

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2325 of 2026

Applicant : Ibrahim son of Rehmat
Through: M/s. Muhammad Imran & Aqib Khan Shar, advocates

The State : The State:
Through Mr. R. D. Kalhoro,
Assistant Attorney General a/w
Investigation Officer Salar, FIA,
AHT, Karachi.

Date of hearing : 29.09.2026.

Date of Order : 29.09.2026.

ORDER

Jan Ali Junejo, J:-- Through this order, I intend to dispose of the post-arrest bail application filed by the applicant Ibrahim son of Rehmat in connection with FIR No.180/2026 registered at Police Station FIA, AHT, Karachi, under Sections 420/468/471/109 PPC R/w Section 3(2), 13/14 of the Foreigners Act, 1946. The Applicant seeks bail after arrest, being aggrieved by the Order dated 06.07.2026 passed by the learned Sessions Judge, Malir at Karachi.

2. Briefly stated, as per contents of the FIR, the prosecution case is that consequent upon Enquiry No.1097/2026 dated 07.06.2026 of FIA, AHT Circle, Karachi, initiated on receipt of Deportees/AHTC Report bearing VRF No.703/2026 dated 07.06.2026, it was revealed that accused Ibrahim Rehmat son of Rehmat arrived from Qatar through Flight No.QR-604 on Pakistani Passport No.BB1026032 and, during immigration clearance, was referred for further interrogation on account of his inability to speak Urdu; scrutiny of his mobile phone, with his consent, allegedly disclosed that its interface was set to Persian language, contained chats with Iranian numbers, images of Iranian currency and a photograph of an Iranian Post Bank ATM card issued in the name of "Ibrahim Baloch" bearing Card No.6277601441096656. During enquiry, the accused allegedly disclosed that his actual name was Ibrahim son of Raza [assumed name Ibrahim S/o. Rehmat, resident of Chabahar, Iran, and that he was an Iranian

national by birth; that about twenty years earlier, he came into contact with a Pakistani agent namely Ali, who allegedly arranged a Pakistani CNIC bearing No.52103-3870603-6 and Pakistani Passport No.BB1026031, subsequently renewed as BB1026032, against payment of Rs.1,000/-, and thereafter arranged his employment in Doha, Qatar, where he remained employed for about ten years and possessed Qatar ID No.20650606946. Further examination of his mobile phone allegedly revealed communications and WhatsApp conversations with various Iranian numbers, transaction-related messages and photographs of Iranian Post Bank ATM cards issued in the names of "Ibrahim Baloch", "Abdullah Hoti" and "Khadija Brahwi", which, according to the prosecution, prima facie established his Iranian identity, nationality and antecedents. On the basis of the aforesaid circumstances, the prosecution alleged that the accused had fraudulently obtained Pakistani identity documents and passport by assuming the identity of Ibrahim son of Rehmat, resident of Kohsar Market, Jewani, District Gwadar, and thereby committed offences punishable under Sections 3(2), 13/14 of the Foreigners Act, 1946, and Sections 420, 468, 471 and 109, PPC; consequently, the case was registered against accused Ibrahim son of Raza and others, his arrest was effected, and investigation was entrusted to the complainant/investigating officer, hence, this FIR.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the case, while the impugned order is contrary to law and facts and suffers from misreading and non-reading of the available material; that the alleged occurrence took place on 07.06.2026 at about 0330 hours, whereas the FIR was lodged on 08.06.2026 at about 1510 hours, after an unexplained delay of more than one day, which creates serious doubt in the prosecution case, the benefit whereof is available to the applicant even at the bail stage; that the applicant is a bona fide Pakistani citizen possessing a valid CNIC and passport issued by the competent authorities and has not committed any illegality or used any invalid document, therefore, the provisions of the Foreigners Act, 1946 and the alleged provisions of the PPC are not attracted to his case; that the allegation regarding his inability to speak Urdu is wholly irrelevant for determining nationality, particularly in a multilingual country where citizens ordinarily speak different regional languages; that

