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REGISTERED

No. C.As.721-722/2017-SCJ (Imp)
SUPREME COURT OF PAKISTAN.

Islamabad, dated 15/5/, 2017.

From

The Registrar,
Supreme Court of Pakistan,
Islamabad.

To

✓ The Registrar,
Peshawar High Court,
Peshawar.

PESHAWAR HIGH COURT PESHAWAR	
Receipt No.	8073
Date	16/5/17
For-action	
Signature	

Subject: CIVIL APPEAL NOS. 721 & 722 OF 2017.
OUT OF
CIVIL PETITION NOS. 875 & 1252 OF 2017.

1. Syed Ijaz Hussain Shah. (App. in C.A.721/2017).
2. Muhammad Saeed. (App. in C.A.722/2017).

VERSUS

1. National Accountability Bureau, through its Chairman, NAB Headquarters, Islamabad & others. (Res. in C.A. 721/2017).
2. National Accountability Bureau, through its Director General (DSG) and others. (Res. in C.A. 722/2017).

On appeal from the Judgment/Order of the Peshawar High Court, Peshawar dated 15.03.2017 & 11.04.2017, in W.P. No.4332-P/2016 & 494-P/2017.

Dear Sir,


I am directed to forward herewith a certified copy of the Judgment of this Court dated 12.05.2017, converting into appeal the above cited civil petitions and allowing the same, in the terms stated therein, for immediate necessary action.

I am also to invite your attention to the directions of the Court contained in the enclosed Order for immediate compliance.

Please acknowledge receipt of this letter along with its enclosure immediately.

Encl: Judgment:

Yours faithfully


(MUHAMMAD MUJAHID MEHMOOD)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

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noted file

1252

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE GULZAR AHMED
Mr. Justice DOST MUHAMMAD KHAN

Civil Petitions No.875 and 1252 of 2017

(On appeal from the judgment dated 15.3.2017 & 11.4.2017 passed by the Peshawar High Court, Peshawar in W.P. No.4332-P/16, 433-P/17 & 494-P/17)

Syed Ijaz Hussain Shah
Muhammad Saeed

(in C.P.875/17)
(in C.P.1252/17)

... **Petitioner(s)**

VERSUS

National Accountability Bureau and others

... **Respondent(s)**

For the petitioner(s): Mr. Mr. Tariq Mehmood, Sr. ASC
Syed Rifaqat Hussain Shah, AOR

For NAB: Syed Ali Imran, DPG
Mr. Ali Hassan, I.O.

Date of hearing: 12.5.2017

JUDGMENT

Dost Muhammad Khan, J.— The petitioners are facing charge/charges u/s.18(g) read with section 24 of the NAO, 1999 in a Reference, filed against them and four others for cheating a large number of persons through fake documents of ownership of land to purchase plots for residential purposes and in this way they along with co-accused fraudulently received a huge amount of Rs.109.55 million from different peoples, thus, they were found to have committed corruption and corrupt practices as defined u/s 9(c)(iii)(iv)(ix)&(xii), punishable u/s 10 of the NAO, 1999.

2. Although the trial in the case has commenced however, learned Sr. ASC, Mr. Tariq Mehmood invited our attention to undeniable fact that one of the co-accused who played

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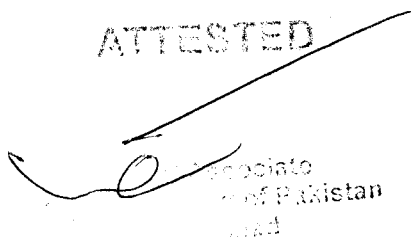
Associate
Court of Pakistan
Judged

similar role, namely, Col.(R) Muhammad Ajmal, was made approver while three of the co-accused, who have played more active role, have been granted bail. He also referred to the judgment of this Court dated 14.11.2016 at pages 95 to 97 of the paper book where leave petitions No.2433,2555 and 2994 of 2016, filed by the three-accused were although dismissed on merits however, directions were given to the NAB to complete the investigation against the petitioners and all those including the officials of the local revenue department, who have also played role in this case, and forward it to the Accountability Court within 30 days, while the Accountability Court was directed to conclude the trial within a period of three months positively, failing which the petitioners shall be released on bail, if they furnish bail-bonds in the sum of Rs.50,00,000/- (5 million) each with two sureties in the like amount to the satisfaction of the trial Court.

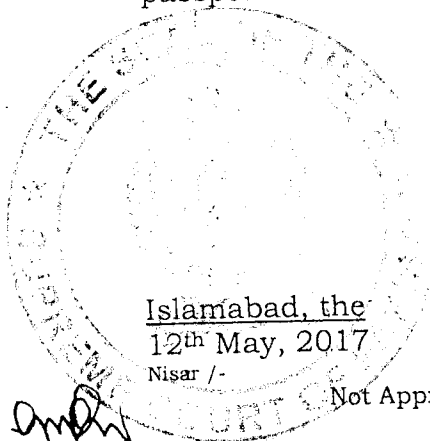
3. The learned Sr. ASC further contended that when the ring leader has been granted bail on account of delay in the trial and because about 70 witnesses are to be examined by the NAB, which shall, in all probabilities, have to consume a period of more than one year therefore, keeping in view the fact that the petitioners are behind the bars for long period and when their case is not distinguishable from that of the co-accused on the above ground, rather is placed on better pedestal, hence they are entitled to the grant of the same.

4. Syed Ali Imran, learned DPG, NAB, present in Court alongwith Mr. Ali Hassan, I.O, could not controvert this factual and legal position rather he disclosed that review petition was filed against the above mentioned order of this Court, which too was dismissed.

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Judge of Pakistan

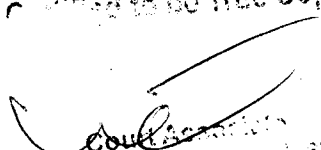
5. In view of the facts and circumstances, not on merits but on the ground of delay in the trial, the petitioners are found entitled to grant of bail. Accordingly both the petitions are converted into appeals and the same are allowed. The petitioners are granted bail in the sum of Rs.50,00,000/- (5 millions) each, with two sureties each to the satisfaction of the Trial Court with further direction to the petitioners to deposit their original latest passports with the Trial Court.



Not Approved For Reporting.

Sd/-Gulzar Ahmed,J
Sd/-Dost Muhammad Khan,J

Confirmed to be True Copy


Supreme Court of Pakistan
Islamabad

15/5/17