

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-35 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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02.06.2017.

Mr. Agha Waqar Ahmed alongwith Abdul Haleem Jamali, Advocate for applicant.

M/s Zulfiqar Ali Rajput, Assistant Attorney General and Shahid Ahmed Shaikh, A.P.G.

ABDUL MAALIK GADDI, J: Having remained unsuccessful in obtaining his release on bail by the Trial Court in crime No.122/2016 registered under section 14 of Foreigners Act, 1946 at Police Station Hatri, Hyderabad, applicant Izzatullah is now seeking his release on bail through instant bail application.

2. Facts necessary for disposal of this bail application are that on 02.12.2016 when complainant ASI Sain Bux of P.S Hatri alongwith PC Abdul Sattar, PC Muhammad Hassan, PC Asghar Ali and DPC Muhammad Yaqoob were on patrolling duty in police mobile. During patrolling when they reached Isra University, Malak Petrol Pump they received spy information that 5/6 Afghanies are standing at new Sabzi Mandi Channel Wah. On such information the police party reached at the pointed place at about 1700 hours and arrested the present applicant/accused alongwith co-accused. During interrogation, applicant could not submit his identity through valid documents hence this F.I.R.

3. Learned Counsel for applicant/accused has argued that the applicant/accused is innocent and has falsely been implicated in this case. He further argued that applicant/accused is the citizen of Pakistan and also he is residing in Pakistan. He further argued that the applicant having birth certificate alongwith other documents which are on record, show that he is citizen of Pakistan. Applicant/accused has been involved in this case due to malafide of the police. He further submitted that co-accused Abdul Majeed and Muhammad Gul son of Gul Khan have been granted post

arrest bail by the Trial Court almost on same ground, therefore, present applicant is also entitled for same treatment.

4. Learned Assistant Attorney General and Assistant Prosecutor General have given their no objection in view of order passed by the Trial Court in case of accused Abdul Majeed and Muhammad Gul alias Gul Khan.

5. Heard parties' advocates and perused the record with their able assistance. Record shows that applicant/accused has produced birth certificate and other relevant documents as well as Computerized National Identity Card of his father Gul Muhammad which tentatively show that he is the citizen of Pakistan. These documents were never sent for scrutiny to the concerned quarter and the applicant/accused is behind the bar since his arrest. Co-accused Abdul Majeed and Muhammad Gul alias Gul Khan have already been granted bail by the Trial Court almost on same facts and grounds therefore, as per law this applicant is also entitled for same treatment. It is yet to be determined at the time of trial whether the documents in possession of applicant with regard to his identity as Pakistani or otherwise till then case of applicant requires further probe.

6. I, therefore, for the reasons enunciated above, admit the applicant on bail subject to furnishing solvent surety in the sum of Rs.50,000/- and P.R Bond in the like amount to the satisfaction of Trial Court.

7. Needless to mention here that any observation in this order shall not affect the merits of the case at trial as the same are tentative in nature.

JUDGE

