

*Judgment Sheet*

**IN THE PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT**

*Writ Petition No.258-P of 2015*

**JUDGMENT**

Date of hearing.....08.04.2015.....

Petitioner (Amir Ghazan) By Qazi Jawad Ehsanullah and Barrister Syed  
Mudassir Amir, Advocates.

Respondents. (The Chairman, National Accountability Bureau, NAB Headquarter,  
Islamabad and others) By M/s Muhammad Jamil Khan, DPG and  
Umar Farooq, ADPG, NAB.

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**QALANDAR ALI KHAN, J.-** This is yet another writ

petition by Amir Ghazan, petitioner, for his release in

Reference No.04/2014 filed by the National Accountability

Bureau (NAB) under section 9 of the National

Accountability Bureau Ordinance, 1999, implicating the

petitioner as a co-accused at Sr.No.10 of the panel of

accused-persons on the charges of corruption and corrupt


practices in procurement of arms and ammunition and

other security apparatuses for the Khyber Pakhtunkhwa

Police. The record of the case would show that the

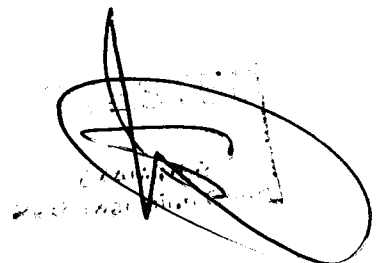
petitioner figured in the case in the statement under section

164 Cr.P.C of the Approver in the case, Arshad Majeed,

  
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who levelled the charge of receipt of amount of Rs.195 millions by the petitioner through his brother-in-law and front man, Raza Ali Khan. The said Raza Ali Khan has, in the meantime, entered into plea bargain with the NAB. The instant writ petition of the petitioner is also, mainly, based on the plea bargain of the said Raza Ali Khan, wherein, he also exonerated the petitioner by saying that the petitioner had nothing to do with the amount of Rs.195 millions as he did not receive any monetary benefits from him in this case. In addition to the plea bargain of the said Raza Ali Khan, the petitioner has also moved this fresh writ petition for bail on the grounds of delay in conclusion of trial, and merits as well.

2. Arguments of Qazi Jawad Ehsanullah and Barrister Syed Mudassir Amir, learned counsel for the petitioner, and Mr. Muhammad Jamil Khan, Deputy Prosecutor General assisted by Mr. Umar Farooq, Additional Deputy Prosecutor General, for the NAB, were heard and record perused.

A handwritten signature in black ink, followed by a rectangular stamp containing some illegible text and a circular mark.

3. It may be observed at the very outset that plea of the petitioner for bail on merit has been rejected twice by this Court, initially, at the pre-arrest stage and later at the post arrest stage as well. The only development which has taken place in the meantime and which has been vehemently urged by the learned counsel for the petitioner is the plea bargain of co-accused Raza Ali Khan; but the belated summersault of Raza Ali Khan by taking the entire blame of receiving the kick back/ commission; and, intriguingly, extending concession to the petitioner, his brother-in-law, at this critical juncture when charge against the petitioner is shortly to be framed by the trial Court, raises many questions which cannot be resolved at the bail stage, requiring detailed scrutiny at the trial stage. At this stage, the NAB have placed materials on record which, prima facie, connect the petitioner with the offence; as, at the relevant time, he was enjoying a special status being brother of the sitting Chief Minister; and, certainly, in a

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position to influence the award of contracts on considerations other than merit.

4. As stated above, this Court has already dilated upon merits of the case as well as relevant law/ case law on the subject exhaustively, not once but twice, leaving no room for further deliberations on merits and law/ case law, urged once again at the bar.

5. As regards delay in conclusion of trial, suffice it to say that apart from the obvious fact of shuttling of the case in different Courts owing to incessant petitions of the petitioner and the other co-accused, thus rendering commencement of trial next to impossible, this plea of bail, too, was raised earlier not only by the petitioner but also the co-accused, Malik Naveed Khan; but was not accepted on the ground that prosecution was not responsible for the delay, so far, rather the petitioner and co-accused are to share the blame to greater extent.

6. Having said that, there would hardly be any justification to admit the petitioner to bail when framing of

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charge, according to the Deputy Prosecutor General for the NAB, is scheduled within a week or so after receipt of record by the trial Court, lest discussion on merits of the case prejudice case of either of the parties.

7. This writ petition is, accordingly, dismissed.

*sd/ Mazhar Alam Khan*  
*sd/ Qalandar Ali Khan*

*sd/ Justice*  
 JUSTICE

Announced:  
08.04.2015.

CERTIFIED TO BE TRUE COPY

Examiner,  
 Peshawar High Court, Peshawar  
 Authorised Under Article 87 of  
 The Qanun-e-Shahadat Order 1984

30 APR 2015

/\*F.Jun\*/