ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Crl. Misc.No.68-B of 2014
Jalil & two others
Vs.
The State

S. No. of order / proceedings	Date of order / Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	24.02.2014	Mr. Ajmal Khan Khattak, Advocate for petitioners, Mr. Faisal Rafiq Malik, learned Deputy Attorney-General.

O R D E R
MUHAMMAD ANWAR KHAN KASI, CJ:

Petitioners [Jalil, Summad Khan & Zafar Muhammad] pray for post-arrest bail in case FIR No.73, dated 26.01.2014, under Section 14 Foreign Act, Police Station Sabzi Mandi, Islamabad, after its rejection from the Court of learned Judicial Magistrate Section-30 and learned ASJ-West, Islamabad, vide orders dated 01.2.2014 & 07.2.2014, respectively.

2. It is, inter-alia, contended that accused/petitioners are innocent and have falsely been implicated in this case as they have no concern with the alleged occurrence. It is further added that according to notification No.F.4 (4)-RR/2010 (Vol-IX) of Government of Pakistan, Ministry of State & Frontier Regions regarding the Policy on Management Repatriation of Afghan Refugees beyond 30th June, 2013, Government of Pakistan has been pleased to extend the validity in respect of the proof of registration cards issued the Afghan Refugees by NADRA, Government of Pakistan till 31st December, 2015, in addition to above, it is submitted that petitioners are registered with NADRA authorities, but at the time of arrest, the local police had taken into possession their registration cards and had not shown the names and personal belongings of the petitioner in the personal search memo, therefore, the case against them is one of further inquiry. The alleged offence does not fall under the prohibitory clause of Section 497(1) Cr.P.C.

3. Learned Deputy Attorney-General, on the other hand, resisted the petition by stating that Section 14 of Foreign Act

is applicable as accused/petitioners did not produce any proof or ID Card, issued by NADRA for their registration as Refugees, therefore, they are not entitled to the concession of bail.

4. Heard & record perused.

5. According to FIR, the allegation leveled against accused/petitioners is that they are residing in Pakistan without any legal permission and they also could not get them registered through NADRA authorities by violating the law of the country.

6. According to available record, the petitioners at present are not in possession of any legal documents and being foreign national, cannot be admitted to bail at this stage. Investigation Agency is, therefore, directed to immediately submit challan of the case, whereafter the learned Trial Court would proceed with the case on day to day basis by keeping the same on fast track and to decide the same at the earliest in accordance with law

7. In view of above, the petition being devoid of merits, is dismissed.

(CHIEF JUSTICE)

Qamar Khan*