

# IN THE HIGH COURT OF SINDH AT KARACHI

## **Criminal Bail Application No.2728 of 2025**

Applicant : Dr. Lubna Siddiqui, Through:  
Mr. Shumail Sikandar, Advocate

The State : Through Mr. Khaleeq Ahmed,  
Deputy Attorney General, Pakistan  
a/w I.O./SI Ms. Rafia, FIA, AHTC,  
Karachi

Date of hearing : 24.11.2025

Date of Order : 03.12.2025

## **ORDER**

**Jan Ali Junejo, J:--** Through this post-arrest bail application under Section 497, Cr.P.C., the applicant/accused assails the common order dated 09.07.2025 passed by the learned Special Judge (Central-II), Karachi, whereby her post-arrest bail application was dismissed in FIR No. 191/2025, registered at FIA AHT Circle, Karachi, for offences under Sections 3, 4, and 5 of the Prevention of Trafficking in Persons Act, 2018 (as amended in 2025), read with Sections 419, 420, 468, 471, and 109, PPC. She accordingly seeks the concession of post-arrest bail in the said offences.

2. On 09.06.2025, a passenger namely Mst. Kiran Sohail W/o. Sohail, with a minor child Zayaan, was offloaded at JIAP Karachi while attempting to travel to Mozambique. During screening and questioning, prima facie inconsistencies were found in travel/identity documents and it was disclosed that the infant was allegedly handed over to Kiran by one Yasmeen at the airport. Digital scrutiny allegedly revealed communication with persons

including Sohail Ali (in Mozambique), Suel, caretaker Lakshmi, and Yasmeen.

3. Inquiry No. 692/2025 dated 10.06.2025 followed. The prosecution case further alleges that a network comprising inter alia Kiran Sohail, Sohail Ali (Mozambique), Hameeda @ Major Maan, Yasmeen Mawani, Dr. Mumtaz Nayani and the present applicant Dr. Lubna Siddiqui arranged the custody and forged identity/CRMS/CRC/passport documents for the infant to facilitate his travel abroad and handover in consideration of money.

4. As regards the present applicant, it is alleged that she, being a Government Medical Officer and CEO of an NGO "Nayab Welfare Human Health Care & Orphanage Association", handed over the child unlawfully without adopting the statutory procedure and allegedly received Rs. 350,000/- through Yasmeen Mawani (retaining Rs. 100,000/- and passing Rs. 250,000/- to midwife Kiran). Four accused were initially arrested; subsequently, interim challan has been submitted showing, inter alia, the present applicant in custody and naming two principal accused as absconders under Section 512 Cr.P.C.

5. The learned counsel for the applicant advances several submissions. He argues that there is no direct or independent corroborative evidence showing receipt of any monetary consideration by the applicant; no documentary trail, banking record, or recovery has been produced. He contends that the principal inculpatory material relied upon by the prosecution is the

disclosure/statement of co-accused Kiran recorded before the FIA, which is inadmissible under Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984, in the absence of a judicial confession under Section 164, Cr.P.C., and without corroboration in material particulars. He submits that the applicant is a registered medical practitioner serving as a Women Medical Officer (BPS-17) and has established a duly registered NGO engaged in lawful placement of orphans with deserving couples after observance of codal formalities, for which certificates and renewals are on record. He further argues that the prosecution case suffers from material inconsistencies, most notably, co-accused Kiran's own bail memo (Cr. Bail Application No. 2267/2025) states that she adopted a baby from Edhi Cradle 6-7 months earlier, which contradicts the FIR allegation of a handover at the airport on the date of travel. He also contends that co-accused assigned allegedly stronger roles have already been granted bail by this Court vide order dated 03.10.2025; thus, the rule of consistency applies, and the applicant's case stands on an even better footing. He emphasizes that the applicant is a woman with no criminal record, attracting the beneficial proviso to Section 497(1), Cr.P.C., and no exceptional circumstances exist to disentitle her from bail. Lastly, he prays for grant of post-arrest bail.

6. Conversely, the learned D.A.G. for the State opposes the application. He contends that the offences are grave, involve an organized group, and pertain to a minor child, attracting Section 4 of PTPA 2018 which prescribes punishment up to 14 years where aggravating circumstances exist, including involvement of an

organized group or a child. He argues that digital extractions and WhatsApp chats allegedly connect the accused persons, and caretaker Lakshmi's statement purportedly implicates the network. He submits that the applicant played a central role in handing over the infant outside the legal process and receiving consideration, thereby disentiing her to the benefit of the proviso in view of the gravity of accusations, and that female status alone is not conclusive for bail. Lastly, he prays for dismissal of the application.

