

IN THE PESHAWAR HIGH COURT,
PESHAWAR,
[Judicial Department].

Writ Petition No.2658-P/2021

Muhammad Taimur son of Fazal Elahi,
r/o House No.835, Block-C,
Phase-6 DHA, Lahore.

Petitioner (s)

VERSUS

Chairman,
National Accountability Bureau,
NAB Headquarters, Islamabad and others.

Respondent (s)

For Petitioner (s) :-	<u>Barrister Syed Mudasser Ameer, Barrister Waqar Ali and Shebar Khan, Advocate.</u>
For NAB :-	<u>Syed Azeem Dad DPG & Muhammad Ali ADPG along with Anwar Ahmad Butt Assistant Director NAB/I.O.</u>
Date of hearing:	<u>05.10.2021</u>

ORDER

ROOH-UL-AMIN KHAN, J:-Through this common order, we propose to decide the instant writ petition, filed by Muhammad Taimur and connected Writ Petition No.2622-P of 2021, filed by Waseem Zeb Khan, the petitioners, respectively, as both have sought identical writ to the effect that they be released on bail in an inquiry and investigation initiated by the National Accountability Bureau (NAB) KP, Peshawar, in respect of an offence of corruption and corrupt practices cognizable under section 9(a) of National Accountability Ordinance, 1999 **(Ordinance).**

2. Facts in brief forming the background of the instant writ petition are that petitioner Muhammad Taimur was arrested by

the NAB on 02.06.2021 on the allegation that he being owner of M/S www.Pslashuk.com, a fake online company, induced public at large to invest in the said company on the pretext of offering high rate of return and thereby deprived innocent people from their hard earned money. Similarly, petitioner Waseem Zeb Khan has been arrested on 20.05.2021 by the NAB authorities on the allegation that he being Senior Director of M/S www.pslashuk.com (online company) cheated/defrauded the general public under the garb of the said online business/Ponzi scheme by inducing the people to invest in the said company on a pretext of high rate of return and he thereby deprived the people from their hard earned money.

3. Arguments of learned counsel for the parties heard and record perused with their able assistance.

4. It appears from record that on Oct. 7, 2020, from the I.D. of one Numeera Pink the petitioners were exposed through a face-book post on page SECP, which read as under:-

“Numeera Pink.SEC
Oct 7, 2020

Asslam-o-Alaikum,

I hereby inform you that a website was launched at oct 2019 and they were collecting funds from local peoples and offering them upto 21% profit monthly. They were taking funds from Public as they are registered in SECP under the name SPACE CONSTRUCTION SMC PRIVATE LIMITED and people invested upto 2 Billion PKR just in one year. Now these guys are using one more company namely PSLASH, they are saying that it's our second company. I am afraid as they are also getting documents from the public such as CNIC/Passport and the latest utility bills or bank statements. May be these documents they are using in SECP. I have attached screenshots and their official pages and websites which they are using for “Looting” Pakistani people. One of our resources confirms this website is running by Muhammad Taimoor s/o Fazal Elahi (12101-4114318-5) or Afnan Malik. He has 2 passports under both names, so I request

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you to check this matter instantly and take proper action to save our Pakistani Public.....This software company Ashlar running all of its illegal businesses software by sources we acknowledged that they are partner as well. I have also submitted this complaint to FIA and cyber police.

Muhammad Taimoor s/o Fazal Elahi (12101-4114318-5)
or Afnan malik (known as Rabia Batool) # 03478787873

Aisha Taimoor 37102-8463374-6)

Rehman

Anila Noreen 12101-8522821-4 w/o Muhammad Sajjad
and daughter of Fazal Elahi

Living in House835 Defence Phase 6 Lahore

Fraudster location.

It was reported to National Accountability Bureau (NAB) Khyber Pakhtunkhwa that owners/management of online website, namely, M/S www.pslashuk.com has cheated the public at large on the pretext of investment in the said company under the guise of high rate of monthly returns. The NAB authorities taking cognizance of the matter authorized an inquiry on 01.02.2021, which on confirmation of the allegations, was converted into investigation on 15.06.2021. During investigation it was unearthed that in the year 2019, the petitioner Muhammad Taimur through a fake female face-book ID, namely, Rabia Batool, approached and lured the general public to invest money in the aforesaid online business. The name of the website was www.earnbitcoin.com which, later on, was converted into www.offerslash.com then to www.payslashuk.com and finally www.pslashuk.com. The investors were also lured to promote the said business and convince other people for investment so as to generate more investments under their account, hence, forming a tree/pyramid. In this way thousands of people invested millions of rupees in the aforesaid fake online business. During investigation, mobile

phones, having SIM No.0315-6488013 was recovered from possession of petitioner Muhammad Taimur and during interrogation Binance Apps was opened with a code applied by the petitioner himself where two email IDs, with user names Rabiabatoool 123@gmail.com and Afnan Malik 123098@gmail.com were found, verification codes of which were also opened by the petitioner and the same were found already signed-in in the said cell phone. Access to the message inbox was also made wherefrom pictures of two gmail accounts i.e. Rabiabatoool123098@gmail.com and afnanmalik123098@gmail.com were procured by the I.O. and placed on file. On opening of the said Binance Apps its deposit ID was noted as 0x371419690871d7046e9022b16562ee6eb98da9b, picture of which was also procured by the I.O.. Similarly, pictures of deposit and withdrawal Binance account having history of transactions since 02.10.2019 to 22.04.2021 and 28.10.2019 to 02.05.2021, respectively, has also been placed on file. The Banking App of Meezan and UBL already installed in the mobile of the petitioner Muhammad Taimoor was also opened which revealed accounts having title Muhammad Taimur A/C. Nos. 26010103655784 at D.I. Khan Branch and 02080104678208 at DHA Phase-IV, Branch Lahore. Transactions history along with statements of the said accounts, since 01.01.2019 to 20.11.2020 and account No.248644745 UBL, since 01.01.2019 till 20.11.2020 has been obtained by the I.O. and placed on file. Another Mobile Model Samsung, having IMEI.

