

## IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 3112 of 2025

Applicant : Mazam through Syed Gulzar Hussain Shirazi,  
Advocate

Respondent : The State through Syed Bashir Hussain Shah,  
Asstt. Attorney General a/w Inspector Zarina  
Ishaq F.I.A.

Date of hearing : 09.02.2026

Date of order : 09.02.2026

### **ORDER**

**TASNEEM SULTANA, J.**—Through this Criminal Bail Application, the applicant namely Moazam seeks post-arrest bail in Crime No. 301/2025 for the offence under Sections 3(2), 13/14 Foreigners Act, 1946 read with Sections 420, 468, 471, 109 PPC registered at P S FIA, Anti Human Trafficking Circle, Karachi. Having been rejected his earlier bail application No.4761 of 2025 passed by Sessions Judge Malir, Karachi, vide order dated 29.10.2025, hence this application for same concession.

2. Brief facts of the case are that Enquiry No. 1051/2025 dated 10.09.2025 was registered at FIA, Anti Human Trafficking Circle, Karachi, pursuant to Deportee/Detainee Report bearing VR No. 1363/2025 dated 10.09.2025 forwarded by FIA Immigration (Arrival), JIAP Karachi, wherein it was reported that three deportees including the present applicant arrived from Kingdom of Saudi Arabia on the strength of Emergency Passports bearing remarks "NIL BY GOP". Upon scrutiny, the consulate endorsements and renewal stamps affixed thereon were suspected to be fake/forged for lacking essential security features; they failed to produce documentary proof of nationality, and their legal departure could not be confirmed through IBMS, hence they were detained and referred to FIA for legal action. During enquiry, the applicant disclosed that he was born and residing in Saudi Arabia, was apprehended there in a narcotics case, convicted, and during incarceration an Emergency Passport bearing No. SS-889964, purportedly issued from Consulate General of Pakistan, Jeddah, with renewal endorsement dated 25-08-2025 valid upto 24-11-2025, was arranged through an agent; upon deportation to Pakistan the said document was suspected to be forged/tampered upon immigration clearance, leading to

his detention; and on the strength of the enquiry so conducted, FIR No.301/2025 was registered against the applicant and co-accused.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated; that the prosecution case originates from an enquiry initiated on the basis of a deportee/detainee report forwarded by immigration authorities; that no forged instrument, printing apparatus, or incriminating material has been recovered from the possession or control of the applicant within territorial jurisdiction of Pakistan; that the applicant was deported from Kingdom of Saudi Arabia after completion of his sentence in a foreign case and travelled on an emergency passport allegedly arranged through agents while he was in foreign custody; therefore, no direct role of fabrication or tampering is attributable to him; that the allegation regarding his being a non-national is factually disputed, as the applicant has produced copies of passports and national identity documents of his father, mother and grandparents, along with his birth certificate and other allied family documents to substantiate his nationality; that the authenticity and evidentiary value of such documents require determination through proper evidence at trial; that the case rests purely upon documentary examination calling for deeper appreciation of evidence; that the applicant is no more required for investigation and continued incarceration would serve no useful purpose; and lastly prays for grant of post-arrest bail.

4. Conversely, learned Assistant Attorney General, assisted by the Investigating Officer, opposes the application and contends that the applicant travelled on an emergency passport bearing forged and tampered consular endorsements and renewal stamps; that verification conducted through concerned authorities reveals such endorsements to be fake; that the applicant failed to establish his nationality at the time of immigration clearance and his legal departure could not be verified through IBMS record; that the offence pertains to forgery of travel documents involving transnational movement; therefore, according to him, the applicant does not deserve concession of bail at this stage.

5. Heard. Record perused.

6. Perusal of material brought on record reflects that the prosecution case, primarily hinges upon the allegations against the applicant that he is a non-national who had travelled on the strength of an emergency passport allegedly bearing forged or tampered endorsements. Tentative assessment shows that the prosecution case, at this stage, rests predominantly upon

documentary scrutiny of travel documents coupled with subsequent verification reports. The alleged tampering pertains to endorsements purportedly arranged through agents while the applicant was in foreign custody; therefore, whether the applicant himself participated in the fabrication of the document or merely travelled on a document arranged by third parties is a matter requiring deeper appreciation of evidence, which cannot be conclusively determined at this stage.

7. It is also pertinent to observe that the applicant has produced copies of passports and national identity cards of his father, mother and grandparents, along with his birth certificate issued by Saudi authorities, besides other allied family documents, in support of his claimed lineage and nationality. The authenticity, evidentiary worth and legal effect of these documents, as well as their bearing upon the allegation relating to forged travel documentation, necessarily require verification through proper evidence at trial.

8. The question of nationality of the applicant appears to be intertwined with administrative and documentary determination, while the evidentiary nexus connecting him with the alleged act of forgery is yet to be conclusively established. It is also significant that the issue of his citizenship whether he is a Pakistani national or otherwise has not yet attained clarity, and no step appears to have been taken so for cancellation or impounding of his passport. In these circumstances, the material presently collected by the prosecution does not, prima facie, exclude the possibility of further inquiry within the meaning of Section 497(2), Cr.P.C., particularly when the allegation of forgery rests upon documentary scrutiny rather than any direct recovery or specific attribution of fabrication to the applicant.

9. The offences under sections 420 and 471, P.P.C. are bailable; insofar as the offence under section 468, P.P.C. is concerned, the punishment does not fall within the prohibitory clause of section 497, Cr.P.C.; therefore, prima facie, the material presently available on record is not sufficient to form reasonable grounds for believing that the applicant has committed the alleged offences, but there are sufficient grounds for further inquiry into his guilt in terms of section 497(2) Cr.P.C. On the aforesaid proposition, I am guided by the decisions of the Supreme Court in the cases of Muhammad Sarfraz Ansari v. The State (2021 PLD SC 738) and Malik Muhammad Tahir v. The State (2022 SCMR 2040).

10. As far as section 14 of the 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 attracted in the attending circumstances of the case. In such circumstances, the Supreme Court of Pakistan in the case of Haji Wali Muhammad v. The State (1969 SCMR 233) held as under:—

“As a general rule on a charge of the kind made in this case not invoking a sentence of death or transportation for life, bail should ordinarily be allowed disregarding the grounds of the seriousness or anti-social nature of the offence, unless there are strong grounds, in the shape of evidence for the belief that he is guilty”.

11. In view of the above facts and circumstances, instant bail application is allowed and the applicant Mazam is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) and P.R bond in the like amount to the satisfaction of the learned trial Court, who shall ensure that the surety is local, reliable and a man of means; and shall further ensure the applicant's attendance on every date of trial proceedings so that the trial is not delayed on his account. In the event of default, the FIA shall be at liberty to apply for recall of this order.

12. The observations made herein are tentative in nature and shall not influence the learned trial Court in any manner.

**JUDGE**