

**IN THE HON'BLE GILGIT-BALTISTAN CHIEF COURT  
GILGIT**

**Cr.Misc. No.37/2020.**

Mir Wali Khan s/o Mohammad Umer r/o Pandh Mohallah  
Khuwaja Abad, Tehsil & District Swat, presently confined at  
Central Jail Minawar Gilgit.

**Petitioner/accused.**

**VERSUS**

The State through FIA.

**Respondent.**

OFFENCES UNDER SECTION 420 PPC READ  
WITH SECTION 14 FOREIGNERS ACT VIDE  
FIR No.02/2020 REGISTERED AT POLICE  
STATION No.14 FIA ACC CIRCLE GILGIT.

APPLICATION UNDER SECTION 497 Cr.P.C.  
FOR GRANT OF BAIL.

**Present:** Mr. Mohammad Farooq Umer, Advocate for the  
petitioner.  
Deputy Attorney General for the respondent/State (FIA).

**Date of Hearing:** 14-02-2020

**Date of announcement of Order:** 21-02-2020

**ORDER**

(Ali Baig - - - J) Through the instant bail petition filed  
under Section 497 Cr.P.C., the petitioner/accused has  
sought post arrest bail in case FIR No.02/2020 dated  
17-01-2020, registered under Section 420 PPC and Section  
14 Foreigners Act 1946, at Police Station No.14, FIA Sub-  
Circle Gilgit.

2. Briefly allegation against the petitioner as narrated in  
the FIR is that, on spy information, the FIA authorities

arrested the petitioner/accused on 17-01-2020 from Gilgit bazaar and during inquiry, the FIA authorities have found that the petitioner is a foreigner and his CNIC was cancelled by NADRA.

3. The learned counsel for the petitioner/accused has contended that the petitioner/accused is Pakistani national and he belongs to KPK. Presently, he is residing at Gilgit and carrying his business. The learned counsel for the petitioners/accused has further contended that he has valid Form-B which is annexed with the bail petition. The learned counsel for the petitioner/accused has further argued that the petitioner is citizen of Pakistan and police has falsely implicated him in this case with malafide intention.

4. Conversely, the learned Deputy Attorney General has opposed this petition by contending that the petitioner/accused is not citizen of Pakistan as he does not possess valid documents of citizenship in his possession, therefore, the FIA authorities have rightly implicated him in this case.

5. I have carefully considered the arguments advanced by the learned counsel for the petitioner as well as the learned Deputy Attorney General and perused the record of the case.

6. Admittedly, Section 420 PPC is bailable. From perusal of record, it reveals that the petitioner has valid Form-B issued by NADRA and his name is appearing at serial No.4 of the said Form-B as such he is resident of Swat. Moreover, counsel for the petitioner has also produced a copy of death certificate of father of the petitioner, wherein, it is mentioned that father of the petitioner has expired on 13-02-1996 at KhajaAbad Swat and he has

been buried at Swat, thus petitioner is residing in KPK province of Pakistan since long. Moreover, offence under Section 14(1) of Foreigners Act 1946 does not fall within the ambit of prohibitory clause of Section 497(1) Cr.P.C. hence the petitioner is entitled for concession of bail.

7. For what has been discussed above, this petition is allowed. Consequently, the petitioner is admitted to post arrest bail subject to his furnishing bail bonds in the sum of Rs.300,000/- (Rupees Three Lac) with two sureties each in the like amount to the satisfaction of the learned trial court. File.

**ANNOUNCED:**

**21-02-2020**

**Judge**