352682/50/349217/4, shown recovered from possession of petitioner Muhammad Taimoor, was having Bianca ID with user name afnanmalik123098@gmail.com. Its deposit ID was noted as 0x09c35ff3e205f22953f8c115d42b6148cf3975d81. The deposit and withdrawal history of transactions since 17.09.2019 to 14.11.2020 and 30.09.2019 to 24.05.2021, respectively, has also been placed on file. The documentary evidence gathered by the Investigation Officer and as discussed above, *prima facie* show petitioner Muhammad Taimur to be the owner of the aforesaid fake IDs. One Muhammad Muzammal Ikram has been examined under section 164 Cr.P.C., wherein he has stated that in September 2020, one of his friend namely, Ahmad Nazir asked him for working with him in a project/website of Muhammad Taimur alias Afnan Malik regarding its debugging/improvement and it was decided that he will be paid Rs.40000/- per month as salary. The name of the website was www.payslashuk.com which was later on changed to www.pslashuk.com. Petitioner Muhammad Taimur used to give him task on daily basis regarding debugging in the website usually through his whatsapp number i.e. 0347-8787873 and he used to make necessary changes in the website live on the said server. He stated that he worked with petitioner Muhammad Taimur on his website www.pslashuk.com for two months only. Ahmad Nair has also recorded statement under section 164 Cr.P.C. wherein he has categorically stated that he worked for petitioner Muhammad Taimur for his website, namely, www.payslashuk.com and

www.pslashuk.com in lieu of salary worth Rs.80,000/- per month. On tentative assessment of the material on record, as discussed above, the aforesaid IDs/website prima facie seems to be that of petitioner Muhammad Taimur. It is manifest from record, most particularly, from recovery memo of cell phones that the passwords of the two gmail accounts and binance IDs are still in possession of the petitioner and only he can operate the mail and accounts from his binance IDs. In case of his release on bail he will not only diminish all the evidence collected by the NAB but also turned the tide of hopes of numerous affectees. Yet there is another aspect of the case that petitioner Muhammad Taimur and his wife have invested a significant amount in Turkey, where they have been allowed residence permit under the “Investor Citizenship Program”. Needless to mention that the minimum amount required for residence permit at Turkey is to invest 5 lac US dollars for three years in a Turkish Bank along with a fixed assets investment listed by Ministry of Industry of Turkish Government. Nothing is available on file to show the money trail of the amount invested by petitioner in the Turkey.

5. Record divulges that initially complaint was registered on 24.08.2020 with the Federal Investigation Agency (FIA) by one Salman against petitioner Waseem Zeb under the allegation that the complainant has invested an amount of rupees sixty one lac fifty thousand in an online business Company (www.pslashuk.com) but after sometimes the website was shut down whereas its CEO Waseem Zeb was front man of the fake

online Company Rabibatool. The FIA could not move forward and the case was closed for lack of evidence. Subsequently, complaints from different investors poured. Second complaint was filed with PTA in September 2020, but both the Agencies could not save a large number of victims. Petitioner Waseem Zeb posing himself as a CEO of the said fake Company fully facilitated co-accused Muhammad Taimur in raising significant funds by depriving unsuspected real estate, digital and foreign currency investors under the guise returning profit at a high rate. In the month of November, the Company Account went off-line and a notification reading as “System is hacked” was posted instead. According to prosecution the company thrice changed its name i.e. from Bitcoin to Payslash and lastly to Pslash. During investigation sufficient documentary evidence has been collected by the I.O. against petitioner Waseem Zeb which shows that he joined www.palashuk.com in September 2019 as an investor and then managed to attract large number of users for investments in the said scam and got higher ranks in the company due to huge investments under his down line. Record depicts that he is the only person who was able to achieve the rank of senior Director in the fake company with investment of Rs.2000 million under his down line.

6. Sufficient documentary evidence has been brought on record by the I.O. which prima facie show petitioner Muhammad Taimur as master mind of the mega scam, who is the creator/owner of website, namely,

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www.earnbitcoin.com, www.offerslash.com, www.paysalashuk.com

and www.pslashuk.com and that he with the connivance and collusion of co-accused Waseem Zeb Khan, induced innocent people for investment in the fake company and thereby deprived them from their hard earned money worth rupees millions. Both the petitioners are *prima facie* connected with the commission of offence, hence, they are not entitled to the concession of bail.

7. Accordingly, this and the connected Writ Petition No.2622-P/2021, titled, “Waseem Zeb Khan vs NAB”, being meritless are hereby dismissed.

Announced:

05.10.2021

M.Siraj Afridi PS

Senior Puisne Judge

JUDGE

**DB of Mr. Justice Rooh ul Amin Khan Hon'ble Senior Puisne Judge; and
Hon'ble Mr. Justice SM Attique Shah.**