

IN THE HIGH COURT OF SINDH, KARACHI

Before:-

Mr. Justice Muhammed Iqbal Kalhoro, J.

Mr. Justice Mohammed Karim Khan Agha, J.

Petition No. and name of petitioner along with counsel.

1. C.P. No.D-4672 of 2016 Ghulam Haider Jamali s/o. Noor Muhammad Jamali (petitioner) V. Chairman, National Accountability Bureau & another.
Through M/s. Shahab Sarki and Ali Asghar Buriro, Advocates.

2. C.P. No.D-2755 of 2016 Ghulam Nabi Keerio s/o. Nehal Khan (petitioner) V. Federation of Pakistan through Secretary Interior, Islamabad and another Through Syed Mahmood Alam Rizvi and Mr. Zakir Leghari, Advocates.

3. C.P. No.D-3286 of 2017 Meer Muhammad & others V. National Accountability Bureau through its Director General & others
(1) Meer Muhammad S/o Allah Bachayo (petitioner),
(2) Ghulam Raza S/o Khuda Bux (petitioner),
(3) Raja Ishtiaq Ahmed S/o Raja Muhammad Ishaque (petitioner),
(4) Abdul Qadir S/o Jan Muhammad (petitioner).
Through M/s. Mansoor-ul-Haq Solangi and Imtiaz Mansoor Solangi, Advocates.

4. C.P. No.D-2652 of 2017 Ayaz Hussain Memon s/o. Wali Mohammad Memon, (petitioner) V. National Accountability Bureau through its Director General (Sindh)
Through Syed Mahmood Alam Rizvi and Zakir Leghari, Advocates.

5. C.P. No.D-2226 of 2018 Syed Fida Hussain Shah s/o. Ibrar Hussain Shah (petitioner) V/s Chairman, NAB and another
Through Mian Ali Ashfaq, Advocate.

Counsel for the Respondents.

Mr. Yassir Siddique, Special Prosecutor, NAB.

Date of Hearing: 17.04.2018, 19.04.2018, 24.04.2018,
25.04.2018, 26.04.2018 and 08-05-2018

Date of Order: 11.05.2018

ORDER

Mohammed Karim Khan Agha, J. By this order we propose to dispose of the above mentioned petitions filed on behalf of petitioners Ghulam Haider Jamali, Ghulam Nabi Keerio, Mir Muhammed Abrejo, Ghulam Raza Solangi, Raja Ishtiaq Ahmed, Abdul Qadir Kathother and Ayaz Hussain Memon for confirmation of their pre-arrest bail granted to each of them through various orders of this court and the petition for post arrest bail filed on behalf of petitioner Syed Fida Hussain Shah in National

Accountability Bureau (NAB) **Reference No.11 of 2017 State Vs. Ghulam Haider Jamali & others** who are alleged to be involved in corruption and corrupt practices under the National Accountability Ordinance 1999 (NAO).

2. The brief facts of the case are that that on receipt of complaint regarding illegal recruitment / appointments of Constables in Sindh Police by the Officers/Officials of Sindh Police, an inquiry was authorized on 29.12.2015 by Director General NAB Karachi and subsequently by the Chairman NAB. During the course of inquiry allegations of illegal appointments were substantiated, hence inquiry was converted into investigation.

3. That during the course of investigation it revealed that in the year **2013-14 and 2014-15** illegal recruitment / appointments of Constables, Junior Clerks, Computer Operators, and other menial staff were made in Sindh Reserve Police Base Hyderabad. **The Hon'ble Supreme Court of Pakistan had also taken notice of the above mentioned illegal recruitment / appointments and constituted a committee comprising of senior police officers, vide order dated 23.12.2015 passed in HRC No. 16082-S of 2015. The said committee submitted its interim report before the Hon'ble Supreme Court of Pakistan and the said report was forwarded by the Hon'ble Supreme Court of Pakistan to NAB for inquiring into the matter.**

