

Judgment Sheet

**IN THE PESHAWAR HIGH COURT,
PESHAWAR**
(Judicial Department)

BA No. 1236-P/2015.

JUDGMENT

Date of hearing. 16.7.2015

Petitioner (Wazir Gul) By Syed Abdul Fayaz, Advocate.

State: By Mr. Muhammad Safdar Khan Standing
Counsel for the Federation (State).

QAISER RASHID KHAN, J. The petitioner,

Wazir Gul, seeks bail in case FIR No. 49/2015 dated
30.3.2015 registered under sections 419, 420, 468, 471,
109 PPC read with sections 30 NADRA Ordinance, 14
Foreigners Act and 5 (2) PC Act, Police Station FIA/
ACC, Peshawar after the said relief was declined to him
by the learned Special Judge (Central) Peshawar on
01.07.2015.

2. Allegations against the petitioner are that pursuant
to a written complaint the FIA authorities conducted
enquiry No.02/2015 wherein it was found that Wazir s/o
Said Akbar, Yousaf s/o Wazir, Mattiullah s/o Wazir

resident of Yakatoot, Street No.2 Mohmand Abad, Syed Hassan Pir Road Peshawar presently House No. 912 Street No. 28, Sector F-9, Phase-6 Hayatabad Peshawar being Afghan nationals have fraudulently obtained Pakistani CNIC No. 17301-15197069-3, 17301-91363335 and 17301-16730996-3 respectively in connivance with NADRA officials, hence the FIR *ibid*.

Arguments heard and record perused.

3. As the record reveals, it was on the written complaint of one Imtiaz Hussain who alerted the FIA authorities and resultantly an enquiry was conducted whereby it was unearthed that the accused-petitioner alongwith his two sons though being Afghan Nationals have acquired Pakistani CNICs. The main thrust of the arguments of the learned counsel for the petitioner is that the accused-petitioner has never claimed to be a Pakistani and that he admits himself to be an Afghan National presently settled in Germany with a German nationality. His next contention is that the father's name of the petitioner is Gul Khan but in the CNIC, his

father's name has been shown to be Said Akbar and moreover, his real name is Wazir Gul but in the CNIC his name has been mentioned as Wazir and all these factors take the matter to one of further enquiry entitling the accused-petitioner to bail.

4. However, the record shows otherwise. The accused-petitioner managed to procure a Pakistani CNIC with his name as Wazir s/o Said Akbar with his photograph sporting short beard. He also managed CNICs for his two sons namely, Yousaf s/o Wazir and Matiullah s/o Wazir. Admittedly they are Afghan Nationals. Available on record is also a photo copy of the National Identity Card Form (in Urdu) on which too, the photograph of the petitioner surfaces prominently. Moreover, there are sworn affidavits of several persons available on the file whereby they have testified to the effect that the accused-petitioner is an Afghan National and that he has obtained Pakistani CNICs for himself as well as for his two sons in connivance with NADRA officials.

5. Procuring a Pakistani CNIC by a foreign national is undoubtedly a serious offence and has become all the more serious in the present day scenario when the country is faced with a wave of terrorism in which foreign elements are involved. The accused-petitioner cannot feign ignorance about his Pakistani CNIC available on file. Being prima facie connected with the commission of the offence, the accused-petitioner is not entitled to be enlarged on bail.

Resultantly, this bail petition stands dismissed. However, it is directed that any observations recorded in this order, being purely tentative in nature, should in no way prejudice the proceedings before the learned trial Court where the case be decided on its own merits after recording evidence.

Before parting with this order, it is observed that such act of procuring Pakistani CNICs could not have been made possible except with the active collusion and connivance of the black sheep in the fold of NADRA. It is about time that such elements are identified and

brought to book. A copy of this order be endorsed to the
Director General NADRA Khyber Pakhtunkhwa
Peshawar as well as Chairman, NADRA Headquarters
Islamabad for information and necessary action.

Announced:
16.7.2015.

J U D G E

****Qaseem****