

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT.**

Before:

**Mr. Justice Rana Muhammad Shamim, Chief Judge.
Mr. Justice Javed Iqbal, Judge.**

Under Objection. No. 143/2016.

National Accountability Bureau

Petitioner.

Versus

Muhammad Ali Yugvi

Respondent.

PRESENT:-

1. Mr. Amin Khan, Special Prosecutor NAB Gilgit alongwith Mr. Ali Nazar Khan Advocate-on-Record for the petitioner.

DATE OF HEARING: - 02.03.2017.

ORDER.

This petition for cancellation of bail has arisen out of the impugned judgment dated 05.09.2016 in Writ Petition No. 49/2016 passed by the learned Chief Court Gilgit-Baltistan wherein the Writ Petition filed by the respondent was accepted by allowing bail to the respondent subject to furnishing bail bonds amounting to Rs. 25,00,000/- (rupees twenty five lac only). The petitioner being aggrieved filed this petition for leave to appeal.

2. The learned Special Prosecutor NAB Gilgit submits that the respondent was the Ex-Secretary Excise & Taxation Department Gilgit-Baltistan. He also submits that the respondent was involved in the offence of Corruption and Corrupt Practices as defined in Section 9 of National Accountability Ordinance, 1999 regarding the illegal appointments of 23 plus officials in the Excise & Taxation Department Gilgit-Baltistan. He was arrested on 03.03.2016 in

order to conduct an inquiry regarding the offence in question. He submits that the accused/respondent willfully, knowingly and intentionally misused his authority by appointing 23 plus candidates against the various posts of BPS- 01 to 15 including his son namely Arsalan Ali Yugvi without fulfilling the codal formalities. As per the learned Special Prosecutor NAB Gilgit the accused/respondent being the Principal Accounting Officer primarily responsible for all the above mentioned illegal appointments. He further submits that the respondent/accused not only appointed the above mentioned officials but also sent 12 plus individuals to Sahila for advance training. During the investigation the accused admitted the offence. He further submits that the respondent/accused illegally and unlawfully appointed the said factitious appointments by causing huge loss to the Government exchequer to the tune of Rs. 3,137,255/- in shape of pay & allowances. He finally submits that the respondent filed Writ Petition No. 49/2016 before the learned Chief Court Gilgit-Baltistan which upon hearing was allowed vide impugned judgment dated 05.09.2016. He submits that the learned Chief Court Gilgit-Baltistan fell in error while allowing the Writ Petition filed by the respondent, hence, the same is not tenable and liable to be set aside.

3. We have heard the learned Special Prosecutor NAB Gilgit at length, perused the record of the case file and gone through the impugned judgment dated 05.09.2016 in Writ Petition No. 49/2016

passed by the learned Chief Court. The learned Special Prosecutor NAB Gilgit could not point out any illegality and infirmity in the impugned judgment passed by the learned Chief Court Gilgit-Baltistan. Admittedly, one co-accused namely Gujar Khan was also granted bail in this case by the learned Chief Court Gilgit-Baltistan.

4. In view of the above, we are not inclined to grant leave to appeal. The leave is refused accordingly. Consequently, the impugned judgment dated 05.09.2016 in Writ Petition No. 49/2016 passed by the learned Chief Court is maintained.

5. The leave is refused.

Chief Judge.

Judge.