4. In essence the allegations against the petitioners who at the time of the commission of the offense were nearly all senior Sindh Police officers is that they in connivance with each other misused/failed to exercise their authority in making hundreds of illegal appointments/recruitments in the Sindh Reserve Police (SRP) from constables, clerks, computer operators and other menial staff in the years 2013 to 2014 and 2014 to 2015 which illegally favored/benefited those recruited/appointed and caused a colossal loss to the national exchequer through the payments of salaries amounting to RS 504,661,664. Such appointments made by the petitioners were not in accordance with the rules, was managed, was not on merit, without physical test, measurement, written tests, interview, and based on managed lists of applicants in order to favor blue eyed boys.

5. Thus, on account of the above misuse of authority/failure to exercise authority by the petitioners which favored others and caused a colossal loss to the exchequer the aforesaid reference was filed by NAB against the petitioners on 23.3.2017 before the accountability courts in Karachi for acts of corruption and corrupt practices under S.9 NAO.

6. **Learned counsel for Ghulam Haider Jamali**, who at the time of the offense was IGP Sindh, submitted that the case against him only concerned recruitment of police constables and not any other police staff and that he had nothing to do with any illegal recruitment of police constables from 2013 to 2015; that he was not the appointing authority which under the police rules was the ASP and DSP; that there was no material on record to show that he had regularized or legitimized any of the appointments; that he had not sanctioned the payment of the salaries to the constables who had been recruited which had been done by the Chief Minister; that he could not be held responsible for any recruitments in 2013 to 2014 since he was not IGP during this period as he became IGP from September 2014 onwards until March 2016; that when he became aware of the illegal recruitments he requested Khadim Hussain to inquire into the matter and that for all the above reasons his pre arrest bail should be confirmed. The malafides of NAB was including him in the reference when he had nothing to do with the recruitment of the police constables.

7. **Learned counsel for Syed Fida Hussain Shah** who at the time of the offense was AIGP Finance Central Police office Karachi and is seeking post arrest bail submitted that for the two recruitment periods he only had potential liability for the period 2014 to 2015 as he was not posted as AIGP Finance for the earlier period; that he had nothing to do with the recruitment of the constables and was not the appointing authority; that he released payment to them based on the orders which he received from the then IGP petitioner Jamali and not on his own motion and in this respect he placed reliance on the Chief Minister's summary which authorized payment of the officers; that in effect no loss had been caused to the exchequer as the salaries were paid on account of work done by the constables who had now all been dismissed and as such he was entitled to post arrest bail. In support of his contentions he placed reliance on **Zaigham Ashraf v. The State**

and others (2016 SCMR 18), **Muhammad Asif and others v. Government of Sindh through Secretary Finance Department and Information Technology Department, Sindh and 4 others** (2017 P L C (C.S.) 42), **Sarfaraz Ahmed and another v. The Chairman National Accountability Bureau (NAB) through Chairman and others** (2016 P Cr. LJ 79) and **Hafeezullah Abbasi v. The Director General NAB Karachi and another** (Civil Petition NO.1542 and 1709 of 2017-unreported).

8. **Learned counsel for Ghulam Nabi Keerio** who at the time of the offense was SP SRP Hyderabad admitted that the petitioner had made the appointments but submitted that he had the power and authority to do so under the Pakistan Police Rules 1934 and thus did so legally; that the Inquiry committee and NAB had based their case of illegal recruitments on Standing Order 213/2007 dated 11-06-2007 (the SRO) which had lapsed and was no longer in the field. According to learned counsel the ignoring of the police rules and reliance on the lapsed SRO showed the complete malafides on behalf of the NAB investigators as they must have been aware of this legal position; he also placed reliance on a letter dated 18-05-2015 which concerned the release of payment to Naib Qasids etc. which showed that even AIGP Finance considered that the recruitment of such persons had been legally carried out; that alternatively even if the SRO had not lapsed he had full power and authority to make appointments under the SRO; for the 2013 recruitments he constituted and headed the committee and in the 2014 recruitments the committee was headed by him which was constituted by the DIG on the orders of IGP Jamali who is also a petitioner in this case; that in making the recruitments all required rules and codal formalities were complied with; that there was no material on record to connect him to any offense under the reference and as such his pre arrest bail should be confirmed. He placed reliance on **Jamil A.Durrani V The State** (PLD 2003 Kar 393) and the other cases relied on by petitioner Fida Hussian Shah as mentioned above.

9. **Learned counsel for Mir Mohammed Abrejo** who at the time of the offense was DSP SRP Hyderabad and **Raja Ishtiaq Ahmed** who at the time of the offense was RI SRP Hyderabad denied that they were members of the 2013-2014 selection committee and that that the petitioners were only members of the

2014-2015 selection committee and that initially they refused to take part in the selection committee which they knew was illegal but were coerced into doing so by petitioner Ghulam Nabi Keerio. According to them when they complained about the illegal appointments that were to be made they were issued show cause notices by petitioner Keerio which led to their dismissal from service thus through coercion they participated in the selection committee and followed the illegal orders of their superior on the committee namely petitioner Ghulam Nabi Keerio and recommended the illegal appointments contrary to the rules. According to the petitioners they had stated this to the NAB when their statement was recorded. Learned counsel for **Ghulam Raza Solangi** who at the time of the offense was Line officer SRP Hyderabad and **Abdul Qadir Kathohar** who at the time of the offense was MTO SRP Hyderabad submitted that although they were a part of both selection committees (2013-2014 and 2014-2015) like petitioners **Mir Mohammed Abrejo** who at the time of the offense was DSP SRP Hyderabad and **Raja Istiaq Ahmed** they were coerced by petitioner Keerio into making the illegal appointments contrary to the rules. In essence they adopted the same arguments as petitioners Abrejo and Ahmed mentioned above and as such all the petitioners submitted that their pre arrest bail should be confirmed. In support of their contentions they placed reliance on **Maqbool Ahmed Lehri V NAB** (2016 SCMR 154), **Muhammed Akhtar Shirani V Punjab Text Book Board** (2004 SCMR 1077).

10. **Learned counsel for Ayaz Hussain Memom** who at the time of the offense was Junior Clerk/Accountant SRP Hyderabad submitted that he was innocent of any wrong doing ; that there was no material on record to connect him to the offense; that he played no role in the recruitment process of the police constables and other officials; after receiving their appointment orders he simply prepared the list of appointed policemen whose salaries were released after approval of the competent authority; that he had been included in the reference by NAB on account of no evidence which amounted to malafide on the part of NAB and for all the above reasons his pre arrest bail should be confirmed.

11. Learned special prosecutor NAB vehemently opposed the confirmation of pre arrest bail to each of the petitioners who had

applied for the same which he submitted should be recalled. He also submitted that the post arrest bail petition of Syed Fida Hussain Shah should be dismissed. In support of his contentions he took the court through various documents on record which showed there was sufficient material on record to prove that all the petitioners were connected with the offense for which they have been charged. He also submitted that there was no malafides on the part of NAB.

12. We have heard the parties and have carefully gone through the record and considered the relevant law and case law cited by them. At the outset we are of the view that the authorities cited by the learned counsel for the petitioners are of little, if any, assistance to them based on the particular facts and circumstances of this case.

General

13. **We would also like to make it clear that the findings in this order are only based on a tentative assessment of the material available on record and not a deep appreciation of such material and shall have no bearing on the trial which shall be decided on merits based on the evidence placed before the trial court.**

14. At the outset, as we have done before in other similar NAB cases, we observe that cases of white collar crime are generally of an intricate and complex nature and the whole transaction and each component part of the scam needs to be viewed in a holistic manner and not in isolation. This is because in most cases the offence could not be committed without the active involvement of all the accused in the chain of events which lead to the commission of the offense.

