

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 2076 of 2021

Date	Order With Signature Of Judges
<u>For hearing of bail application.</u>	<p>Mr. Ghulam Shabbir Babar, Advocate for applicant. Mr. Wajid Nawaz, Assistant Director (Law) NADRA a/w Mr. Muhammad Ali Jamro, Assistant Director (Operations) NADRA.</p> <p style="text-align: center;">=====</p> <p><u>Omar Sial, J:</u> Ghulam Ali has sought post arrest bail in Crime No. 133 of 2021 registered under sections 3(2)(a)(b) of the Foreigner's Act, 1946 read with sections 419, 420, 468, 471 and 109 P.P.C. as well as section 5(2) of the Prevention of Corruption Act, 1947 read with section 29 of the National Database and Registration Authority Ordinance, 2000 at the FIA Police Station Karachi. Earlier his application seeking bail was dismissed on 20.10.2021 by the Special Judge (Central) I Karachi.</p> <p>2. Background to the case is that the aforementioned FIR was registered on 28.9.2021 upon a complaint made by Assistant Director NADRA against Muhammad Moin as he had allegedly obtained a CNIC by concealment of facts. It was further alleged that Moin's CNIC was issued with the connivance and collusion of the applicant who was a NADRA employee. The allegation against the applicant is that he modified Moin's date of birth from 10.03.1992 to 10.03.1997.</p> <p>3. I have heard the learned counsel for the applicant and the learned Assistant Director Law NADRA as well as the Assistant Director Operations NADRA. Perused the record.</p> <p>4. It has not been denied that Muhammad Moin is a Pakistani national. NADRA officials confirmed that apart from the discrepancy in the date of birth there is no other allegation against the applicant. However, they do stress that there is negligence on the applicant's part as had he paid more attention to the data provided he would have noted the date of marriage of parents of Muhammad Moin and realized that it was not possible for him to have been born on 10.03.1997. There is also a possibility at the moment that the mistake in entering data was not deliberate and that the latter had occurred due to</p>

negligence. Negligence in entering data would not necessarily mean that the mens rea required for a criminal offence was present. Investigation is complete. All evidence is in the possession of FIA. There is no possibility of the applicant tampering with the evidence nor has any apprehension of absconding been raised.

5. In view of the foregoing, the applicant's involvement in the crime complained of requires further inquiry.

6. Above are the reasons for the short order dated 24.12.2021.

JUDGE