

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition NO.D-5201/2026
(Faisal Hameed vs. The Federation of Pakistan and others)

Date _____ Order with signature of Judge _____

Before:-
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing & order : 03.09.2026

Mr. Ali Tahir advocate for petitioner.
Mr. Taqi Javed advocate for respondent.
Ms. Wajeeha Mehdi, DAG.

ORDER

Adnan-ur-Karim Memon, J: The Petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following relief :-

"a. Declare that the placement and/or continuation of the Petitioner's name on the Passport Control List (PCL), in the absence of a disclosed and independently sustainable lawful order made by a competent authority in accordance with law, is illegal, arbitrary, without lawful authority and of no legal effect;

b. Call for, examine and direct production of the complete original record concerning the Petitioner's placement, retention, transfer, re-entry or continuation on the PCL, PNIL, ECL, stop list, interception system or any analogous travel-restriction database, including all recommendations, summaries, approvals, office notes, letters, security-agency communications, system instructions, data-entry records, orders and legal provisions relied upon;

c. Direct the Respondents to furnish to the Petitioner forthwith certified attested copies of every order, recommendation, approval, notification, communication and material lawfully disclosable that has been relied upon to restrain the Petitioner's travel, together with the date, duration and competent authority for each such restraint.

d. Set aside, quash and/or declare to be of no legal effect any PCL order, recommendation or entry found upon production of the record to be without jurisdiction, unsupported by a subsisting lawful basis, procedurally defective, disproportionate or otherwise contrary to the Constitution and law.

e. Direct Respondent No. 5 and all other concerned Respondents to forthwith remove and deactivate the Petitioner's name from the Passport Control List and update all connected passport and immigration databases accordingly.

f. Direct the Respondents to ensure that the Petitioner's name is not retained on the PNIL, PCL, ECL, stop list, interception list or any analogous travel restriction mechanism based on FIR No. 79 of 2026 or the same underlying material which ceased to justify PNIL retention, unless an independently lawful fresh order exists and is disclosed to the Petitioner and this Honourable Court;

g. Restrain the Respondents from defeating, circumventing or rendering nugatory the order dated 24.07.2026 passed in C.P. No. D-1900 of 2026 by merely shifting, duplicating or re-entering the Petitioner's name from one restrictive list/database to another without a fresh, independent and lawful basis;

h. Direct the Respondents, particularly FIA/Immigration and the Directorate General of Immigration & Passports, to permit and facilitate the Petitioner's departure from Pakistan and travel to Dubai/UAE, and not to stop, detain, off-load or otherwise obstruct him at any airport or point of departure on account of the impugned PCL/PNIL-related restraint;

i. Direct the Respondents to communicate immediate written and electronic compliance to all relevant airports, immigration counters and passport-control databases and, if necessary, furnish a written clearance/confirmation to the Petitioner so that the Court's order is not defeated by stale system entries;

j. Declare that no undisclosed executive order or database entry substantially affecting a citizen's fundamental right to liberty and travel can lawfully be enforced against him without lawful authority and such procedural safeguards as the Constitution and governing statute require:

k. Direct that, should any Respondent propose a fresh travel restriction against the Petitioner in relation to the matters forming the subject of this petition, such action shall be taken only by a competent authority strictly in accordance with law, upon recorded reasons and observance of due process, subject to any narrowly tailored statutory exception that may lawfully apply.

l. In the alternative, and without prejudice to the foregoing, direct provisional removal/suspension of the PCL entry for such period as is necessary to enable the Petitioner to travel to Dubai/UAE and preserve his UAE residence status, subject to any reasonable undertaking or condition this Honourable Court may deem appropriate,

m. Permit the Petitioner to travel to Dubai/UAE before 21.08.2026 to preserve his Emirates ID/UAE residency and conduct his business, subject, if considered necessary, to an undertaking to appear before any competent court or investigating authority whenever lawfully required upon reasonable notice;

n. Direct the Respondents to give full effect, in letter and spirit, to the final order dated 24.07.2026 passed in C.P. No. D-1900 of 2026 and to refrain from taking any administrative measure whose sole or dominant purpose is to nullify the benefit of that order,

o. Award costs of the present proceedings in view of the necessity of a second constitutional petition arising from non-disclosure and continuation of the travel restraint after the earlier PNIL relief:

p. Grant any other, further, consequential or alternative relief which this Honourable Court may deem just, proper and necessary to secure the ends of justice, protect the Petitioner's fundamental rights and ensure effective implementation of its earlier judicial order."

2. Petitioner has challenged the placement/continuation of his name on the Passport Control List (PCL), contending that the earlier basis for restricting his travel, FIR No.79/2026 under Section 489-F PPC had ceased to exist after his acquittal on 04.05.2026.

