

Order sheet
IN THE HIGH COURT OF SINDH, KARACHI.

Present:-
Mr. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Abdul Mobeen Lakho.

Constitutional Petition No.D-5963 of 2020

Jamal Akhtar

Versus

The Chairman, NAB & others

Date of Hearing : 05.01.2021
Date of order : 05.01.2021

Syed Mohsin Abbas Shah, advocate for petitioner
Mr. Shahbaz Sahotra, Special Prosecutor, NAB a/w I.O. Shahzeb Durani

ORDER

Muhammad Iqbal Kalhoro, J:- Petitioner arraigned in a Reference No.06/2018 pending against him in the relevant Accountability Court Sindh at Karachi has sought post-arrest bail on the grounds of hardship and rule of consistency.

2. The allegation set out against him are that he had purchased subject land from accused No.1 Mushtaq Ali Solangi vide Entry No.170 dated 21.01.1978. But during investigation he was not able to provide any proof of purchase of the said land, which he had subsequently sold to private persons.

3. Learned counsel for the petitioner submits that all the accused except petitioner have been granted bail, accused No.1 from whom he had purchased the land and the broker namely Hamid Zafar to whom he had sold the land have been granted bail on the ground of hardship as they had remained in jail for more than 02 years. Petitioner has also remained in jail since 26.09.2018 and so far only 13 witnesses out of 26 have been examined and the trial is likely to take a long time to conclude.

4. Learned Special Prosecutor, NAB and I.O. have opposed the bail but have admitted that co-accused have been granted bail.

5. We have considered submissions of the parties and perused the material available on record. Vide order dated 02.11.2020 in a number of constitutional petitions, this court has granted bail to co-accused on the ground of hardship after they remained in jail for more than 02 years and

the prosecution was not able to conclude the case. Similar circumstances are attracted in the case of present petitioner, who has also spent more than 02 years in jail. Further, the beneficiary like him have been extended concession of bail and there is apparently no difference between the case of petitioner and theirs. More so, reportedly relevant entries have been cancelled and impliedly Revenue Department has taken possession of the subject land. We, therefore on the grounds of hardship and rule of consistency allow this petition. The petitioner is granted bail subject to his furnishing a solvent surety in the sum of Rs.01 Million and P.R. bond in the like amount to the satisfaction of Nazir of this Court. However, he is directed to cooperate in the proceedings of the trial and the trial court, if finds the petitioner causing any delay in the trial, may file a reference before this court for recalling the concession granted to him by means of this order.

6. Petition stand disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

JUDGE

Rafiq/P.A.