

## IN THE HIGH COURT OF SINDH AT KARACHI

Present

*Mr. Justice Dr. Syed Fiaz ul Hassan Shah*

### **Criminal Bail Application No.1746 of 2025**

Applicant : Niaz Gul S/o Majeed Khan  
through Mr. Irfan Aziz, Advocate

Respondent : The State  
through Mr. Muhammad Noonari, DPG  
a/w I.O./SIP Khadim Hussain of PS  
Sohrab Goth

Date of hearing : 11.07.2025

Date of order : 11.07.2025

### **ORDER**

**Dr. Syed Fiaz Ul Hassan Shah, J. -** Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.360/2025 for offence under Sections 14(2) of Foreign Act, 1946 registered at PS Sohrab Goth. His bail plea has been declined by the learned Sessions Judge, Malir [Trial Court] vide order dated 02.07.2025.

2. Brief facts of the case are that SIP Khadim Hussain of PS Sohrab Goth was investigating FIR No.358/2025 U/s Section 8(i) of Gutka Mawa Act from the present applicant. The SIP asked him to produce the CNIC but he failed to do so; as such, instant FIR has been lodged.

3. Learned counsel for the applicant draws my attention towards the Birth Registration Certificate issued in the name of applicant Niaz Gul son of Majeed Khan available at Page-33 of the file and Family Registration Certificate issued on 24.06.2025

as well as copies of CNICs issued in favour of siblings of the applicant by the NADRA and states that the applicant is minor and due to unavailability of his CNIC, the police has arrested him and FIR has been lodged under the Foreign Act, 1946.

4. Learned DPG states that the documents have been prepared by the applicant subsequently after lodging the FIR.

5. I have seen the Birth Certificate issued on 25.06.2025 and I am not persuaded with the arguments of learned DPG that the parents have prepared the aforesaid documents after lodgment of the FIR but generally illiterate people in our society are careless about importance of these documents; nevertheless no question of invalidity or doubt on veracity of these documents has been raised, therefore, the applicant has succeeded to make out a case for grant of post-arrest bail. Besides, the I.O. of the case has not taken any step to verify its genuineness or otherwise and in the absence of adverse material the documents cannot be ignored and falls case within limb of further inquiry. Another infirmity in this case is FIR registered on 20.06.2025 and I.O. present in Court has confirmed that challan has not yet been submitted within stipulated time as required under Section 173 Cr.P.C.

6. In view of the above, the applicant is entitled for concession of bail. Accordingly, **applicant Niaz Gul** is granted post-arrest bail subject to furnishing solvent surety in the sum of Rs.35,000/- [rupees thirty five thousand] and P.R. bond in the like amount to the satisfaction of the learned trial Court.

7. Needless to say that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

**JUDGE**

Kamran/PS