

**IN THE SUPREME COURT OF PAKISTAN**  
**(Original Jurisdiction)**

**PRESENT:**  
**Mr. Justice Iftikhar Muhammad Chaudhry, CJ**  
**Mr. Justice Muhammad Sair Ali**  
**Mr. Justice Jawwad S. Khawaja**

**Constitution Petitions No. 20 to 27 of 2009**

The Bank of Punjab ...Petitioner

**Versus**

Haris Steel Industries (Pvt) Ltd & others	...Respondents (Const. P 20/09)
Sheikh Muhammad Afzal, etc.	...Respondents (Const. P 21/09)
Haris Afzal, etc.	...Respondents (Const. P 22/09)
Hamesh Khan & others.	...Respondents (Const. P 23/09)
Muhammad Zia-ul-Haq, etc.	...Respondents (Const. P 24/09)
Haroon Aziz, etc.	...Respondents (Const. P 25/09)
Muhammad Shoaib Qureshi, etc.	...Respondents (Const. P 26/09)
Aziz-ur-Rehman, etc.	...Respondents (Const. P 27/09)

For the petitioner:	Kh. Haris Ahmad, ASC Mr. Arshad Ali Chaudhry, AOR
---------------------	--

For respondents 1-3: (Const. P. 20/2009)	Mr. Uzair Karamat Bhindari, ASC Mr. M.S. Khattak, AOR
For respondents No.1, 4 to 6: (Const. P. 22/2009)	

On Court's notice:	Mr. Salahuddin Manager, M/S Iqbal A. Nanji Co.
--------------------	---

For respondent 1: (Const. P. 23/2009)	Mr. Talib H. Rizvi, Sr.ASC
--	----------------------------

For respondent 1 & 2: (Const. P. 24/2009)	Mr. Ghulam Sabir, ASC
--	-----------------------

For respondent 1: (Const. P. 25/2009)	Mr. Ashtar Ausaf Ali, ASC
--	---------------------------

For respondent 1: (Const. P. 26/2009)	Mr. Ahmad Awais, ASC
--	----------------------

For respondent 1: (Const. P. 27/2009)	Mr. Abid Aziz Sheikh, ASC
--	---------------------------

On behalf of State Bank of Pakistan	Raja Abdul Ghafoor, ASC/AOR
--	-----------------------------

On behalf of NAB:	Dr. Danishwar Malik, Prosecutor General, NAB Mian Muhammad Bashir, DPG, NAB
-------------------	--

Abdul Rehman, S.I., P.S. Defence, Lahore

Date of hearing:	14.7.2009
------------------	-----------

### ORDER

Pursuant to the preceding order, following persons representing their Organisations, have entered appearance:-

*Waris Malik ( Respondent No.3 in Const. P. 20/2009)*

*(CNIC No. 35202-9233959-7)*

*Irfan Ahmad Sheikh (Respondent No.3 in Const. P. No. 21/2009)*

*Muhammad Munir Sh. ( CNIC No. 35202-4541788-1)*

*Noman Arif (Respondent No.2 in Const. P. No. 24/2007)*

*(CNIC No. 35200-1424207-7)*

*Muhammad Zia-ul-Haq ( Respondent No.1 in Const. P. No. 24/2009)*

*(35201-1578154-7)*

*Haroon Aziz (Respondent No. 1 in Const. P. No. 25/2009)*

*(CNIC No. 35202-9878627-5)*

*Aziz-ul-Hameed (Respondent No.1 in Const. P. No. 27/2009)*

*(CNIC No. 35202-2418938-5)*

*Shoaib Qureshi ( Respondent No.1 in Const. P. 26/2009)*

*(CNIC No. 35202-8482330-1)*

whereas neither Ali Ijaz, Sh. Muhammad Afzal, Noman Iqbal, Asad Ashraf, Suhail Tufail, Muhammad Suhail and Hamesh Khan have attended the Court nor any one is present on behalf of Hamza Rice Mills, respondent No.7 in Const. Petition No.22/2009. It is reported by Muhammad Munir Sheikh that his brother, Sh. Muhammad Afzal and nephew, Haris Afzal are out of country being in United Kingdom. He is directed to produce their complete addresses alongwith Passport numbers. As far as remaining persons who have not attended the Court, their service shall be effected through the Deputy Registrar, Lahore. Notices be sent to him today by fax. He shall be free to involve any agency for effecting service so that they may attend the Court on the next date of hearing.

