

IN THE HIGH COURT OF SINDH AT KARACHI

Present

Mr. Justice Dr. Syed Fiaz ul Hassan Shah

Criminal Bail Application No.2265 of 2025

Applicant : Janat Gul @ Lali S/o Sain Noor Afghani
through Mr. Ajib Khan Khattak, Advocate

Respondent : The State
through Mr. Zahoor Shah, Addl. P.G. a/w
I.O./ASIP Muhammad Kashif

Date of hearing : 16.09.2025

Date of order : 16.09.2025

ORDER

Dr. Syed Fiaz Ul Hassan Shah, J. - Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.228/2025 for offence under Sections 3/4 of Foreigners Act, 1946 registered at PS Sohrab Goth Malir. His bail plea has been declined by the learned Sessions Judge, Malir [Trial Court] vide order dated 19.08.2025.

2. Brief facts of the case are that during investigation of Crime No.226/2025 & 227/2025, accused Jannat Gul @ Lali was asked to produce the CNIC card, to which he replied that he is Afghan national, as such, the instant FIR was registered under the Foreigners Act, 1946.

3. Learned counsel for the applicant contends that it is not disputed that the applicant is an Afghan national; however, he places reliance on ACCA card which stood expired on 30.06.2023. He further states that Federal Government is yet to take the decision with regard to extension / renewal of the ACCA

card as a matter of policy. He has referred Letter No.F.4(6)-RR/2025 dated 4th July, 2025 issued by Ministry of Kashmir Affairs & Gilgit Baltistan and States & Frontier Region, Government of Pakistan which regulates through its attached Department Chief Commissioner, Afghan Refugees and states that it is categorically disseminating to the officers / agencies that no harassment or adverse action shall be taken against the registered Afghan refugees, therefore, the case of further enquiry is made out.

4. On the other hand, learned Addl. P.G. duly assisted by the I.O. opposes for grant of bail as the applicant is involved in some other cases. However, I.O. confirms that he has submitted the challan before the trial Court.

5. I have heard the learned counsel for the parties and with their able assistance perused the record.

6. It is admitted position that the challan has been submitted before the trial Court and the accused is no more required for further investigation. Besides that the provision of Section 3/4 of Foreigners Act provides that sentence can be given upto fourteen years, however, it is settled law that while deciding bail application, lesser sentence should be considered thereby making the case out of prohibitory clause. I have considered the aforesaid letter of Ministry of Kashmir Affairs & Gilgit Baltistan and States & Frontier Region that clearly give guideline in the case of Afghan Refugees. In such circumstances, the applicant is entitled for concession of bail. Accordingly, **applicant Janat Gul @ Lali S/o Sain Noor Afghani** is granted post-arrest bail subject to

furnishing solvent surety in the sum of Rs.50,000/- [rupees fifty 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