15. With regard to the police officials we have also taken into consideration that they are paid and employed to serve the State/Province out of tax payers money and have a special fiduciary duty to protect, safe guard and ensure that the tax payers money is well spent and not squandered needlessly or misappropriated through corruption in performing their duties/functions in this case through illegal appointments in the police which not only caused massive loss to the national

exchequer; was discriminatory in nature contrary to Article 25 of the constitution **and** by not recruiting on merit reduced the professional abilities and capabilities of the Sindh Police in order to fight crime which had the knock on effect of depriving the public of the proper and professional police protection which they were entitled to for the protection of their life and property as guaranteed under Article 9 of the constitution. As was noted earlier by the Supreme Court in the Suo Moto case dealing with the law and order situation in Karachi the politicization of the police force in Karachi was a factor in not being able to adequately combat the law and order situation and is one of the reasons why the Sindh Government for the last so many years has had to call upon the Pakistan Rangers in order to assist them in maintaining the law and order situation in Karachi. Recruitment without merit in a professional service such as the police both undermines that service, its independence and the public's confidence in that service and the ability of that service to serve the public effectively especially in respect of security issues in the testing times which Karachi and the province of Sindh are now currently subject to in the so called war on terror. We have also taken into consideration the respective ranks and level of experience of the respective police officer petitioners who in many cases held senior positions which carried additional responsibilities.

16. We have concentrated on the alleged illegal appointment of police constables as opposed to menial staff such as cooks, computer operators etc

17. For offenses of corruption charged under the NAO (white collar crimes) the Hon'ble Supreme Court in the case of **Rai Mohammed Khan V NAB** (2017 SCMR P.1152) has emphasized that the **grant of bail in such cases must be construed strictly and rigidly** even if, as in that case referred to above, the amount involved was on the lesser side being only approx RS 12M (**as opposed to over RS 500M as in this case**) and as such we have followed this approach

18. A number of the petitioners have pled that since the allegedly illegally recruited constables were only paid for the work they did there has been no loss to the Government and as such the NAO is not applicable. We disagree with this point of view as the misuse of authority and/or failure to exercise authority was

deliberately made to unduly favour/benefit other undeserving persons by giving them jobs which may have been given to other more deserving persons if the recruitment process had been based on meritocracy and had been made as per the recruitment rules. In this respect reliance is placed on an unreported order of the Supreme Court dated 09.06.2017 in Civil Petition No.1876 of 2017 **Karamuddin Panhyar V Federation of Pakistan** where it was held in a NAB case for post arrest bail that , "No loss to the State is **not a ground alone** on the basis of which concession of bail is to be extended to an accused".

Findings on malafide.

19. It is now well settled law that pre arrest bail is an extraordinary relief and is only available in cases where there has been malafide on the part of the complainant or the police. In this regard reference may be made to the case of **Rana Mohammed Arshad V Muhammed Rafique** (PLD 2009 SC 427) and the more recent Supreme Court case of **Mukhtar Ahmad v. The State and others** (2016 SCMR 2064, relevant page 2066).

20. In this case only petitioners Ghualm Haider Jamali, Ghulam Nabi Keerio and Ayaz Hussain Memon have pled malafides. We find no substance in this contention of malafides as pled by petitioner Ghulam Haider Jamali and Ghulam Nabi Keerio although there may be slight hints of malafides in respect of petitioner Ayaz Hussain Memon by NAB in including him in the reference due to his very minor and perhaps unknowing role in the alleged offense.

Findings on Merit.

21. **Turning to the case of petitioner Ghulam Nabi Keerio who at the time of the offense was SP SRP Hyderabad.** The petitioner, like all the other petitioners, has been given specific roles in the reference at Para's 3, 4, 5, and 8 which for the sake of brevity will not be reproduced here but which can be found in the reference.

