

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Mushir Alam

Mr. Justice Yahya Afridi

Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.149-K of 2020

*(Against the judgment dated 26.08.2020 passed
by the High Court of Sindh, Karachi in Criminal
Bail Application No.S-100/2020)*

Kamran Attaullah and another

...Petitioner(s)

Versus

The State

...Respondent(s)

For the Petitioner(s): Mr. Aamir Mansoob Qureshi, ASC
with Kamran Attaullah and Anwar, in
person.

For the State: Mr. Sajid Ilyas Bhatti,
Addl. Attorney General for Pakistan
Qaiser Masood, Addl. Director (Law) FIA
Khalid Naseem, Inspector, FIA Karachi
Shabbir Chandio, Inspector FIA Karachi

For the Complainant(s): Barrister Afzal Hussain, ASC
along with Hasan Munawar, in person,
assisted by Arslan Binyamin, Advocate

Date of hearing: 29.09.2020.

ORDER

Qazi Muhammad Amin Ahmed, J.- Declined both by the learned Special Judge Central-I Karachi as well as a learned Judge-in-Chamber of the High Court of Sindh, petitioners, Deputy and Assistant Directors in the Federal Investigation Agency, respectively, seek leave of the Court for bail in anticipation to their arrest in a case registered with F.I.A./ACC Karachi; they are accused to have received gratification to the tune of rupees 24 millions from one Sheikh Muhammad Munawar, arrayed as accused in a financial scam to

subtly defraud Utility Stores Corporation to effect a massive sale transaction through a fake ISO certification. During the inquiry, incriminatory statements of various witnesses were forensically confirmed from the computer CDR and ledgers secured from the custody of co-accused Abdul Qadir Memon, a front man in the transaction; it was on the basis of this comprehensive probe that the petitioners braced the impending prosecution.

2. Heard. Record perused.

3. A detailed parallel story related by the petitioners notwithstanding, nonetheless, they were admittedly at the helm of affairs to call the shot and thus in a position to rescue the complainant from the troubled situation he was trapped; various pieces of evidence including forensic data, beyond susceptibility of human interference, unmistakably suggest a conduct perfidious to the call of their duty hence, *prima facie*, cognizable. It is by now well settled that the accused in a criminal case cannot be granted anticipatory bail to subvert or undermine investigative procedure/process that essentially include arrest in order to bring the statutory exercise to its logical end for effective and meaningful prosecution of the offence through collection of information/evidence consequent upon arrest. *Mala fide*, manifestly intriguing upon the intended arrest, is the only justification to suspend or divert the usual course of law, a step most extraordinary by all means; it is not a case in hand. Petition fails. Leave declined.

Judge

Judge

Judge

Islamabad, the
29th September, 2020
Not approved for reporting
Ghulam Raza/-