

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial

Mr. Justice Qazi Muhammad Amin Ahmed

Civil Petition No.722-P of 2021

*(Against the order dated 05.10.2021 passed by the
Peshawar High Court Peshawar in W.P. No.2622-P/2021)*

Waseem Zeb Khan

.....Petitioner(s)

Versus

***The Chairman, National Accountability Bureau, NAB
Headquarters, Islamabad and others***

...Respondent(s)

For the Petitioner(s):

Barrister Waqar Ali Khan, ASC

For the NAB:

Mr. Akhtar Tarar, Addl. P.G.
Mr. Nasir Mehmood Mughal,
Special Prosecutor with Ansar Butt, I.O.

Date of Hearing

25.01.2022.

ORDER

Qazi Muhammad Amin Ahmed, J.- Veiled behind a fake online company fraudulently shown to have been registered with the Security & Exchange Commission of Pakistan with the name and style of Space Construction Pvt. Ltd., alongside the co-accused, the petitioner is part of the scam that lured people to invest against monthly profit at the rate of 21% of the deposited amount. 1700 claimants parting with an amount of Rs.1.7 billion fell in the trap before the hoax was detected, pursuant where to, the petitioner was arrested on the 20th of May, 2021.

The mastermind behind the scam was Muhammad Taimoor who established online deceit through fake identity of Rabia Batool; the petitioner joined him in September 2019 and projected himself to the unsuspecting public as Senior Director

of the Company; at his tier, he operated alongside Riaz Khattak and Iftikhar Khattak, absconders till date, through an office set up at Peshawar. As the investigation progressed, the affectees, still pouring in to join the process, recorded their statements wherein they unambiguously blamed the petitioner for having received the sums through the trap. Colossal amounts were siphoned off beyond investigative reach through conversion into crypto currency/bit coins.

2. Learned counsel for the petitioner contends that petitioner is himself victim of the scam as he initially made a deposit in the hope to earn profits and, thus, joined the company without any *mens rea* to defraud the public at large and as such is not beneficiary of the fraud; it is next argued that despite lapse of considerable time, the NAB has not yet filed the reference and, thus, his continuous detention is serving no useful purpose.

3. Heard. Record perused.

4. With the assistance of learned Law Officer, we have gone through the record to find a long list of victims deprived of huge amounts, each blaming the petitioner for soliciting deposit in lieu of regular lucrative profit, a promise that soon turned out as farce; the affectees are from different regions and backgrounds and, thus, cannot be possibly stage-managed to cook up a false case that too without any earthly reason. Investigative details confirm establishment of an office at Peshawar as is unanimously pointed out by the witnesses in their statements before the Investigating Officer. A small amount statedly deposited by the petitioner to project himself as an innocent victim of the scam without any tangible proof, in the face of formidable evidence, does not provide any space to hypothesize his claim of innocence. In this backdrop, refusal by the High Court to release the petitioner on bail in exercise of its equitable Constitutional jurisdiction is not open to any legitimate exception. Petition fails. Leave declined. We are dismayed by Investigating Officer's failure to recover the pilferage and locate assets accumulated through the scam; his

failure to arrest the co-accused and file reference in time are no less disquieting either.

Judge

Judge

Islamabad, the
25th January, 2022
Azmat/-