

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-6060 of 2018

Date Order with Signature(s) of Judge(s)

Hg. of case

1. For orders on M.A. No.27089/2018(U/A)
2. For order on CMA No.26311/2018
3. For hearing of Main case

31.08.2018

Mr. Farooq H. Naek, Advocate for the applicant a/w Petitioner

1. This case has been taken up on the urgent application filed by the petitioner today.

2&3. Learned counsel for the petitioner has prayed to grant the petitioner pre-arrest bail in the investigation against officers/officials of Sindh Police, AG Sindh, Karachi being conducted allegedly by NAB. However, it has been admitted by the learned counsel that the petitioner has not been issued any Call-Up-Notice nor has been summoned through any other modes available in law by the NAB to appear before them to justify maintainability of this petition on the relief as prayed for. Learned counsel has only referred to a Photostat copy of handout, available at page-87 of the Court file, which purportedly shows that NAB in its meeting dated 4th July, 2018 recommended filing of Reference against the petitioner and others, as a proof of the petitioner's apprehension of being arrested.

We have seen the said document, which on the one hand is not signed by any of the NAB officials to confirm its authenticity and on the other it shows that alleged meeting of the NAB took place on 4th July, 2018, yet even after a lapse of almost two (02) months, no Reference is stated to have been filed against the petitioner nor there is any document indicating that any investigation in this regard has been initiated against the petitioner on the allegations set out in this petition. We have also observed that the petitioner does not appear to be apprehensive of his imminent arrest. Although, he obtained transitory bail from the learned Islamabad, High Court, Islamabad vide order dated 23.07.2018 for ten (10) days in Writ Petition

No.2890/2018 for appearing before the Court of competent jurisdiction for seeking relief, which period expired on **03.08.2018**, but he did not surrender before the Court within stipulated period in terms of said order for any relief. He filed this petition on **07.08.2018** but did not show any urgency for seeking pre-arrest bail and got this petition fixed in the Court for the first time only on 20th August, 2018 but surprisingly on the said date the learned counsel for the petitioner requested for time, which was allowed and the matter was adjourned to **30.08.2018**. On the said date the record reflects this case was discharged, however, no request for taking up the case for the purpose of relief as prayed for was made by the petitioner.

In view of above facts and circumstances coupled with the fact that before us no concrete proof in the shape of Call-Up-Notice, etc. has been filed to establish that the petitioner is being pursued by the NAB for the purpose of arrest, we are sceptical about maintainability of this petition for the relief as prayed for. Therefore, before considering the prayer of the petitioner, we would like to issue notice to the respondents as well as to the learned Special Prosecutor, NAB for **07.09.2018** with directions to file the relevant comments on the said date, so that in the light of such comments, the request of the petitioner for the relief as prayed for shall be considered.

JUDGE

JUDGE

Rafiq/P.A..