

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3131 of 2025

Applicant : Kamran @ Gonga @ Ganja
through Mr. Allah Wadhayo Mirani, Advocate

Respondent : The State
through Ms. Rubina Qadir,
Additional Prosecutor General, Sindh

Date of hearing : 22.01.2026

Date of order : 22.01.2026

ORDER

TASNEEM SULTANA, J.— Through this criminal bail application, the applicant/accused Kamran @ Gonga @ Ganja seeks post-arrest bail in Crime No.841/2025 registered under Sections 14(i) & (ii) of the Foreigners Act, 1946 at Police Station Sachal, Karachi. The earlier bail application bearing No.4034/2025, filed before the learned District & Sessions Judge, Karachi (Malir), having been dismissed vide order dated 29-09-2025, hence the applicant has approached this Court for the same concession.

2. Briefly stated, the prosecution case, is that on 28-05-2025 at about 03:00 hours, Sub-Inspector Muhammad Ibrahim Khoso, posted in the Investigation Department, Police Station Sachal, lodged the instant FIR stating therein that while he was busy in government duty in Crime No.274/2025 registered under Section 9(i)(3)(b) CNSA, during interrogation of the accused namely Kamran @ Gonga s/o Ibrahim, who had been arrested in the said case on the complaint of SIP Javed Arain, the accused failed to produce any proof regarding his Pakistani nationality; that during interrogation in the investigation room, it transpired that the accused had entered into Pakistan through illegal means; that such act of the accused falls within the ambit of Sections 14(i) and (ii) of the Foreigners Act, 1946; that consequently, on the direction of the Hon'ble Court, the accused was sent to jail custody, hence the present FIR.

3. Learned counsel for the applicant contendS that the applicant has falsely been implicated in the present case with malafide intention; that the entire allegation rests upon a bald assertion allegedly made during interrogation without any independent corroboration; that no travel document, immigration record or other tangible material has been brought on record to substantiate that the applicant is a foreign national or that he

entered Pakistan through illegal means; that the FIR itself reflects that the alleged offence surfaced during interrogation in another case; that the applicant is Pakistani by birth and his nationality stands prima facie supported through documentary record including birth registration certificate issued by the competent Union Committee, CNICs of his parents and brothers, and verification letters issued by NADRA confirming the family tree of the applicant; that there is unexplained delay of more than three months between the date shown in the FIR as the alleged incident and the registration of the present FIR; that the case, at the very least, falls within the ambit of further inquiry under Section 497(2) Cr.P.C.; and that the applicant is behind bars, is not a previous convict and is ready to furnish solvent surety.

4. Conversely, learned Addl. P. G. Sindh opposed the application and submits that during interrogation the applicant failed to establish his Pakistani nationality; that the offence alleged relates to violation of the Foreigners Act; that investigation has been completed and challan has been submitted; and that the learned trial Court has rightly declined bail.

5. Heard and perused the record.

6. A tentative assessment of the material available on record reflects that the prosecution case is primarily founded upon an alleged disclosure made during interrogation of the applicant in connection with another case, without any independent material having been collected to substantiate the assertion that the applicant is a foreign national or that he entered Pakistan through illegal means. No travel document, immigration data or other corroborative material has been shown at this stage in support of the allegation. On the other hand, the record placed before this Court prima facie shows that the applicant's claim of Pakistani nationality is supported by documentary material including birth registration certificate issued by the competent authority as well as verification letters issued by NADRA confirming the family particulars of the applicant. Furthermore, there appears to be a considerable delay between the date of the alleged incident shown in the FIR and the registration of the present case, which aspect also calls for examination.

7. In these circumstances, the case appears to fall within the ambit of further inquiry, and it is well-settled that where reasonable doubt arises, the accused is entitled to the concession of bail as a matter of right and not as a matter of grace. Reliance is placed on case of ***Tarique Bashir vs. The***

State (1995 SCMR 1345). As far as Section 14 Foreigners Act is concerned, the evidence against the accused is still to be evaluated and it is yet to be seen as to whether it is applicable under the attending circumstances of the case or not.

8. For the foregoing reasons, instant application is allowed and the applicant/accused named above is admitted to bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) with P.R. bond in the like amount to the satisfaction of the trial Court.

9. It is clarified that the observations made herein are tentative in nature and shall not prejudice the case of either party at trial.

JUDGE