

**IN THE HIGH COURT OF SINDH AT KARACHI.**

Cr. Bail Appln. No. 646 of 2026.

Applicant : Mohammad Moazan Ali Asad through Mr.Sajid Mehboob Shaikh, Advocate.

Respondent : The State through Mr.Muhammad Noonari, D.P.G.

Date of hearing : 01.4.2026.

Date of order : 01.4.2026.

**ORDER.**

**TASNEEM SULTANA, J.—** Through this criminal bail application, the applicant seeks post-arrest bail arising out of FIR No. 34/2026 registered at P.S. AHTC FIA, Karachi under Sections 420, 468, 471 and 109 PPC. Having been rejected his earlier post-arrest bail application No. 582 of 2026 passed by the learned Vth Additional Sessions Judge, Karachi South vide order dated 19.02.2026, and also post-arrest bail application No. 20 of 2026 passed by the learned 1st Judicial Magistrate South, Karachi vide order dated 09.02.2026, hence, this application for the same concession.

2. The brief facts of the prosecution case are that, consequent upon receipt of a complaint vide letter dated 27.01.2026 from the Consulate General of the United States of America, Karachi, Enquiry No.166/2026 was registered regarding the involvement of Syed Muhammad Ashfaq, President/CEO of Huqooq-ul-Ebad Development Foundation, in providing counterfeit documents and misrepresenting material facts on visa applications for facilitating individuals to travel to the United States. It is alleged that the present applicant, Muhammad Moazan Ali, appeared at the U.S. Consulate, Karachi on 27.01.2026 for obtaining a C-2 visa and presented an employment letter showing himself as Social Mobilizer with the said organization since 15.03.2023, drawing a monthly salary of Rs.81,200/-. During the visa interview, he was unable to explain the byelaws of the organization or his responsibilities and stated that co-accused Syed Muhammad Ashfaq would bear his travel expenses. It is further alleged that the co-accused had earlier facilitated similar visa applications for other persons who later applied for asylum in the United States; thus, the present applicant, in connivance with the co-accused, allegedly used forged documents for obtaining the visa, leading to the registration of the instant FIR

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in the present case; that he is not the author of the alleged forged documents; that the same were prepared and arranged by co-accused Syed Muhammad Ashfaq, who is stated to be the President/CEO of Huqooq-ul-Ebad Development Foundation; that even as per the prosecution material, the role of preparation and facilitation of documents is attributed to the said co-accused; that the applicant merely acted upon the representations made by the co-accused and applied for visa on the basis of documents supplied to him; that the case is based upon documentary evidence already in possession of the prosecution and no further recovery is required; that no forensic or expert evidence has been produced to connect the applicant with the preparation of the alleged documents; and that the case of the applicant falls within the ambit of further inquiry as envisaged under Section 497(2) Cr.P.C.

4. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, opposes the application and contends that the applicant used forged documents for obtaining visa; that he appeared before the U.S. Consulate on the strength of such documents; and that sufficient material is available on record connecting him with the commission of the alleged offence.

5. Heard. Record perused.

6. The allegation against the present applicant is that he, in connivance with co-accused Syed Muhammad Ashfaq, allegedly used forged and fabricated documents, including employment certificates and supporting letters of Huqooq-ul-Ebad Development Foundation, for obtaining a C-2 visa from the U.S. Consulate, Karachi, thereby committing offences punishable under Sections 420, 468, 471 and 109 PPC.

7. It appears from the record that the case of the prosecution rests upon documentary material. No material has been placed on record to show that the applicant himself prepared or forged the alleged documents. Prima facie, the role of arranging and issuing such documents is attributed to co-accused Syed Muhammad Ashfaq. The question whether the applicant knowingly used such documents is a matter to be determined at trial. No forensic or expert evidence has been brought on record to connect the applicant with the preparation of the alleged forged documents.

8. In the present case, out of the alleged offences, Sections 420 and 471 PPC areailable. As regards Section 468 PPC, no specific role has been attributed to the applicant in the F.I.R. with regard to preparation of the alleged forged documents; therefore, to this extent, the allegation of forgery calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Even otherwise, the punishment provided for the said offence does not fall within the prohibitory clause of Section 497, Cr.P.C., thus making it a case wherein grant of bail is a rule and refusal an

exception, as held in **Tariq Bashir and others v. The State (PLD 1995 SC 34)** and **Muhammad Tanvir v. The State (PLD 2017 SC 733)**.

9. The Hon'ble Supreme Court in the case of Khalid Javed Gillani v. The State (PLD 1978 SC 256) has held that while deciding bail petitions, only a tentative assessment of the material available on record is to be made and deeper appreciation of the same is to be avoided; and that any fact, though not sufficient to cast doubt of an absolute nature on the prosecution case, yet sufficient to be considered for grant of bail, cannot be lightly ignored.

10. In view of the above, the case of the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Accordingly, the instant bail application is allowed and the applicant Muhammad Moazan Ali 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.

11. The above observations are tentative in nature and shall not influence the learned trial Court in any manner.

**JUDGE**