruption Act, 1947. Earlier his application seeking bail was dismissed by the learned Judge Special Court (Central)-II, Karachi on 12-8-2021.

2. A background to the case is that an inquiry into the affairs of one Nauman Ahmed Siddiqui (who traded in medicines and is suspected of indulging in terrorism financing) was initiated by the F.I.A.'s Counter Terrorism Wing and the case was entrusted to Inspector Aqeel Ahmed (Enquiry Officer) and Inspector Pervaiz Akhter (In Charge CTW, Karachi – who is the applicant in these proceedings). 7 persons were detained in the case but all of them were subsequently released. It was suspected that Aqeel Ahmed and Pervaiz Akhter had released the suspects upon receiving illegal gratification from Siddiqui. The aforementioned F.I.R. was therefore registered against the two F.I.A. officials and four other persons who were Naimatullah Khan, Baqar Ali Khan, Nauman Siddiqui and Syed Muhammad Atif. These four persons were accused of attempting to facilitate the bribe. It is a matter of record that all the four persons accused of facilitating the bribe have been admitted to post arrest bail on 16-11-2021.

3. I have heard the learned counsel for the applicant as well as the learned Assistant Attorney General who was assisted by the investigating officer of the case. While their respective arguments, for the sake of brevity, are not being reproduced, the same are reflected in my observations and findings below.

4. Learned Assistant Attorney General conceded that the F.I.A. did not collect any evidence to establish that the bribe was paid. To the contrary, the investigating officer confirmed that no money – on account of the alleged bribe – was either paid or transferred to any beneficiary, as the F.I.A. itself had thwarted any such payment. There is an amount of Rs. 100 million which piecemeal has found its way into the bank account of Nauman Siddiqui but that amount is suspected to be in connection with the charge of terrorism financing and not for the payment of the bribe. By all accounts it prima facie seems that at best there might have been an attempt to seek illegal gratification but proving the attempt will require further inquiry. What I understand from the learned Assistant Attorney General that while there is no direct evidence of a bribe being sought, there perhaps could be a network of digital and electronic communication between a number of people, the holistic effect of which would be that a bribe was sought. I have no doubt that the learned trial court will look into this matter when evidence is produced before it. The applicant has been in jail for a period of five months and upon a tentative assessment it appears from the arguments made before me that the case against him requires further inquiry.

5. In view of the above, the applicant is admitted to post arrest bail subject to his furnishing a solvent surety in the sum of Rs. 500,000 and a P.R. bond in the like amount to the satisfaction of the learned trial court. The concerned Director, F.I.A., under whose command the applicant works, is directed to closely monitor the cases entrusted to the applicant, if at all, as well as determine whether his performance has been such that he should continue his role as an investigator. Such monitoring shall continue until the learned trial court has passed its judgment in the case.

JUDGE