22. In essence it has been alleged that he played a pivotal role in the illegal appointments of the police constables in both 2013 to 2014 **and** 2014 to 2015. The record reveals that the SRO as referred to above and as renewed by Order dated 27-07-2011 in

governing the recruitment of police constables in similar terms was the lawful order to be followed for the recruitment of police constables (as sent to amongst others the DIGP Hyderabad Range) and **not** the police rules. This order provided for minimum education qualifications, physical fitness test, a recruitment authority to **be headed by a DIG**, advertisements for the posts in 3 particular newspapers, a written test, final interview, medical fitness, verification of character and antecedents and with the prior approval of the IGP to ensure transparency and meritocracy in the recruitment of police constables.

23. The record reflects that petitioner Keerio was posted as SP Hyderabad on 11-10-2013 and on the **same day** constituted a selection committee headed by himself and **not** a DIG as per recruitment process; that on 12-10-2013 (**the next day**) he allegedly placed recruitment advertisements in two low circulation news papers Daily Halchal and Daily Sarmaya which were **not** the news papers specified in the recruitment process (in fact these advertisements were never published as per S.161 statements of the Editors of these newspapers Muhammed Younis and Ehsan Ul Haq and were managed to hide the illegalities in the recruitment process; reference in this regard can also be made to the S.161 statement of Roshan Tabassum Director Press Information Department); that on 14-10-2013 (**2 days after the advertisement were allegedly made**) the selection committee headed by petitioner Keerio met which included petitioners Solangi and Kathohar and appointed 380 constables on the same day by 3 separate batches. There is no record of any tests, physical, written or otherwise being carried out or interviews being made (in this regard reference may be made to S.161 statement of Abdul Hamid Khoso). **All** those recruited were matric, 5.5" in height and had chests of 33-34 and half inch which clearly shows that the whole recruitment process was a charade in order to appoint favorites or accommodate a pre existing list of persons. Reference to S.161 statements of Muhammed Hanif Shah and Irum Awan who later inspected the appointees and found a number not able to meet chest requirements, height requirements, or age requirements further fortifies the above conclusion. S.161 statement of Abdul Hameed Khoso reflects that the recruitment was above the available vacancies and available finance and was not carried out in a transparent manner. The appointments were signed by all

members of the Committee (petitioners Keerio, Solangi and Kathohar). Petitioners Solangi and Kathohar (both of whom have been given specific roles in the reference) whose case is dealt with next have both candidly admitted that the appointments were illegal and that they took part in the appointment process as committee members on account of pressure and coercion imposed on them by Keerio who was their senior officer. **On 12-11-2013** petitioner Keerio wrote to the IGP (one month after the appointment of the 380 constables) informing him of the appointments and requesting release of their salaries. These appointments had not been made with the approval of the IGP. Based on the above time line and discussion it would appear that petitioner Keerio was the mastermind behind the illegal appointments of 380 police constables in 2013 to 2014 through his misuse of authority/failure to exercise authority which ultimately caused a colossal loss to the exchequer through the payment of these illegally appointed police constables' salaries through the worst kind of nepotism and favoritism **and as such the pre arrest bail granted in respect of petitioner Ghulam Nabi Keerio is recalled with immediate effect.** With regard to petitioners Solangi and Kathohar through their own admissions they were fully involved in and fully aware of this illegal recruitment of police constables. The fact that they tried to avoid the situation and were merely following the illegal orders of their superiors under pressure is no defense under the law as was held in the cases of **Muhammed Asghar Khan's case** (2013 PLD SC 1) and **Syed Mahmood Akhtar Rizvi vs. Federation of Pakistan** (PLD 2013 SC 195) and as such the pre arrest bail granted to **Ghulam Raza Solangi** and **Abdul Qadir Kathohar** are recalled with immediate effect.

