IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.194 of 2026

Applicant	:	Mujahid Ali son of Khalid Rafique through Mr. Muhammad Jamil, Advocate
Respondent	:	The State through Syed Bashir Hussain Shah, Assistant Attorney General a/w Inspector Muhammad Arsalan Qazi, AHTC, F.I.A.
Date of hearing	:	09.02.2026
Date of order	:	09.02.2026

O R D E R

TASNEEM SULTANA, J.— Through this Criminal Bail Application, the applicant namely Mujahid Ali seeks post-arrest bail in Crime No. 446 of 2025 for the offence under Sections 420, 468, 471, 109, 34 P.P.C., registered at P.S. FIA AHTC, Karachi. Having been rejected, his earlier post-arrest Bail Application No.65 of 2026 by the learned Additional Sessions Judge-XI, Karachi South, vide order dated 17.01.2026, and Bail Application No. 161 of 2025 by the learned Ist Judicial Magistrate, Karachi (South), vide order dated 24.12.2025, the applicant has approached this Court through the instant application for the same concession.

2. Brief facts of the prosecution case, are that enquiry No. 1361/2025 dated 05.12.2025 was initiated at FIA, AHT Circle, Karachi, upon receipt of complaint from the U.S. Consulate Karachi, that a visa applicant namely Mujahid Hussain was present outside the consulate, upon identification through passport photographs he disclosed his identity and produced CNIC and passport, during on spot questioning he allegedly admitted he had applied for U.S. Non immigrant Visa through agents Umer Farooq and Zafar Iqbal, and submitted documents relating to admission in South Dakota State University which upon verification were found fake. It is further alleged that counterfeit educational certificates, fabricated experience certificates and forged University acceptance letters were used for visa processing; was refused by U.S. Consulate, consequently, the applicant was apprehended and the instant FIR was registered.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated; that the entire prosecution case is founded upon documentary scrutiny and institutional verification reports;

that the applicant is merely a visa applicant who submitted documents for visa processing; that he neither prepared nor fabricated the impugned documents; that essential ingredients of Sections 420, 468 and 471 P.P.C., are not prima facie attracted inasmuch as no dishonest inducement, fabrication by the applicant, or conscious use of forged document has been established at this stage; that Section 109 P.P.C., has been mechanically applied without demonstrating abetment; that the matter requires deeper appreciation of documentary evidence at trial; that offences do not fall within the prohibitory clause; that investigation qua the applicant is documentary in nature and no further custodial interrogation is required; that continued incarceration would serve no useful purpose; and that the case calls for further inquiry. Reliance in this regard has been placed upon case-law reported as 2025 YLR 1805 (Sindh) and 2004 SCMR 235.

4. Learned Assistant Attorney General for the State opposes the grant of bail; contends that the applicant used fake educational certificates, counterfeit SEVIS/I-20 documents and forged university acceptance letters for obtaining visa; that verification reports received from concerned institutions and consular authorities have declared the documents fake; that conscious presentation of forged documents constitutes use of forged record; that obtaining visa benefit on the basis of such fabricated documents attracts offences of cheating and forgery; that documentary trail and payments link the applicant with the offence; that investigation regarding source and preparation of forged documents is still in progress; and that the case does not call for further inquiry.

5. Heard. Record perused.

6. Tentative assessment of the material placed on record reflects that the prosecution case against the applicant is primarily founded in institutional verification reports, consular correspondence and official scrutiny of visa-supporting documentation. The record prima facie indicates that the applicant himself submitted counterfeit educational credentials, the Student and Exchange Visitor Information System (SEVIS) record, and Form I-20 Certificate of Eligibility for Non-Immigrant Student Status purportedly issued in relation to academic admission, along with university acceptance documentation, before the foreign mission for purposes of visa processing, thereby establishing a direct documentary nexus between the applicant and the alleged commission of the offence.

