

Order Sheet
IN THE HIGH COURT OF SINDH, KARACHI

Present:-

Mr. Justice Muhammad Iqbal Kalhoro.
 Mr. Justice Agha Faisal.

Cr. B.A. No.1332 of 2022
 Ghulam Murtaza Daudpota
Versus
 The State

**For date of hearing
 & order : 17.09.2022**

 Mr. Ahmed Ali Ghumro, advocate for petitioner
 Mr. Shahbaz Sahotra, Special Prosecutor, NAB

ORDER

Muhammad Iqbal Kalhoro, J:- As many as 09 accused including applicant are standing a trial in Reference No.19 of 2019 pending before the learned Accountability Court No.III, Karachi, lying vacant. Six accused have already been granted bail, one is absconder and one has died. It is the applicant only, who is in jail since 19.02.2021 when his application for pre-arrest bail was dismissed, on withdrawal, by the Honourable Supreme Court of Pakistan. Earlier, he had filed an application for pre-arrest bail (C.P. No.D-7707/2019) before this Court, which was dismissed on 09.10.2020. Charge against him is that he was Deputy Director (Promotion and Publicity) Sindh Terrorism Development Corporation, Govt. of Sindh and in his capacity as Chairman Procurement Committee illegally awarded contracts worth Rs.27.110 Million to co-accused without a meeting of opening bids, following rules and regulations in inviting tenders, and to follow SPPRA rules by getting advertisements published in daily newspapers, in addition to favoring his brother namely Abdul Fateh, a co-accused.

2. Learned defence counsel besides touching merits of the case in his arguments to the effect that there is no documentary evidence to support alleged allegations against the applicant has submitted that he was arrested on 19.02.2021, like co-accused Roshan Ali Kanasoro, with allegations more serious than applicant, who has been granted bail by this court. Therefore rule of consistency is applicable, although this time 11 witnesses have been examined but cross examination of only 04 witnesses has been completed and the evidence of remaining witnesses has only been partially brought on record. The court is lying vacant for last 06 months and there is

no likelihood of any Presiding Officer being posted in the court in near future.

3. Learned Special Prosecutor, NAB has, however, opposed bail to the applicant citing nature of allegations against him.

4. In this matter almost all accused are on bail, co-accused having been assigned identical allegations, more or less, have also been granted bail by this court. The evidence of only 04 witnesses has so far been completed on the ground. The court is lying vacant for 06 months and therefore, it is not hard, giving the fact that in the case 19 witnesses have been cited, to extrapolate the time, the trial is going to take to conclude. The allegation against him requires further inquiry in that *prima facie* the documents to support the same have yet to be brought on record.

5. Consequently, this bail application is allowed and applicant is granted bail subject to furnishing a solvent surety in the sum of Rs.500,000/- and PR bond to be executed to the satisfaction of the trial Court. Applicant is directed to cooperate in the proceedings of the trial and the trial court, if finds the applicant 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. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE
JUDGE

Rafiq/P.A.