24. **With regard to petitioner Ghulam Haider Jamali** who was IGP from September 2014 onwards although he was not directly involved in the recruitment process in 2013 to 2014 petitioner Keerio wrote to the IGP (petitioner Jamali) on 22-12-2014 (which should have been routed through the concerned DIG) **by reference to the aforesaid letter dated 12-11-2013** informing him of the recruitment of the constables in 2013 and **requesting for the sanctioning of the said posts** and the release of their monthly salary. This letter clearly shows that petitioner **Jamali knew about the illegal appointments in 2013 which had not been**

sanctioned by the IGP and did nothing about it. Likewise a note sheet which is signed by petitioner Fida Hussain Shah on 02.05.2015 and petitioner Jamali clearly shows that petitioner Keerio had made excess appointments in 2013 and requested for the release of their salaries which was approved by petitioner Fida Hussain Shah and petitioner Jamali who in effect legalized these illegal appointments of petitioner Keerio in 2013 which led to them being paid salaries. In fact by letter dated 02-02-2015 petitioner Fida Hussain Shah wrote to petitioner Keerio requesting him to complete the recruitment process and forward salary proforma's. Such approval of posts and payment of salaries without prior sanction of the posts was completely illegal as per general instructions contained in circular dated 11-07-2014 which reads as per 5(q) **"No appointment or transfer / postings may be made against the post reflected in the SNE(New) 2014-15, until and unless formal communication for release of Budget Grant for such posts is issued by Finance department"**. In this case the recruitment of the police constables was made on 20.4.2014 **before** the sanction on 08.01.2015 and as such was completely illegal. When Dr. Aftab Ahmed Pathan (who can be regarded as a whistle blower in this case) the then DIGP/Commandant SRP complained to IGP Jamali about these illegal recruitments (See S.161 statement of Dr. Pathan and his letters to the IGP on this issue dated 27-07-2015 and 24-08-2015) he was transferred from his post by IGP Jamali which in our view does not seem to be a coincidence but rather IGP Jamali trying to cover up his misuse of authority by giving ex post facto approval to the illegal appointments and payment of salaries to the illegal appointees and punishing Dr. Pathan for officially reporting the same which left him with no option but to open an inquiry into the matter on 24-08-2018 nearly 2 weeks after Dr. Pathan had first reported the matter and on the same date as Dr. Pathan lastly reported the matter which in our view appears to be a smoke screen to cover himself from the fall out of any potential illegal appointments which he played a part in.

25. On 05-09-2014 petitioner Keerio requested DIGP SRP to sanction **320 more posts** for police constables to establish a sub base of SRP at District Shaheed Benazirabad (not withstanding his earlier 380 illegally recruited police constables in 2013-2014). By letter dated 18-11-2014 petitioner Fida Hussain Shah wrote to the

Secretary Home Department stating in effect that the Finance Department has provided 10,000 posts through SNE (New) 2014-2015 stating that the 360 posts have already been filled in 2013 by petitioner Keerio through "internal arrangements" requesting that the finance department be allowed to release 421 posts as requested for creation of SRP base at Shaheed Benazirabad. **On the same date** the IGP Jamali approved this letter and notwithstanding the illegal recruitments by petitioner Keerio in 2013 IGP Jamali established a second recruitment committee for 2014 to 2015 **to be headed by petitioner Keerio** (as opposed to a DIG as per recruitment process) and consisting of petitioners Abrejo, Ahmed, Solangi and Kathohar when the same sham recruitment process was carried out as in 2013 where the advertisements were **even prepared in advance of approval** and again were never published. This sham recruitment process is an admitted position stated by the other members of the 2014 to 2015 recruitment selection committee (petitioners Abrejo, Ahmed, Solangi and Kathoro) who according to them were coerced and pressurized by Keerio through show cause notices etc. to sit on the committee and complete the illegal selection process. Such admissions regarding the illegal recruitments are also supported by the documents and other S.161 statements on record as mentioned above by Abdul Hamid Khoso, Muhammed Hanif Shah and Irum Awan who all confirmed that the rules and procedure for recruitment were not followed and the recruitment process was not transparent. S.161 statements of Muhammed Aslam and Ziauddin Anwar Memon also show that the medical certificates for the appointed constables were fake and managed. S.161 statement of Muhammed Shafique of special branch also shows that no character, antecedents and background checks were carried out against the illegally recruited police constables as per rules which could have even led to the recruitment of police constables with criminal backgrounds or militant leanings. **The importance of the advance preparation is a clear indication that both IGP Jamali and AIGP Finance Syed Fida Hussain Shah were fully on board in this illegal recruitment process in 2014-2015 as petitioner Keerio knew in advance that approval would be given by IGP Jamali and AIGP Finance Fida Hussain Shah for the recruitment process by him and IGP Jamali even ensured that petitioner Keerio headed the selection committee instead of the DIG as it was IGP Jamali who himself constituted the**