2. Learned counsel for Hamesh Khan stated that he has obtained a concise statement duly signed by his client and notarized in U.S.A. It is pertinent to mention that despite directions of this Court, Hamesh Khan is not in attendance. The learned counsel may obtain his complete address by tomorrow, inasmuch as, if he is not willing to avail the facility of protection of this Court provided to him vide order dated 29.6.2009, then process as envisaged under the law, shall be issued for ensuring his attendance.

3. Kh. Haris Ahmad, learned counsel for the petitioner stated that no serious efforts have been made by the individual respondents or the respondent-Companies and they are trying to prolong the matter on one or the other pretext. He further stated that the Bank of Punjab got evaluation of its collateral security from M/S Iqbal A. Nanji & Company whereas Mr. Uzair Karamat Bhindari, learned counsel for some of the respondents stated

that the said evaluation is not proper as according to evaluation of their own evaluators, the valuation of the property was much higher, therefore, on account of this reason negotiation between the parties could not be finalized.

4. We have seen the evaluation reports prepared by the evaluators engaged by the respondents but without hearing them and understanding the basis on which they have evaluated the property, it would not be possible to accept the said valuation. Therefore, all the evaluators engaged by the respondents as well as M/S Iqbal A. Nanji & Company are required to attend the Court on the next date of hearing.

5. Learned counsel for the petitioners contended that the controversy between the parties cannot be settled unless a true picture in respect of the status and the names of the persons who mortgaged the properties with the Bank with particulars, is not brought before the Court. According to him, some of the properties are situated on the border of Pakistan and India but at the time of taking loans this was not pointed out. Moreover, preparing fictitious Identity Cards in certain cases, the same were mortgaged by playing fraud with the Bank and indirectly 9000 depositors who had deposited their money had factually been deprived of their money.

6. There being two sets of evaluators showing their respective evaluations, as noted hereinabove, to satisfy ourselves as to the status of the properties and to obtain the names of the mortgagees with full particulars, etc, we direct the Chief Secretary, Government of the Punjab to depute a competent officer from the Board of Revenue, Punjab not below the rank of Secretary of the Board, who shall adopt measures by visiting the lands/plots/sites personally and having gone through the records, ownership of the properties, the names of the mortgagees with their particulars and Identity Cards, etc. and value prevalent in the market on the basis of *Aust Bai*, submit a comprehensive report which must reach the Court on the next date of hearing.

7. The respondents who have not deposited the copies of their Identity Cards are required to do so before the next date of hearing. The Secretary Interior, Government of Pakistan as well as the Director General, F.I.A. may also depute two officers from their respective departments, who shall assist Mr. Shah Khawar, learned Deputy Attorney General and Dr. Danishwar Malik, Prosecutor General, N.A.B. for the purpose of providing information to them to procure the details of the persons whose attendance is to be procured from outside the country by adopting the relevant processes provided by law and those officers shall be available to assist the Court as to whether there is an extradition treaty between Pakistan and the United States of America, where presently Hamesh Khan is

residing as well as with the United Kingdom, where Sh. Muhammad Afzal and his son Haris Afzal are statedly residing. The learned Deputy Attorney General will also examine if in such like situations, when a person is disobeying the order of the Court would it be possible for the Government to cancel his Passport/other immigration documents on the basis whereof he has traveled abroad. It is reported that Hamesh Kahn left Pakistan through Peshawar despite the fact that his name was on the exit control list. We were informed that an investigation in this behalf is going on against the concerned officers. We would appreciate if the Director General, F.I.A. expedites the action against them and also submits a report on the next date of hearing.

8. Let this case be adjourned to 16.7.2009. The respondents, present in Court, shall continue appearing on each date of hearing unless otherwise directed. In the meanwhile, no harassment will be caused to them nor will any agency arrest them without Court orders.

9. As the listed petitions cannot be disposed of without perusal of the record of the litigation pending before the Islamabad High Court, the Registrar of the said Court is directed transmit all the files of the cases, details of which shall be furnished by Khawaja Haris Ahmad to the Registrar of this Court during the course of the day.

Chief Justice

Judge

Judge

ISLAMABAD  
14.7.2009  
Ejaz Goraya