7. I have considered the arguments advanced by the learned counsel for the applicant as well as the learned DAG for the State. I have also examined the material available on record with a tentative assessment, as permissible at the bail stage. Statements made by a co-accused before the police are inadmissible under Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984, unless they fall within a recognized exception; similarly, extra-judicial confessions are viewed with caution and require strong corroboration in material particulars. Digital messages or WhatsApp chats, to acquire evidentiary value, must ordinarily be supported by proper forensic extraction, an unbroken chain of custody, and certification; mere screenshots without authentication generally carry weak probative worth at the bail stage. Furthermore, where co-accused assigned identical or graver roles have been granted bail and the applicant's case stands on parity or a comparatively better footing, the rule of consistency ordinarily warrants grant of bail, absent any distinguishing features. The allegations are undeniably grave, involving an infant and alleged organized activity. If established,

Sections 3–4 PTPA 2018 may attract punishment extending up to 14 years. Thus, the case potentially touches the prohibitory clause. The cornerstone against the applicant is the disclosure of co-accused Kiran and the prosecution's assertion of a cash transaction of Rs.350,000/-. No banking trail, receipt, recovery of alleged cash, or contemporaneous documentary proof has been pointed out linking the applicant with the alleged monetary receipt. The prosecution relies upon co-accused disclosure and purported WhatsApp communications; however, the State has not shown any certified forensic report establishing authorship, integrity, or chain of custody of such chats attributable to the applicant, nor any device recovery from the applicant producing inculpatory content. In the absence of proper forensic substantiation, such material is of limited probative value at bail stage. The caretaker Lakshmi's statement under Section 161 Cr.P.C., even if mentioning the applicant, remains untested and cannot be deeply appreciated at this stage; the role ascribed to Lakshmi focuses on caretaking arrangements rather than direct dealings with the applicant in respect of any illegal consideration. The prosecution also relies on a birth certificate allegedly facilitated by co-accused Dr. Mumtaz; no forged document is stated to have been recovered from the applicant or authored by her. Sections 468/471 PPC prima facie relate more directly to the alleged issuer/user of forged documents. The memo of bail application filed by co-accused Kiran (No. 2267/2025) avers adoption from Edhi 6–7 months prior; the FIR narration asserts handover at the airport on the day of travel. This contradiction creates doubt at this stage and

tilts towards further inquiry regarding the provenance and chain of custody of the child.

8. It is a matter of record that this Court, vide order dated 03.10.2025, granted bail to co-accused Dr. Mumtaz Nayani and Yasmeen Mawani in Criminal Bail Applications Nos. 1810 and 1777 of 2025. Applying the rule of consistency, and in the absence of any distinguishing or aggravating features attributable to the present applicant, the principle of parity warrants due consideration. On the materials tentatively shown, the applicant's role does not appear graver than that of other bailed co-accused; if anything, allegations of document forgery are more squarely levelled against other co-accused. The applicant is a woman, a government medical officer, with no prior criminal record placed on file. Investigation qua her is substantially documentary and appears largely concluded to the extent of interim challan submission. No specific apprehension, supported by material, of absconding or tampering/witness intimidation has been demonstrated. The mere gravity of the offence, without more, does not constitute an exceptional ground to withhold the statutory concession to a woman where the case calls for further inquiry. In an identical case, *Naeem Sajid and others v. The State through Prosecutor General Punjab and another* (2025 SCMR 129), the Honourable Supreme Court of Pakistan held that: "It is trite law that the rule of consistency is applicable only when one person's case is at par with the rest of the accused whose post-arrest bail has been granted".

9. In view of the lack of direct, independently corroborated evidence of monetary receipt; absence of recovery; absence of forensics tying digital communications to the applicant; contradictions inter se prosecution and co-accused versions; and parity with bailed co-accused, the case against the applicant, on a tentative assessment, falls within the ambit of “further inquiry” under Section 497(2) Cr.P.C. The bar under Section 497(1) proviso for a woman further supports concession of bail, there being no demonstrated exceptional circumstances to refuse.

10. For the foregoing reasons, the instant criminal bail application is allowed. The applicant/accused, Dr. Lubna Siddiqui, is admitted to post-arrest bail in FIR No. 191/2025 of P.S. FIA AHT Circle, Karachi, upon her furnishing surety in the sum of Rs.500,000/- (Rupees five hundred thousand only) and a P.R. bond in the like amount to the satisfaction of the trial Court. The observations herein are tentative and confined to the decision of bail. The trial Court shall not be influenced thereby and shall adjudicate strictly on the evidence led before it. The application stands allowed in the above terms.

**JUDGE**