

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CR. BAIL APPLICATION NO.1802/2022

Date

Order with signature of Judge

11.10.2022

Mr. Sadat Hassan advocate for applicant.

Ms. Seema Zaidi, APG alongwith SI Rana Akbar, FIA, AHTC Karachi.

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Applicant/accused seek post arrest bail in FIR No.213/2022 under section 3(2), 5, 13/14 of the Foreigners Act 1946 read with sections 420, 468, 471 and 109 PPC PS FIA AHT Circles, Karachi. He was arrested while proceeding from JIAP Karachi to UAE on the strength of Pakistani passport but alleged to be of Irani origin hence he was offloaded and referred to FIA.

2. Learned counsel for applicant has contended that applicant is Pakistani national and having CNIC as well as Pakistani passport; that offence does not fall within the prohibitory clause, it is yet to be determined that whether he is a foreigner as he has sufficient proof that he is Pakistani national. Learned APG opposed grant of bail on the ground that sufficient documentary evidence is available to prove applicant to be non-Pakistan national.

3. In view of Tariq Bashir vs. State (PLD 1995 Supreme Court 34) it is settled proposition that if case is not falling within prohibitory clause, grant of bail is a rule and its refusal is an exception. Accordingly, applicant is admitted to post arrest bail in the sum of Rs.50,000/- and P.R. bond in the like amount to the satisfaction of the trial Court. Trial Court would be competent to pass any direction with regard to surrender of passport and/or placing name of applicant on Exit Control List (ECL) if required.

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