

**IN THE SUPREME COURT OF PAKISTAN**

(Original Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ

MR. JUSTICE GULZAR AHMED

MR. JUSTICE SH. AZMAT SAEED

**C.M.As. NO.3685 & 3686 OF 2012**

**IN H.R.C. NO.7734-G OF 2009.**

(Fortnightly reports from NAB in compliance of judgment of this Court dated 30.3.2012 passed in HRC No.7734-G of 2009, etc)

For the NAB:

Rana Zahid Mehmood, Addl. PG

Brig (R) Farooq Naser Awan,  
Principal Secretary to Chairman,  
NAB

Col (R) Subeh Sadiq, DG NAB

Mr. Asghar Khan,  
Dy. Director, NAB, Rawalpindi

Mr. Kamran Faisal,  
Asstt. Director, NAB, Rawalpindi

For the NAB officers/IOs:

Raja Amir Abbas, ASC

Date of hearing:

15.01.2013

**ORDER**

Col (R) Subeh Sadiq, D.G. (under Suspension)/NAB, Rawalpindi appeared and states that the authorities by misusing the name of Supreme Court has suspended him. He states that to his credit he has 36 years of unblemished service and

he has been maligned and disgraced on the pretext that the Supreme Court was not happy.

2. Raja Amir Abbas, learned counsel appearing for the IOs to whom the notices for contempt have been issued pointed out that on 7.1.2013, Brig (R) Farooq Naser Awan, Principal Secretary, NAB has issued a letter, relevant para there from reads as under:-

*"b. IO's under contempt be removed from these cases since Supreme Court of Pakistan also does not appear happy with their performance"*

whereas, we were led to believe by the Principal Secretary that such action has been taken against the IOs, as it has been noted hereinabove on the recommendations of the DG.

3. Col (R) Subeh Sadiq D.G NAB present in Court states that on the same day he had sent a letter dated 7.1.2013 and he had not used the name of the Supreme Court. However, upon it, the Chairman has passed an order, para 2 of the same as relied upon by him reads as under:-

*"2. IO's under contempt must be removed from the cases since S.C also does not appear happy with their performance."*

4. Brig(R) Farooq Naser Awan has placed on record, a copy of the letter dated 7.1.2013 noted above with handwritten notes by the Chairman in para No.2 referred to hereinabove. We have noted that by using the name of the Supreme Court both the IOs i.e. Asghar Ali and Kamran Faisal were removed from those cases, thus; it is concluded that none else except the Chairman, NAB himself used the name of the Supreme Court to achieve his own motives and objects, as it is evident from the record referred to hereinabove.

5. We may clarify here that the Chairman NAB is already under contempt notice for non compliance of the judgment in the RPP Cases and copy of the same had been delivered to him as back as in the month of March, 2012, therefore, he should have been careful, however, under the circumstances, we issue notice to the Chairman NAB to explain as to

why he has falsely used the name of the Supreme Court with a view to remove the IOs namely, Asghar Ali and Kamran Faisal. It is added that *prima facie* above said two IOs remained associated with the Investigation Reports under the supervision of the Col (R) Subeh Sadiq, D.G against Raja Parvaiz Ashraf, Ex-Minister for Water and Power and 15 others in Case No.2(3-RPP)/SOD/2012/NAB and Mr. Shahid Rafi and 21 others in case No.2(4-RPP)/SOD/2012/NAB.

6. It is made clear here to the Chairman, NAB that if any one accused involved in these cases succeed in making good their escape out of the country, he will be responsible personally for the same.

7. It appears that *prima facie* the Investigating Officers are not being allowed to ensure the implementation of the judgment of this Court in letter and spirit, therefore, we direct the Additional Prosecutor General, NAB that he should undertake all the necessary steps during the course of day and submit Investigation Reports to the concerned authorities and to get approved the challans/references against the accused persons and to cause their arrest without any hesitation and put up report on 17.1.2013.

8. Adjourned to 17.1.2013. In the meanwhile, all the concerned officers and the Chairman shall also remain in attendance.

Chief Justice

Judge

Judge

Islamabad, the  
15<sup>th</sup> January, 2013.

*\*M, Safdar Mahmood\**