

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial

Mr. Justice Qazi Muhammad Amin Ahmed

Civil Petition No.3213-L of 2019

(Against order dated 2.10.2019

passed by the Lahore High Court

Multan Bench Multan in W.P.

No.10300/2019)

Muhammad Islam

...Petitioner(s)

Versus

***The State through Advocate General Punjab,
Lahore, etc.***

...Respondent(s)

For the Petitioner(s):

Mr. Asaf Faish-ud-Din Verdeg, ASC
along with M. Islam

For the Respondent(s):

N.R.

Date of hearing:

14.04.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Apprehending arrest, Muhammad Islam, petitioner, seeks admission to bail; he is amongst array of the accused in a NAB reference; a dismissed constable of Special Branch, he is blamed to have lured, alongside co-accused, members of the public to invest in his Multan based travel agency, styled as "*Bin Islam Travels & Tours*" ; lucrative profits, offered by the accused, attracted no less than 61 investors in the business, subsequently turned out as farce; he attempted to pacify the disappointed clientele by issuing bank cheques, bounced upon presentation.

In the backdrop of petitioner's failure before a learned Division Bench of the Lahore High Court at Multan, his learned counsel contends that he was being hounded on trump up charges, manipulated by his adversary Zaheer Babar, a Police Inspector, currently serving as Station House Officer; that without prejudice to

petitioner's position, the accusation does not fall within the remit of NAB's jurisdiction as the group of alleged affectees does not constitute "*public at large*", leaving the issue to be more aptly dealt with in regular criminal/civil jurisdiction; projecting the agency as a non-governmental organization, the learned counsel concluded that the petitioner merely drew commission paid by various airlines and as such cannot be held responsible for betrayal of offered windfall to the investors.

2. Heard. Record perused.

3. Principles, applicable to grant of anticipatory bail in a cognizable/non-bailable offence are by now well entrenched; these do not admit denials or parallel stories to ward off evidence/material *prima facie* constituting the offence nor the witnesses can be stripped off their credentials at the investigative stage so as to divert the usual course of law; a claimant must point out circumstances, reasonably suggesting abuse of process of law with strappings of *mala fide*, lurking behind the intended arrest; statements of 61 persons with diverse and different backgrounds, clamouring foul play cannot be summarily brushed aside to accommodate petitioner's plea; same goes for a detailed and comprehensive investigative process, carried out pursuant to call up notice, followed by an inquiry, findings whereof, are *prima facie* pointed upon petitioner's culpability for an offence wherein grant of bail is narrowly jacketed. Petition fails. Leave refused.

Judge

Judge

Islamabad, the

14th April, 2020

Not approved for reporting

Azmat/-