

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial

Mr. Justice Faisal Arab

Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.1145-L of 2019

*(Against the order dated 11.9.2019 passed
by the Lahore High Court Lahore in
Crl. Misc. No.49695-B of 2019)*

Saima Ashiq Javed

...Petitioner(s)

Versus

***The State through Attorney General of Pakistan,
Lahore & another***

...Respondent(s)

For the Petitioner(s):

Mr. Zafar Mehmood Chaudhry, ASC
along with Saima Ashiq Javed, petitioner

For the State:

Mr. Khurram Saeed,
Additional Attorney General for Pakistan

For Respondent No.2:

N.R.

Date of hearing:

02.06.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Muhammad Awais Rashid and Muhammad Adeel, Junior Auditors in the Accountant General Office Punjab, were the principal architects behind a financial scam that cost public exchequer Rs.57.6 million, misappropriated through bogus pensionary payments to the fake claimants; as the Federal Investigation Agency probed the heist, the petitioner was found to have provided space to the embezzled amounts in her bank account that reflected various transactions comprising deposit by one of the accused as well as withdrawals thereof; attempt to secure bail in anticipation to her arrest failed before the trial Judge on 17.4.2018 whereafter she applied for judicial protection in the High Court in the year 2019, on issuance of proclamation of absconsion; failure brings

her to this Court. Mr. Zafar Mahmood Chaudhry, learned ASC, while disputing the accusation, craftily pressed into service petitioner's gender to argue that her remission into custody would perennially embarrass not only the petitioner but the family as well, an avoidable option inasmuch as no investigative benefit would accrue to the prosecution at the given stage of the case. Learned Additional Attorney General for Pakistan has contested the plea; according to him, the prosecution still expects disclosures from the petitioner, likely to be helpful to drive home the charge.

2. Heard. Record perused.

3. It would be less than expedient to comment upon the arguments assailing evidence, comprising documented transactions involving bank accounts including one operated by the petitioner; her denials/explanations is a business to be best attended by the trial Court. Despite a generous opportunity, learned counsel has not been able to point out any *mala fide* lurking behind the intended arrest. Law does not confer immunity on the petitioner on account of her gender and as such she is required to make out a case for judicial protection; a *prima facie* nexus compounded by a conduct far from being enviable. Petition fails. Leave declined.

Judge

Judge

Judge

Islamabad, the
2nd June, 2020
Not approved for reporting
Azmat/-