

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

Cr. Bail Application No. 521 of 2021

Applicant : Through Imdad Ali Malik,
Advocate.

The State : Through, Ali Haider Saleem, DPG,
along with Inspector Sibtain, CTD.

Date of Hearing : 13.04.2021

ORDER

YOUSUF ALI SAYEED, J. - The Applicant Faiz-ur-Rahman @ Abdul Rehman son of Aziz-ur-Rahman has preferred the captioned bail application under Section 21-D of the Anti-Terrorism Act, 1997 (the “**ATA**”), read with Section 497 Cr.P.C, in respect of FIR No.42/2020 registered under Section 11-H/11-N/11-F (i) (ii) of the ATA on 26.03.2020 at Police Station CTD, Karachi (the “**FIR**”), with an earlier application on the subject filed by him before the learned Judge, Anti-Terrorism Court No.XII, (ATC Judicial Complex) Central Prison, Karachi having culminated in dismissal through an Order dated 25.03.2021.

2. Succinctly stated, the substratum of the FIR is stated to be an Intelligence Report, on which basis it has been alleged that the Applicant is a Member of the HQN Jamat, a part of the Haqani Network, a proscribed organization in terms of the 4th Schedule of the ATA, and is said to be engaged in collecting Chanda (donations) that are then used by the said organization for spreading terror in the country.

3. However, other than a reference to the Intelligence Report, the FIR is conspicuously silent on any other facts and circumstances as would link the Applicant to raising financing for terrorist activities, and when we put a question to the learned Deputy Prosecutor General Sindh as well as Investigation Officer of the case, namely Inspector Sibtain Khan of the CTD, as to what material had been gathered which served to incriminate the Applicant, they were unable to point out anything beyond a receipt book said to have been recovered from his possession, as referred to in the aforementioned Order of the lower forum, reflecting certain entries as to cash amounts ostensibly received for the benefit of the proscribed organization.

4. Needless to say, the evidentiary value of the receipt book remains to be determined at trial, and for present purposes the prosecution/investigating authority was not in a position to point to any material reflecting a money trail leading from the Applicant to the proscribed organization or to the involvement of the Applicant in the financing of terror, hence in the absence of any such material we were of the view that a fit case for the grant of bail stood established and had accordingly made a short Order in open Court on 13.04.2021 whereby the Applicant was granted bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (One Hundred Thousand Only) with PR Bond in the like amount to the satisfaction of trial Court.

JUDGE

CHIEF JUSTICE