the prosecution case primarily rests upon electronic material allegedly recovered from his mobile phone, the admissibility, authenticity, integrity and evidentiary value whereof are matters to be determined at trial and cannot be treated as conclusive at the bail stage; that the alleged offences do not fall within the prohibitory clause of Section 497, Cr.P.C., and in view of the settled principle that bail is the rule and refusal an exception in cases falling outside the prohibitory clause, the applicant deserves the concession of bail; that there are no reasonable grounds to believe that the applicant is guilty, his case at least calls for further inquiry within the meaning of Section 497(2), Cr.P.C., and no mala fide can be attributed to him; that he is neither a hardened nor desperate or habitual offender, has no likelihood of absconding or tampering with the prosecution evidence, and is ready to face the trial in accordance with law; and that his continued detention would serve no useful purpose and would amount to punishment before conviction; hence, the applicant may be admitted to post-arrest bail.

4. Conversely, learned Assistant Attorney General for Pakistan opposed the bail application and submitted that during investigation the applicant failed to produce any valid document proving his Pakistani nationality. According to the learned AAG, the burden of proving citizenship lies upon the accused under the provisions of the Foreigners Act, and since the applicant has failed to discharge such burden, the learned trial Court rightly dismissed the bail application. He therefore prayed that the present bail application be dismissed.

5. I have heard the learned counsel for the parties and have gone through the available record with their assistance.

6. The allegation against the applicant essentially revolves around the disputed question of his nationality and the prosecution's assertion that he is an Iranian national who allegedly obtained Pakistani identity documents by assuming a false identity. At the bail stage, however, this Court is not required to conduct a deeper appreciation of the evidence or finally determine the nationality of the applicant, which is a matter to be established through legally admissible evidence during trial.

7. Admittedly, the applicant was apprehended while travelling on a Pakistani passport and is also stated to possess a Pakistani CNIC issued by the competent authorities. Although Section 9 of the Foreigners Act, 1946 places the onus regarding the question whether a person is or is not a foreigner upon such person, the existence and validity of the applicant's identity documents, coupled with the disputed circumstances relied upon by the prosecution, require proper determination upon evidence and cannot, at this stage, be treated as conclusively establishing that the documents were fraudulently obtained or that the applicant is an Iranian national. The circumstances relied upon by the prosecution, including the applicant's inability to speak Urdu, the Persian language setting of his mobile phone, communications with Iranian numbers, photographs of Iranian currency and ATM cards, and the alleged disclosure regarding his identity, undoubtedly call for examination, but their evidentiary value, authenticity, context and nexus with the alleged offences are matters to be assessed during trial. Particularly, mere inability to speak Urdu cannot, by itself, be treated as conclusive proof of foreign nationality, nor can the contents of a mobile phone, without their proper authentication and evidentiary assessment, be regarded as determinative at the bail stage.

8. It is also noteworthy that the FIR was lodged on 08.06.2026 at about 1510 hours in respect of an occurrence allegedly detected on 07.06.2026 at about 0330 hours, and no convincing explanation for such delay is apparent from the material presently available, which aspect also requires consideration. So far as the statutory bar contained in Section 14-A of the Foreigners Act is concerned, the same is attracted only where there appear reasonable grounds for believing that the accused has committed an offence punishable under Section 14(2); therefore, the Court is required to examine whether the material presently available crosses the threshold of reasonable grounds. In the present case, notwithstanding the allegations, the disputed nationality, the existence of Pakistani identity documents and the nature of the material relied upon by the prosecution render the question of the applicant's guilt a matter requiring further inquiry. The alleged offences under Sections 420, 468 and 471, PPC also require proof of the requisite fraudulent or dishonest intention and use of forged or fraudulently obtained documents, which cannot be conclusively inferred merely from the circumstances presently available. It is a settled principle

of criminal jurisprudence that grant of bail is a rule while refusal is an exception, particularly where the guilt of the accused requires further probe and deeper appreciation of evidence. At this tentative stage, without touching the merits of the case, the material available on record suggests that the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

6. For the foregoing reasons, this Criminal Bail Application is allowed. The applicant Ibrahim son of Rehmat is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.5,00,000/- (Rupees Five Lac only) and P.R. bond in the like amount to the satisfaction of the learned trial Court. It is, however, observed that the findings recorded herein are tentative in nature, made solely for the purpose of deciding the present bail application, and shall not prejudice the case of either party during the course of trial.

JUDGE