

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2066 of 2025

Yaseen son of Muhammad Zubair.....Applicant/Accused

Versus

The State.....Respondent

Date of Hearing : 28.10.2025

Date of Order : 28.10.2025

For the Applicant : Mr. Sajjad Ali Bhutto, Advocate.

For the State : Mr. R.D Kalhoro, Assistant Attorney
General a/w SI Rafi Altaf, I.O.

ORDER

TASNEEM SULTANA, J:

Having been rejected his earlier application for grant of post-arrest bail by the learned Sessions Judge, Malir, Karachi vide order dated 02.07.2025 passed in Cr. Bail Application No.2088/2025 arising out of Crime No.157 of 2025 registered at Police Station FIA AHT Circle, Karachi, under sections 3(2), 13/14 of the Foreigners Act, 1946 read with sections 420, 468, 471 and 109 PPC. The applicant has sought the same relief from this Court.

2. Brief facts of the prosecution case are that the complainant Inspector Zarina Ishfaq of FIA, AHT Circle, Karachi, received a report regarding deportation of one Yaseen s/o Muhammad Zubair from Saudi Arabia, who arrived at Jinnah International Airport, Karachi, on 12.05.2025 by flight SV-704 on the strength of an emergency passport purportedly issued by the Consulate General of Pakistan at Jeddah. During immigration clearance, the document was found to contain overwriting and incomplete particulars, giving rise to suspicion that the passport was fabricated and that the applicant had falsely claimed Pakistani nationality. It was further alleged that no CNIC record of his father was traceable in NADRA's system, whereafter the case was registered under the aforementioned provisions of law.

3. Learned counsel for the applicant contends that the applicant is the real son of Muhammad Zubair, a Pakistani citizen duly holding

CNIC; that the applicant was born abroad and returned to Pakistan to regularize his nationality; that the emergency passport was lawfully issued by the Consulate General of Pakistan at Jeddah and the applicant had no role in any alleged tampering; that all material evidence is documentary in nature and already in possession of the FIA; that no further recovery or interrogation is required; and that the alleged offences do not fall within the prohibitory clause of Section 497 Cr.P.C.

4. Conversely, the learned Assistant Advocate-General, while opposing the bail, placed reliance upon five documents:

- (i) the Laboratory Report of the Pakistan Security Printing Corporation dated 22.05.2025;
- (ii) the E-message from the Consulate General of Pakistan, Jeddah, dated 26.05.2025;
- (iii) the NADRA verification letter issued by the Regional Head Office, Karachi;
- (iv) the manual registration ledger extract reflecting the MNIC series 504-92-47...; and
- (v) the Birth Registration Certificate issued by Union Council Muslim Nagar, Karachi West.

It was argued that these collectively establish tampering of the emergency passport, absence of CNIC record of the father, and doubtful nationality of the applicant.

5. Heard. Record perused.

6. From tentative assessment of the record, the prosecution material, even if taken at its highest, does not conclusively connect the applicant with the alleged act of forgery. The Laboratory Report affirms that the emergency passport is genuine, though tampering has been done on its front and back sides; however, there is nothing to suggest that such alteration was made by or under the direction of the applicant. The E-message from the Consulate merely records that the “SS” serial series of passports had been issued during 2013–2014 and that the Mission does not extend such old documents, which observation at best discloses administrative irregularity rather than criminal intent. The NADRA letter stating that no record of CNIC exists in the system stands neutralized by the manual registration ledger, which bears identical numeric entries corresponding to the applicant’s father, showing that such record historically existed in pre-computerized form and may not yet have been migrated into

NADRA's digital database. The Birth Registration Certificate records the applicant as son of Muhammad Zubair, confirming his claimed parentage, though CNIC particulars of the parents were not mentioned therein.

2. Collectively, these documents reveal inconsistency within official recordkeeping rather than any deliberate fabrication. The controversy raised through the FIR pertains to verification of nationality and authenticity of documents that fall within the administrative competence of the relevant government authorities, not within the purview of criminal prosecution at this stage. It is yet to be determined at trial that the applicant allegedly used forged document for unlawful gain. The case is entirely based on documentary evidence already in possession of the FIA; no further recovery or investigation is required; and the alleged offences do not attract the prohibitory clause of Section 497 Cr.P.C. In this regard, reliance is placed upon the judgment of the Honourable Supreme Court of Pakistan in "Muhammad Tanveer v. The State and another" (PLD 2017 SC 733), wherein it was held that:

"Once the Court has held in categorical terms that grant of bail in offences not falling within the prohibitory clause of Section 497, Cr.P.C. shall be a rule and refusal shall be an exception, then the Courts of the country should follow the same principle in its true letter and spirit because consistency in law declared by the Court ensures the rule of law and confidence of Courts throughout the country including the Special Tribunals and Special Courts."

7. Prima facie, the material on record brings the case within the ambit of further inquiry contemplated by Section 497(2) Cr.P.C., entitling the applicant to the concession of bail. Accordingly, the applicant Muhammad Zubair is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand only) and P.R. bond in the like amount to the satisfaction of the trial Court.

8. Needless to mention that the observations made herein are tentative in nature and shall not prejudice the trial Court at the time of final determination of the case.

JUDGE

Ayaz Gul