IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3592 of 2026

Applicant	:	Syed Abdul Malik son of Syed Muhammad Arif Through Mr. Haider Bux Ansari Advocate
Respondent	:	The State *Through* Mr. Qamaruddin Nohri A.P.G.
Date of hearing	:	16.11.2026
Date of Order	:	16.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. – Applicant Syed Abdul Malik seeks post-arrest bail in Crime No.517/2026, registered at Police Station Sohrab Goth, District Malir, Karachi, under Section 14(1)(2) of the Foreigners Act, 1946, following dismissal of his earlier application by the learned Sessions Judge, Karachi Malir, vide order dated 20.10.2026.

2. Briefly, the prosecution alleges that on 12.10.2026, during routine patrolling, the police received spy information that the applicant, a Pakistani national, was harbouring an Afghan national, namely Shafi, son of Muhammadullah, who had allegedly entered Pakistan unlawfully and possessed no valid travel or identity documents. Acting upon such information, the police apprehended both accused and registered the present FIR.

3. Learned counsel for the applicant contends that the applicant was apprehended from a public street merely on the strength of undisclosed spy information, without any independent material establishing that he had harboured or facilitated the co-accused. He further submits that the alleged offence carries punishment of up to three years and, therefore, falls outside the prohibitory clause of Section 497 Cr.P.C. Conversely, learned A.P.G., while opposing bail, fairly concedes that the investigating officer has collected no incriminating material beyond the initial spy information to substantiate the allegation of facilitation.

4. Heard and perused the record. The tentative assessment of the record reveals that the allegation against the applicant rests exclusively upon spy information, without independent corroboration connecting him with the alleged harbouring or facilitation of the foreign national. Neither the alleged

provision of accommodation nor any conscious assistance extended by the applicant has, thus far, been substantiated through tangible material collected during investigation. Mere association with a foreign national, without prima facie evidence of intentional facilitation, cannot by itself justify continued incarceration. Significantly, the learned A.P.G. has acknowledged the absence of corroborative evidence. Moreover, the punishment attracted, as presently asserted, does not bring the case within the prohibitory clause of Section 497 Cr.P.C. These circumstances, cumulatively considered, render the applicant's involvement a matter requiring further inquiry within the contemplation of Section 497(2) Cr.P.C.

5. Consequently, the application is allowed. Applicant Syed Abdul Malik is admitted to post-arrest bail, subject to furnishing a solvent surety in the sum of Rs.100,000/- with a P.R. bond in the like amount, to the satisfaction of the learned trial Court.

6. The observations herein are tentative, confined exclusively to the question of bail, and shall not prejudice the trial Court's independent appraisal of evidence on merits.

J U D G E

Shahbaz