

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P No.4382-P/2018

JUDGMENT

Date of hearing.....15.11.2018.....

Petitioner: (Afzal Khaliq) By Barrister Mudassir Amir,
Advocate.

Respondents: (National Accountability Bureau through its
Chairman) By Mr. Umar Farooq, ADPG.

QALANDAR ALI KHAN, J.- This is yet another writ petition by Afzal Khaliq (petitioner), known as “Double Shah” for his release on bail in reference against him by the National Accountability Bureau (NAB) for cheating and deceiving the general public and thereby luring them for investment in *Mudariba*. Presently, he is facing reference worth Rs.12.59 billion in the Accountability Court, Peshawar. The allegations against him are that he deprived 3540 affecttees in a reference amounting to Rs.7.75 billion by 139 claimants; and due to further claims/investigation, supplementary reference of Rs.4.84 billion has also

been filed in the Accountability Court, Peshawar, which is currently pending trial. According to the respondents, he is the principal accused alongwith others in the multibillion *Mudariba* scam.

2. The earlier petitions of the accused/petitioner for his release on bail were dismissed on merits, twice, by this Court; and the august apex Court also dismissed his criminal petition No.896 of 2017 vide order dated 27.09.2017, with direction to the trial Court to conclude trial in the case within a period of 04 months from the date of receipt of a copy of the order, failing which the petitioner shall have a right to repeat his prayer for grant of bail. The accused/petitioner approached this Court, for the second time on 26.02.2018; but his writ petition No.1114-P/2018 was also dismissed by this Court vide order dated 10.04.2018, with direction to the learned trial Court to conclude the trial within 04 months from the date of receipt of the judgment/order; hence the instant writ petition.

3. Arguments of learned counsel for the accused/petitioner and learned ADPG heard; and record perused.

4. Undoubtedly, there is a case of cheating the general public to the tune of Rs.12.59 billion for investment in *Mudariba*; and on the basis of investigation by the NAB and his own judicial confession, there is a *prima facie* case against the accused/petitioner. However, in view of the fact that the accused/petitioner, having been arrested in the year, 2014, spent around 04 years behind the bars, both the august Supreme Court of Pakistan and this Court granted 04 months to the learned trial Court for conclusion of trial, respectively, vide orders dated 27.09.2017 and 10.04.2018. In other words, both the august apex Court and this Court expressed the desire for conclusion of trial against the accused/petitioner as early as possible keeping in view his long incarceration in jail; but conclusion of trial in the given period appeared next to impossible in view of large number of claimants, ranging in hundreds if not

thousands, and reference of huge amount in billions against the accused/petitioner and further filing of supplementary reference against the accused/petitioner on 20.02.2018.

5. Furthermore, the previous conduct of the accused/petitioner to avoid his arrest and remaining at large for sufficient long time, and having been declared proclaimed offender in two criminal cases registered against him in the year, 2013, was bound to raise genuine apprehension about his abscondance again once released on bail, as there was reference of billions of rupees against him.

6. In any case, the accused/petitioner, obviously, cannot be detained for indefinite period. Therefore, while dismissing the writ petition on the grounds stated hereinabove, the learned trial Court is directed to conclude trial, expeditiously, by adopting all legal and necessary measures under the law, such as daily proceeding in the case; as unnecessary inordinate delay in conclusion of trial may, eventually, lead to

favourable consideration of his bail plea, proving
detrimental to the prosecution case.

Announced
15.11.2018

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*(D.B) Hon'ble Mr. Justice Rooh-ul-Amin Khan.
Hon'ble Mr. Justice Qalandar Ali Khan.*

(M.Iqbal)