selection committee. We have also been shown a number of other documents signed either by or both IGP Jamali and AIGP Fida Hussain Shah to show that they were both aware of the illegal recruitment processes both in 2013 to 2014 and 2014 to 2015 and played important roles in arranging the release of the illegally recruited police constables salaries and giving ex post facto approval to their illegal appointments. **The summary to the Chief Minister dated 14.07.2015 relied upon by petitioner's Ghulam Haider Jamali and Fida Hussain Shah concerning the payment of salaries to the illegally recruited police is irrelevant to their case.** This is because this summary relates to illegal recruitments in other parts of Sind and **NOT** SRP Hyderabad. By letter dated 26.02.2015 (which is reproduced below) the AIGP/Finance Syed Fida Hussain Shah for and on behalf of IGP Jamali approved the release of salaries **well before the Chief Ministers summary dated 14.07.2015.** Even Note Sheet dated 30-6-2015 for release of salaries in Hyderabad is dated **before** the aforesaid summary and is signed and approved by AIGP Finance Fida Hussain Shah and IGP Jamali.

GOVERNMENT OF SINDH
POLICE DEPARTMENT
www.sindhpolice.com.pk
No.AO-11/8995/Karachi dated **26.02.2015**

To,

The Secretary,
Home Department,
Government of Sindh,
Karachi.

Att: so (Budget)

Subject: **DISBURSMENT OF SALARIES OF NEWLY APPOINTED OFFICIALS IN SINDH POLICE.**

Please refer to Finance Department, Government of Sindh Karachi's letter No.FD(IR)1(12)2013(PF) dated 04.02.2015, on the subject noted above. 2. I am directed to enclose certificate of newly appointed Constables, Junior Clerks, Ex-Army Personnel of Sindh Police as detailed below **with request to move the case to Finance Department for release of salary.**

S.#	District/Unit	General Quota	Ex-Army Personnel	Shaheed/so n Quota	Total
1	West Zone Karachi	510	216	0	726
2	East Zone Karachi	753	228	1	982
3	District Hyderabad including other units	966	0	2	968
4	District Dadu	206	0	0	206
5	District Thatta	200	0	27	227
6	District Matiari	100	0	0	100
7	District Tando Allahyar	108	0	12	120
8	District Tando M. Khan	100	0	0	100

9	District Sanghar	295	0	0	295
10	District Kambar	450	0	0	540
11	District Shikarpur	250	0	3	253
12	District Kashmore	250	0	0	350

Sd/-
(SYED FIDA HUSSAIN SHAH,
AIGP/Finance,
**For Inspector General of Police,
Sindh, Karachi.**

Copy to:

