

IN THE HIGH COURT OF SINDH AT KARACHI

Before: Mr. Justice Ahmed Ali M. Shaikh, CJ.
Mr. Justice Mohammed Karim Khan Agha-J.

C.P. No. D-6151 of 2017
Ellahi Bux & others

V.

The Chairman NAB & others

Petitioners through: Mr. Imdad Ali Malik alongwith petitioners
namely Ellahi Bux, Suhrab Khan, Khuda
Bux Rajpar and Jameel Ahmed Chohan.

Respondents through: Mr. M. Altaf, Special Prosecutor, NAB.

Date of hearing: 26.09.2017

Date of order: 26.09.2017.

ORDER

Mohammed Karim Khan Agha, J. Through this petition, the above named petitioners (Ellahi Bux, Suhrab Khan, Khuda Bux Rajpar and Jameel Ahmed Chohan) sought pre-arrest bail, from this Court vide its order dated 14.09.2017.

2. Briefly stated the facts of the case are that the National Accountability Bureau (NAB) have issued call up notices to the petitioners for investigation against Bashir Ahmed Lashari Ex-TMO, Saeed Hussain Mangi Ex-TO (Infrastructure), Waheed Ali Lashari Ex-TO (Infrastructure) of TMA Bhira District Naushero Feroze and others in respect of acts of corruption under the national Accountability Ordinance 1999 (NAO). The petitioners are contractors who were awarded relatively minor contracts during the year 2011-2012 and it appears that the maximum amount allegedly misappropriated

by the four petitioners does not exceed more than Rs.11 lacs in total.

3. We have heard learned counsel for parties and perused the material available on record.

4. It appears that as per NAB's own calculations as provided to us orally in court by the concerned IO that the liability of none of the petitioners is individually above RS 2.5 lacs; that the petitioners are co-operating in the inquiry which is at its early stages and is largely based on documents.

5. In recent times we have cautioned NAB on a number of occasions that it should not be involving itself in such petty matters since its main object and purpose under the NAO is to concentrate on mega corruption cases. Keeping in view NAB's primarily mandate as discussed above we are not minded to recall the petitioners as ad interim pre arrest bail which was granted to them vide order dated 14-09-2017 since in our view it would not serve the interests of justice to send the petitioners to jail when such petty amounts are involved in a NAB case. Accordingly the pre arrest bail granted to the aforementioned petitioners is hereby confirmed on the same terms and conditions. However the petitioners are cautioned that if they fail to co-operate with the NAB inquiry/investigation this order may be subject to recall.

6. The petition stands disposed of in the above terms