

# IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Appln No.1723 of 2025

Applicant : Sana Gul through Mr. Muhammad Zahir Advocate

Respondent : The State through Ms. Seema Zaidi, Addl. PG Sindh

Date of Hearing : 01.09.2025

Date of Decision : 08.09.2025

## **ORDER**

**Jawad Akbar Sarwana, J.:** It is alleged that the applicant/accused is an illegal alien immigrant who entered Pakistan without any passport or visa or any other form of identity contrary to Pakistan law. Thus, on 07.06.2025, he was taken into custody by the Police and an FIR was registered under Section 14 of the Foreigners Act, 1946.

2. The applicant/accused, on being refused bail by the learned IXth Additional Sessions Judge Karachi South vide Order dated 20.06.2025, has sought the same from this Court by way of instant bail application u/s 497 Cr.P.C.

3. Heard arguments and perused the record.

2. According to the documents available on record, which were called for by the Sessions Court, the applicant/accused has an Afghan Citizen Card ("ACC"). The photocopy of the ACC available in the file is only the front side of the ACC, and not the back side. The back side of the ACC states the date of issue and expiry of the ACC. Be that as it may, this bench also has sight of a letter from the Ministry of Interior, NADRA, Regional Head Office Karachi, dated 18.06.2025, which remarks that based on the data available with NADRA on the Afghan Citizen Card, the applicant/accused ACC is "active". Even otherwise, as per the Notification No.F.4(1)-RR/2024 dated 22.07.2024 issued by the Government of Pakistan, Ministry of States and Frontier Regions, Islamabad, the Government extended the validity of the Proof of Registration ("PoR") cards issued to the registered Afghan refugees by

NADRA with effect from 15<sup>th</sup> July 2024 to 30<sup>th</sup> June 2025.<sup>1</sup> Therefore, at the time of his arrest, on the day the applicant/accused was taken into custody, i.e. 07.06.2025, the applicant/accused was not an undocumented immigrant and had valid residency. Additionally, as per yet another Notification No.F.4(6)-RR/2025 dated 04.07.2025, issued by the above-mentioned Ministry of the Government of Pakistan, all relevant Departments/Agencies have been advised to ensure that no harassment or adverse action is taken against registered Afghan Refugees holding POR cards till the final decision in this regard. This most recent notification implies that when the bench heard this matter, the applicant/accused was a legal resident of Pakistan and may remain so until a further decision of the Federation. Thus, prima facie, even the offences under the Foreigners Act are not triggered, and the offence alleged does not fall within the ambit of the prohibitory clause.

4. The applicant is not a criminal, and he does not have any criminal record or previous convictions. He is described in the post-arrest bail application as a “mazdoor” and is suffering from kidney disease. He is not associated with the commission of any crime. Further, he has been behind bars for almost two and a half months. Guilt or innocence of the applicant/accused is yet to be determined.

5. Given the above, post-arrest bail is allowed and the applicant Sana Gul @ Sanaullah son of Abdul Ghaffar is granted bail in criminal case, vide FIR No.294/2025, P.S. Tipu Sultan, Karachi subject to furnishing surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R. bond of the like amount to the satisfaction of the Nazir.

6. The observations stated herein are tentative, and nothing herein shall be construed to prejudice the case of either side at trial.

**J U D G E**

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<sup>1</sup> See High Court of Balochistan, Order dated 06.05.2025, paragraph 6 in Criminal Bail Application No.163/2025 in Noor Muhammad v. The State.