1. PS to IGP Sindh.
2. Concerned Office.
3. Master File."

26. It is also not without significance that this recruitment process seems to involve the AIGP Finance to the exclusion of the Establishment and Administrative Wing of the Police or even the DIG SRP which/who seems to have been kept completely in the dark. In this respect reference is made to S.161 statement of Sajjid Ali. It is quite apparent from the material before us that even when the illegal recruitments and illegal release of salaries for the years 2013 and 2014 came to the knowledge of IGP Jamali he failed to exercise his authority to take corrective action and allowed the same procedure to continue in 2014. Likewise AIGP raised no flags or alerts about the illegal recruitment and the issue of prior financial sanction. Thus, when the above material is read in a holistic manner and bearing in mind the seniority and experience of the police officers involved who were not novices in such matters and maneuverings including IGP Jamali and AIGP Fida Hussian Shah who would have been aware of the relevant recruitment rules and both knew of the illegal recruitments in 2013 but failed to act on the same and authorized illegal recruitments in the case of IGP Jamali in 2014 to 2015 in our view there is prima facie sufficient material on record to connect both petitioner IGP Jamali and AIGP Fida Hussain Shah through their misuse of authority and/or failure to exercise authority to the illegal sanction of the 380 police constables in 2013 to 2014 and the illegal recruitment and sanction of the 320 police constables in 2014 to 2015 and as such **the pre arrest bail granted in respect of petitioner Ghulam Haider Jamali is recalled with immediate effect and the post arrest bail petition of Syed Fida Hussain Shah is dismissed.** Likewise prima facie there is sufficient material on record to connect petitioners Ghulam Nabi Keerio, Mir Mohammed Abrejo

and Raja Ishtiaq Ahmed through their misuse of authority and/or failure to exercise authority in the illegal recruitment of police constables in 2014 to 2015 and as such **Mir Mohammed Abrejo and Raja Istiaq Ahmed's pre arrest bail is recalled with immediate effect.** (petitioners Ghulam Nabi Keerio's, Raza Solangi and Abdul Qadir Kathohar's pre arrest bail has already been recalled with immediate effect earlier in this order in respect of illegal recruitments made in 2013 to 2014 and for the avoidance of any doubt such pre arrest bail is also recalled in respect of illegal recruitments for the year 2014 and 2015)

27. **With regard to petitioner Ayaz Hussain Memon** we find his role in the illegal recruitment process and payment of salaries prima facie to be negligible as he was a junior officer in finance who was simply processing orders and seems to have little knowledge of the broader picture and would not have known that the medical certificates placed in the files of the appointees were fake and managed and as such we consider his case to be one of further inquiry. As mentioned earlier we find slight malafides on the part of NAB in including him in the reference and as such **petitioner Ayaz Hussain Memon's** pre arrest bail is confirmed on the same terms and conditions.

In summary

Pre arrest bail is recalled with immediate effect in respect of.

1. Ghulam Haider Jamali.
2. Ghulam Nabi Keerio
3. Mir Muhammed Abrejo.
4. Ghulam Raza Solangi
5. Raja Ishtiaq Ahmed
6. Abdul Qadir Kathohar

Pre arrest bail is confirmed on the same terms and conditions to Ayaz Hussain Memon

Post arrest bail in respect of Syed Fida Hussain Shah is dismissed.

These are the reasons for our short order announced in open court on 08-05-2018 which reads as under;

“We have heard learned counsel for the parties and Special Prosecutors, NAB in the constitutional petitions listed below and for the reasons to be recorded later we hold as under:-

In C.P. No.D-4672 of 2016 the pre arrest bail granted to the petitioner Ghulam Haider Jamali is recalled with immediate effect.

In C.P. No.D-2226 of 2018 the post arrest bail petition of Syed Fida Hussain Shah is dismissed.

In C.P. No.D-2755 of 2016 the pre arrest bail granted to the petitioner Ghulam Nabi Keerio is recalled with immediate effect.

In C.P. No.D-3286 of 2017 the pre arrest bail granted to the petitioners Mir Muhammad Abrejo, Ghulam Raza Solangi, Raja Ishtiaq Ahmed and Abdul Qadir Kathohar is hereby recalled with immediate effect.

In C.P. No.D-2652 of 2016 the pre arrest bail granted to the petitioner Ayaz Hussain Memon is hereby confirmed on the same terms and conditions”.