7. The above prima facie documentary nexus further discloses that the applicant presented the said counterfeit documentation before the foreign mission in support of his visa application. At this stage, conscious

presentation and reliance upon such falsified visa-supporting material attracts the mischief of Section 471, P.P.C., while procurement, arrangement and submission thereof for obtaining immigration facilitation tentatively bring the case within the ambit of Sections 420 and 468, P.P.C.; the alleged facilitative linkage and coordinated documentation process also render Section 109, P.P.C., prima facie attracted, all of which necessarily require deeper appreciation of evidence during trial and cannot be conclusively determined at bail stage.

8. It is also material to observe that the investigation has not yet reached its logical culmination. The record indicates that the investigating agency is still engaged in tracing the origin, preparation channels and procurement network of the counterfeit documentation, including the facilitative linkage and transactional trail connected with the visa application. In such circumstances, it cannot be held that investigative or custodial linkage has been exhausted to justify concession of bail at this stage.

9. It is correct that offence under section 420 P.P.C., and 471 P.P.C., are bailable, whereas offence under section 468 P.P.C., does not fall within prohibitory clause of Section 497 Cr.P.C., and ordinarily in such like cases grant of bail is a rule and refusal is an exception. The legislature had intentionally kept offence under section 468 P.P.C., as non-bailable, and it has consistently been held by this Court as well as the Hon'ble Supreme Court of Pakistan that in non-bailable offences grant of bail is not the right of an accused and it is a concession. Reference may well be made to the case of Shameel Ahmed Vs. The State (2009 SCMR 174) wherein the Hon'ble Supreme Court of Pakistan has held that: –

> "4……Bail in a case not falling within the prohibitory clause of S. 497, Cr.P.C.--Principles --Grant of bail in cases not falling within the domain of prohibitory clause of proviso to S.497, Cr.P.C. is not a rule of universal application---Each case has to be seen through its own facts and circumstances--Grant of bail, no doubt, is a discretion granted to a Court, but its exercise cannot be arbitrary, fanciful or perverse."

In another case of Mehmood Siddique Vs. Imtiaz Begum and two others (2002 SCMR 442) wherein the Hon'ble Supreme Court of Pakistan held that: –

> "4……None can claim that bail as of right is non bailable offences even though the same do not fall under the prohibitory clause of section 497 Cr.P.C.

10. So far as the plea of further inquiry is concerned, the material presently available, on tentative assessment, does not create any reasonable doubt regarding the applicant's prima facie involvement so as to bring the case within the ambit of Section 497(2), Cr.P.C., particularly when the prosecution case is supported by institutional verification and official correspondence. In this context, reference may be made to the case of Iqbal Hussain vs. Abdul Sattar (PLD 1990 SC 758), wherein the Hon'ble Supreme Court has cautioned against misconstruction of the concept of further inquiry. Relevant portion is reproduced below:

> "It may straightaway be observed that this Court has in a number of cases interpreted subsection (2) of section 497 Cr.P.C which, with respect, has not been correctly understood by the learned Judge in the High Court. We hope it has been properly applied in this case. While we believe that it was a case of further inquiry which element, as it has been observed in number of times in many cases, would not entitle an accused to bail as of right. The main consideration on which the accused becomes entitled to be released under the said subsection is a finding, though not final, but tentative, arrived at by the court in respect of the merits of the case. If such finding or tentative assessment does avoid rendering some prima facie opinion, then on merits as is mentioned in subsection (2) of section 497 Cr.P.C, and relied only on the condition of further inquiry. This approach is not warranted by law. Hence, the case not being covered by subsection (2) of section 497 Cr.P.C, the respondent was not entitled to bail thereunder as of right."

11. In view of the above, learned counsel for the applicant/accused has failed to make out a case for grant of post-arrest bail to the applicant/accused. Resultantly, the instant bail application merits no consideration, which is dismissed accordingly.

12. Needless to mention here 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

Nadeem