IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3736 of 2026

Applicant	:	Suleman Shah son of Umer Rehman, *Through* Mr. Shah Imroze, Advocate
Respondent	:	The State *Through* Mr. Qamaruddin Nohri A.P.G.
Date of hearing	:	19.11.2026
Date of Order	:	19.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. – Applicant Suleman Shah seeks post-arrest bail in a case bearing Crime No.894/2026, registered at Police Station SSHIA, Karachi, under Sections 13-B/17(i)(A) & (B) of the Foreigners Act, 1946, following dismissal of his earlier bail application by the learned District & Sessions Judge, Malir, Karachi, vide order dated 21.10.2026.

2. Briefly, the prosecution alleges that, acting upon spy information, a police party headed by ASI Ghulam Abbas apprehended an Afghan national, namely Najeebullah, from a shop allegedly rented to him by the applicant, who is a Pakistani citizen. The Afghan national reportedly failed to produce valid documents authorizing his entry into or stay in Pakistan, whereupon the present case was registered.

3. Heard learned counsel for the parties and examined the available record. Learned A.P.G. opposed bail, contending that the applicant was apprehended at the spot while knowingly providing accommodation and facilitation to an undocumented foreign national.

4. A tentative examination of the record reveals that the alleged offences do not attract the prohibitory clause of Section 497(1), Cr.P.C. Significantly, the applicant is admittedly a Pakistani citizen, whereas the alleged unlawful entry and stay relate to the Afghan national. Mere letting of premises to a foreign national, without prima facie material establishing the requisite knowledge, intention or conscious facilitation of unlawful residence, cannot, by itself, conclusively establish criminal liability. Whether the applicant's alleged conduct attracts the penal provisions invoked is, therefore, a matter requiring further inquiry within the contemplation of Section 497(2), Cr.P.C. Moreover, no previous criminal antecedents have been brought on record, nor has any material been

pointed out suggesting likelihood of absconding or interference with prosecution evidence. In these circumstances, continued incarceration of the applicant, whose guilt is yet to be determined, would serve no useful purpose.

5. Consequently, this application is allowed. Applicant Suleman Shah is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

6. The foregoing observations are purely tentative, confined to the disposal of this bail application, and shall not influence the learned trial Court, which shall decide the case independently on its own merits and the evidence brought before it.

J U D G E

Shahbaz