

**IN THE SUPREME COURT OF PAKISTAN**  
**(APPELLATE JURISDICTION)**

**PRESENT:**

MR. JUSTICE EJAZ AFZAL KHAN.  
MR. JUSTICE MAQBOOL BAQAR.  
MR. JUSTICE IJAZ UL AHSAN.

**CIVIL PETITIONS NO. 1542 AND 1709 OF 2017**

*(On appeal against the order dt. 28.04.2017 passed by the High Court of Sindh at Karachi in CP. No. D-2735 of 2016 and D-1774 of 2017).*

Muneer Ahmad Sheikh.  
[in CP. 1542/17]

Hafeez Ullah Abbasi.  
[in CP. 1709/17]

...Petitioner(s)

**Versus**

The Director General NAB Karachi and another.

...Respondent(s)  
[in both cases]

For the petitioner(s):

Mr. Anwar Nawaz Mirza, ASC.  
Syed Rafaqat Hussain Shah, AOR.  
a/w Muneer Ahmad Sheikh, petitioner.  
[in CP. 1542/17]

Raja M. Ibrahim Satti, Sr. ASC.  
Syed Rafaqat Hussain Shah, AOR.  
[in CP. 1709/2017]

For NAB :

Ch. M. Faridul Hassan, Spl. Prosecutor.  
Syed Ali Imran, Spl. Prosecutor.

Date of Hearing:

15.06.2017. (Judgement Reserved).

**J U D G M E N T**

**EJAZ AFZAL KHAN, J.-** Petitioner in Civil Petition No. 1709 of 2017 who was declined post-arrest bail while petitioner in CP. No. 1542 of 2017 who was declined pre-arrest bail by the High Court moved this Court on the grounds that there is nothing on the record to show that they bypassed merit to force way for the appointment of their kith and kin; that they have been exonerated in the inquiries held in this behalf; that many others similarly placed have not been arrested and that when grant of pre-arrest bail to one with similar role has not been questioned, grant of such

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concession to the petitioners cannot be resisted by the Special Prosecutor with his chin up.

2. The learned Special Prosecutors appearing on behalf of the respondents contended that petitioner in CP-1709/17 manoeuvred the appointment of his brother while petitioner in CP-1542/17 manoeuvred the appointment of his son by ignoring merit, therefore, they being prima facie connected with a crime attracting prohibitory clause don't deserve the concession of bail.

3. We have carefully gone through the record and considered the submissions of the learned ASCs for the petitioner as well as the learned Special Prosecutors appearing on behalf of the respondent.

4. Both the petitioners have been charged to have manoeuvred the appointment of their kith and kin in the Sindh Technical Education Vocational Training Atrocity. The matter had been inquired at the Departmental level but somehow they have been exonerated. They prima facie have a role in the commission of the crime but many others who have been hand in glove with them have neither been pulled in nor hauled up to face the scourge. Those who held inquiries against the petitioners and their accomplices, and exonerated them also appear to be a part of the cartel bypassing the merit and pushing in their near and dear ones but strangely enough they have not even been interrogated. Many others having similar role have not been arrested. One of the accused whose role is identical to that of the petitioners has been granted pre-arrest bail but no petition has been moved for its recall. In the circumstance, it would be rather unjust to keep the two on the tenterhooks when the law regulating accountability does not appear to have been applied across the board. We, thus, would not like to become a part of such a lopsided accountability by refusing bail to the petitioners. The more so when, all such appointments have been approved by the person at the peak in the Province.

5. For the reasons discussed above, we convert these petitions into appeals, allow them and direct release of the petitioner in Civil Petition No. 1709 of 2017 if he furnishes bail bonds in the sum of rupees five million with two sureties to the satisfaction of the Trial Court and confirm the bail of the petitioner in Civil Petition No. 1542 of 2017 against the bail bonds already submitted. However, we while parting with the judgment, would desire that the law regulating accountability be applied across the board without seeing the status, stature and station of the person involved.

Announced in Court at Islamabad on 23.05.2017.

23/6/17

APPROVED FOR REPORTING.

09/8/17

