

SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

Mr. Justice Mushir Alam

Mr. Justice Qazi Muhammad Amin Ahmed

Mr. Justice Amin-ud-Din Khan

CIVIL PETITION NO.549-K OF 2019

(Against judgment dated 4.10.2019 passed by High Court of Sindh at Karachi
passed in CP. D.-182/2019)

Gulab Khan

...Petitioner (s)

Versus

The Chairman (NAB) and another

...Respondent(s)

For the Petitioner (s) : Mr. M. Anwar Tariq, ASC

For the NAB : Mr. Sittar Sahil, Special
Prosecutor NAB
Mr. Hassan Akbar, Addl.
Prosecutor General NAB with
Jawaad Hassan, I.O./Deputy
Director NAB

Date of Hearing : 18.12.2019

ORDER

QAZI MUHAMMAD AMIN AHMED, J.-Ghulab

Khan, petitioner herein, seeks admission to bail. As Secretary Karachi Port Trust Officers Cooperative Housing Society, he is accused alongside others in NAB Reference No.11 of 2018 for having unauthorizedly doled out commercial/residential plots to the non-members after interpolating minutes of the meetings; loss incurred by the society is estimated as 11.73 Billions. It is further alleged that he diverted the amounts so received to his own coffer. Having surrendered the plots as well as claims thereon, all the co-accused have since been released on bail by the High Court of Sindh. Considered distinguishly placed, he has been denied the concession vide impugned order dated 4.10.2019.

2. Learned counsel for the petitioner contends that notwithstanding the accusation, the petitioner, nonetheless, is identically placed and as such there was no occasion for the learned High Court to decline the request. It has been pointed out that

allegation of petitioner having diverted funds into his own chest is not supported by evidence and, thus, the distinction *vis-a-vis* the co-accused is not sustainable. The learned Law Officer, while faithfully contesting the motion, nonetheless has fairly conceded absence of any evidence to suggest diversion of the sale proceeds.

3. Heard. Record perused.

4. It is admitted at all hands that barring the petitioner, all the co-accused, including those placed at a higher rung, have been released on bail. The entire land has since been retrieved by the society; the allottees had also abandoned their claims. In the above backdrop, petitioner's culpability, alongside his colleagues in the crime can be best settled after recording of evidence, during the trial already in progress. The learned Law Officer has not been able to point out evidence suggestive of any aggravated role played by the petitioner in the scam; he cannot be treated differently. *Sauce for the goose is sauce for the gander*. This petition is converted into appeal; allowed. Petitioner/appellant shall be released on bail subject to his furnishing bond in the sum of Rs.One Million with one surety in the like amount to the satisfaction of the learned trial Court.

JUDGE

JUDGE

JUDGE

Islamabad, the
18th December, 2019
"Not Approved For Reporting"
Azmat/ *