

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 2346 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

26-01-2023

Mr. Shaukat Ali Shehroze, Advocate for applicants.
Mr. Muhammad Ahmed, Assistant Attorney General a/w DSP Syed Ehsan Zulfiqar, PI Sohail Shaikh and PI Muhammad Tariq of FIA.

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Omar Sial, J: Jumma Khan, Mohammad Ibrahim and Abdul Wahab have sought post arrest bail in crime number 89 of 2021 registered under sections 3(2)(a) and (b), 13 and 14 of the Foreigners Act, 1946 as well as sections 419, 420, 468, 471 and 109 P.P.C. as well as sections 29 and 30 of the NADRA Ordinance, 2000 at the F.I.A.'s Anti-Human Trafficking Cell in Karachi. This is their 3rd application seeking post arrest bail filed in this Court. Earlier, their application 1588 of 2021 was dismissed on 21.10.2021 as having been withdrawn whereas their application 2030 of 2022 was dismissed on 17.12.2021 as also been withdrawn with the request that the trial court complete the trial within 3 months.

2. I have heard the counsel and the learned A.A.G.

3. Learned counsel was asked as to what was the new ground he wished to agitate in view of the fact that the bail application of the same accused in the same F.I.R. has been dismissed twice. While there could be an argument that the first application was a dismissal simpliciter, the same cannot be said about the second dismissal. Learned counsel was of the view that the learned trial court has not complied with the directions for conclusion of trial which were given at the time of the dismissal of the second application.

4. I am of the view that non-compliance of the time frame given by this court for the completion of the trial, in the circumstances of the present case, where there appears to be sufficient evidence which on a tentative assessment shows the involvement of the accused in the crime complained of and one in which NADRA too has categorically stated that the accused are foreign nationals who were in possession of false citizenship papers, is not sufficient to admit them to bail. Further, in view of the learned counsel's passionate argument that all the accused are Pakistan citizens, I find it, at this stage rather odd that neither one of them have sought any legal remedy in this regard i.e. a declaration that they are citizens or that the documents in their possession were genuine ones having been issued legally and according to rules by NADRA.

5. This bail application is dismissed. However, keeping in view the fact that directions were given for the early conclusion of the trial, a substantially long time has passed since and the trial is yet to conclude, it would be appropriate at this stage to direct the learned trial court to conclude this trial within 3 months and report compliance of the same through the learned M.I.T. of this Court.

JUDGE