

**IN THE HIGH COURT OF SINDH, AT KARACHI**

Cr. Bail Appln. No. 3144 of 2025.

Applicant : Zia-ur-Rehman through Mr. Ahmed Niazi,  
Advocate.

Respondent : The State, through Mr. Syed Bashir  
Ahmed Shah, A.P.G.

Date of Hearing : 08.12.2025.

Date of Order : 08.12.2025.

**O R D E R**

**TASNEEM SULTANA, J.:-** Through this criminal bail application, the applicant **Zia-ur-Rehman** seeks pre-arrest bail in Crime No. 354/2025 registered at Police Station FIA AHTC Circle, Karachi, under section 6(1)(a)(c) of the Passport Act, 1974. Earlier bail plea moved on behalf of applicant was rejected by the learned Additional Sessions Judge-X, Karachi South, in Criminal Bail Application No. 4005 of 2025 vide order dated 11-11-2025, the applicant has now approached this Court for the same concession.

**2.** Brief facts of the prosecution case are that an enquiry bearing No. **595/2025** was initiated at FIA AHTC Circle, Karachi, which culminated into registration of the present case, wherein it is alleged that the applicant, while posted as Assistant Sub-Inspector in FIA, allegedly remained absent from duty and proceeded abroad on 24.05.2024, and obtained a Pakistani passport in private capacity by concealing his official status and without approval of the competent authority, thereby attracting the provisions of section 6(1)(a)(c) of the Passport Act, 1974. The FIR mentions the year of occurrence as **2023**, whereas the present case was registered on **24-10-2025 at 21:00 hours** at Police Station FIA AHTC Circle, Karachi.

**3.** Learned counsel for the applicant contended that the applicant has been falsely implicated; that the matter essentially arises out of departmental issues rather than any criminal intent; that the allegations are founded upon documentary material; that no element of mens rea is made out from the FIR; that the offence does not fall

within the prohibitory clause of section 497, Cr.P.C. It was further contended that the case calls for further inquiry.

4. Conversely, learned Deputy Attorney General opposed the application, contending that the applicant, being a public servant, was legally bound to obtain prior permission before proceeding abroad; that concealment and mis-declaration are apparent from the FIR; that the conduct attributed to the applicant undermines discipline and public trust; and that investigation is in progress, therefore the applicant does not deserve the extraordinary relief of pre-arrest bail.

5. Heard. Record perused.

6. At this stage, the Court is required to confine itself to a tentative and limited assessment, taking a bird's-eye view of the matter strictly for the purpose of bail, without venturing into deeper appreciation of evidence, resolution of disputed questions of fact, or determination of guilt, all of which fall within the exclusive province of the trial.

7. It appears that the allegations against the applicant arise out of circumstances which are predominantly documentary in nature. The manner in which the offence is stated to have been committed, the alleged concealment of official status, and the attribution of culpable intention are matters which cannot be conclusively determined without a detailed examination of evidence. It further appears that the controversy involves questions which may carry both criminal as well as departmental implications, the precise contours whereof would require careful evaluation at the appropriate stage. The determination whether the conduct attributed to the applicant attracts criminal liability, as distinguished from disciplinary consequences, and whether the requisite mens rea is established, prima facie brings the case within the ambit of further inquiry as contemplated under section 497(2), Cr.P.C. when the case calls for further inquiry into guilt of accused within the meaning of Section 497(2) Cr.P.C., the accused is entitled to bail as of right. Reliance is placed on the case of *Salman Mushtaq & others v. The State through P.G Punjab and another* (2024 SCMR 14) wherein it was held:

6. ....While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail where the nature of the evidence produced in support of the indictment creates some doubt as to the veracity of the prosecution case. Therefore, where, on a tentative assessment, there is no reasonable ground to

*believe that the accused has committed the offence, and the prosecution case appears to require further inquiry, then in such circumstances the benefit of bail may not be withheld as a punishment to the accused.....*

8. Moreover offences alleged do not fall within the prohibitory clause of Section 497 Cr.P.C. The principle laid down by the Hon'ble Supreme Court of Pakistan in cases reported as *Tariq Bashir and 5 others v. The State* (PLD 1995 SC 34) is that in offences not falling within the prohibitory clause, grant of bail is a rule and refusal an exception, particularly when no exceptional circumstances are pointed out by the prosecution. Besides, the applicant has been enjoying interim pre-arrest bail since 22.05.2025 and has neither misused the concession of bail nor shown any tendency to abscond or interfere with the prosecution evidence. His continuous attendance before the Court indicates that his custody is not required for any further investigation.

9. In view of the above facts and circumstances, interim pre arrest bail granted to the applicant \ accused Zia- ur- Rehman vide order dated 12-11-2025, was confirmed on the same terms and conditions vide short order dated 08-12-2025 and these are the reasons for the same.

10. The applicant shall attend the trial regularly and shall not misuse the concession of bail; any violation shall entail cancellation of bail according to law. The observations made herein are tentative in nature and shall not prejudice either party at trial.

**JUDGE**

Shabir/P.S