

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 168 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

20-02-2023

Mr. Shah Imroz Khan, Advocate for applicant.
Mr. Muntazir Mehdi, Addl.P.G.
Mr. Muhammad Ahmed, Assistant Attorney General.
Ms. Samina Iqbal, Advocate for NADRA.

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Omar Sial, J: Shuja has sought post arrest bail in crime number 461 of 2022 registered under sections 3 and 4 of the Foreigners Act, 1946 at the Gulberg police station. Earlier, his application seeking bail was dismissed on 04.01.2023 by the learned 1st Additional Sessions Judge, Karachi Central.

2. A police party led by H.C. Sadaqat was on patrol duty when it saw 3 persons who they found suspicious. All 3, identified as Shuja Khan alias Saja Khan (the applicant), Abdul Mateen and Hikmatullah were arrested as they were Afghan nationals.

3. I have heard the learned counsel for the applicant and the learned Assistant Attorney General.

4. The record reflects that on 20.12.2022 the Embassy of the Islamic Republic of Afghanistan certified vide its letter dated 20.12.2022 that the applicant is holding a valid Afghan Citizen Card bearing number AC62026745241 issued by the Chief Commissionerate for Afghan Refugees, Ministry of SAFRON, Government of Pakistan. A copy of the Afghan Citizen Card of the applicant is also on record. NADRA has confirmed that the Card has been issued by it. Several opportunities were given to the concerned Ministry to put forward any objections it may have, sadly though, in spite of the persistent best efforts of the learned Assistant Attorney General, no body from the concerned Ministry has responded to him. Such apathy on

the part of the Government is unacceptable when the liberty of a person is at stake. Upon a tentative assessment, all evidence with the prosecution suggests that the applicant is living legally in Pakistan as an Afghan Refugee.

5. Above are the reasons for the short order dated 17.02.2023 in terms of which the applicant was admitted to bail subject to his furnishing a solvent surety in the sum of Rs. 100,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE