IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial, CJ Mr. Justice Muhammad Ali Mazhar

Mr. Justice Athar Minallah

CRIMINAL M. A. NO. 641 OF 2023 IN CRIMINAL PETITION NO. NIL OF 2023

(Application for exemption of Filing of Petition through Special Attorney in the matter of arrest of the petitioner from the premises of IHC).

Imran Ahmed Khan Niazi

...Petitioner(s)

<u>Versus</u>

The State and others

...Respondent(s)

For the petitioner(s) : Mr. Imran Ahmed Khan Niazi

(in-person)

(on Court's call)

Mr. Hamid Khan, Sr. ASC Raja Aamir Abbas, ASC Mr. Shoaib Shaheen, ASC Mr. Gohar Ali Khan, ASC Mr. Salman Safdar, ASC Mr. Niaz ullah Niazi, ASC

Mr. Ashfaq Ahmed Kharal, ASC Mr. Muqtedir Akhtar Shabbir, ASC

Mr. Wagar Rana, ASC

For Federation : Mr. Mansoor Usman Awan, AGP

a/w:Barr. Maryam Ali Abbasi, Adv. Mr. Javaid Iqbal Wains, Addl AG Mr. Rashdeen Nawaz Kasuri,

Addl. AG

For NAB : Mr. Asghar Hussain, PG NAB

Mr. Muzaffar, DPG Mr. M. Rafay Maqsood, Sr. Spl. Prosecutor

For ICT : Mr. Jehangir Khan Jadoon, AG

Dr. Akbar Nasir Khan, IGP

Date of hearing : 11.05.2023 at 05:45 pm

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ORDER

For the reasons to be recorded later, this Misc. Application is allowed, Criminal Petition be numbered accordingly and the same is converted into appeal and disposed of in the following terms:

- Chairman, National Accountability Bureau (NAB) dated 01.05.2023 in the Al-Qadir Trust case within the premises of the Islamabad High Court against petitioner is invalid and unlawful. The execution of said warrant violated the petitioner's right of access to justice and the sanctity and safety of the Court as he had already surrendered to the Court for seeking judicial relief against the action taken by NAB in the Al-Qadir Trust case. In this regard, the fundamental rights of the petitioner under Articles 4, 9, 10-A and 14 of the Constitution of Islamic Republic of Pakistan have been infringed.
- Islamabad High Court tomorrow i.e. 12.05.2023 at 11:00 am for hearing of his Writ Petition filed to challenge the NAB action against him in the Al-Qadir Trust Case. The NAB authorities and the ICT Police shall ensure foolproof security to the petitioner until his production in the Islamabad High Court in this regard.
- The Registrar of the Islamabad High Court is directed to place the matter i.e. the Writ Petition before the Hon'ble Chief Justice of the Islamabad High Court for constituting a Bench for hearing the same.
- In order to ensure the security of the petitioner until his appearance in the High Court tomorrow i.e. 12.05.2023 at 11:00 am, he shall remain in the premises where he is presently retained in police custody, namely, the Police Lines Guest House, H-11, Islamabad (Police Guest House).

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whilst the petitioner is in the Police Guest House, he shall be entitled to meet up to 10 guests, whose particulars shall be provided by him to the concerned Police Officer, subject to security check by the police. These persons shall be allowed to stay with the petitioner as long as desired by him.

- vi) This order shall remain valid until the production of the petitioner before the High Court in the aforementioned Writ Petition tomorrow i.e. 12.05.2023 at 11:00 am and shall be subject to any order that is passed by the High Court.
- vii) This order shall not cause any prejudice to the proceedings of investigation being conducted by the NAB in the matter of the Al-Qadir Trust.

Sd/Chief Justice

Sd/-**Judge**

Sd/-**Judge**

Islamabad, 11.05.2023.

NOT APPROVED FOR REPORTING.