3. The learned counsel for the petitioner submits that this Court, in C.P. No. D-1900 of 2026, by order dated 24.07.2026, had directed removal of his name from the PNIL, yet he subsequently learnt that he was placed/retained on the PCL without being provided any order, reasons, or lawful basis. He therefore contends that the restraint is arbitrary, without lawful authority, and violative of Articles 4, 9, 10-A, 14, 15, 18 and 25 of the Constitution. He further states that he resides and conducts business in the UAE and that continued restriction on his travel would adversely affect his UAE residence status and business. He seeks production of the complete record, disclosure of the legal basis of the PCL entry, its removal, and permission to travel to the UAE.

4. In comments, Respondent No.3/FIA states that the petitioner's name was placed on the PCL on 06.03.2026 with the remarks "prevent from leaving" and again on 16.03.2026 with the remarks "Arrest," pursuant to the SSP Investigation's letter dated 05.03.2026 and a request forwarded by a security agency. It further states that Respondent No.5 is the competent authority for placement and removal from the PCL, while FIA's role is limited to implementation of PCL directions. On this basis, Respondent No.3 seeks dismissal of the petition against it.

5. We have heard the learned counsel for the parties and perused the available record.

6. The controversy essentially relates to the legality of continued restraint upon the Petitioner's departure from Pakistan through his placement/retention on the Passport Control List (PCL). It is an admitted position from the comments of Respondent No.3/FIA that the Petitioner's name was placed on the PCL on 06.03.2026 with the remarks "prevent from leaving" and again on 16.03.2026 with the remarks "Arrest", pursuant to the letter dated 05.03.2026 of SSP Investigation and a request forwarded by a security agency. However, no order of the competent authority, containing reasons and demonstrating the precise statutory basis for such restraint, has been produced before the Court.

7. The right to travel abroad, though subject to reasonable restrictions imposed by law, is a component of the constitutional guarantees contained in Articles 4, 9, 10-A and 15 of the Constitution. Article 4 mandates that every citizen has the right to be dealt with in accordance with law, while Article 15 guarantees freedom of movement throughout Pakistan and the right to travel abroad, subject only to restrictions imposed by law in the public interest. Thus, an executive authority cannot curtail such fundamental right merely through an administrative/database entry unsupported by a lawful order.

8. The statutory framework governing the PCL is principally contained in the Passport Act, 1974 and the Passports Rules, 2021. Rule 22 of the Rules, 2021 provides the mechanism and categories for placement of names on the PCL. In particular, Category "A" concerns persons involved in anti-State activities or whose travel abroad is considered prejudicial to State interests/security, whereas Category "B" concerns persons falling within the other grounds contemplated by the Rules. The exercise of this power is therefore not unstructured or unlimited; it must remain within the statutory grounds and be exercised by the authority competent under the Rules.

9. The very question of placement of a citizen on the PCL under Rules 21, 22 and 23 of the Passports Rules, 2021, we are of the view that an order affecting a citizen's liberty and right to travel cannot be passed mechanically and that a speaking order identifying the applicable statutory grounds and recording reasons is essential. Primarily, the Directorate General Immigration and Passports performs the consequential/ministerial function of placing a name on the PCL only after a lawful order has been made in accordance with the Rules.

10. It is well settled that the constitutional right to travel abroad cannot be curtailed merely on the basis of an allegation or an FIR and that the authorities must establish the statutory basis for PCL placement. This Court in various cases has already directed

removal of the petitioner's name where no material was produced establishing that he fell within the permissible categories of Rule 22.

11. It is well settled that mere pendency of a criminal case cannot, by itself, furnish justification for restricting a citizen's movement. The freedom of movement under Article 15 cannot be abridged arbitrarily or without lawful justification. These principles have recently been relied upon by the superior Courts while examining PCL/ECL restrictions.

12. The case of the present Petitioner stands on an even stronger footing. The restraint was initially connected with FIR No.79/2026 under section 489-F PPC, but according to the record placed before this Court, the Petitioner was acquitted on 04.05.2026. Once the criminal proceedings forming the basis of the restraint culminated in acquittal, the respondents were/are required to demonstrate some independent and subsisting legal basis for continuation of the restriction. The police recommendation or an earlier database entry could not, by itself, perpetuate a restriction which substantially interferes with a fundamental right.

13. After acquittal and quashing of the FIR, the very basis for retaining a person's name on the ECL/PCL/PNIL ceases to exist. The continuation of such restriction thereafter is unlawful and arbitrary and the names from the restrictive lists is subject to only any lawful restriction independently available under law, which is not the case in hand.

14. This Court has recently in various pronouncements reiterated that where the respondents fail to demonstrate a valid order of the competent authority or an independent legal basis for continuing a travel embargo, the restriction cannot be sustained. The statutory mechanism governing restriction upon travel must be invoked through lawful authority and valid justification and that, in the absence of such legal basis, continued restriction upon travel is impermissible.

15. The FIA has candidly stated that its role is merely to implement the PCL directions and that Respondent No.5 is the competent authority for placement and removal. Therefore, the mere existence of FIA's database entry cannot constitute the source of lawful authority.

16. The respondents were required to produce the original order/recommendation and demonstrate: (i) the competent authority which passed it; (ii) the statutory provision invoked; (iii) the applicable category under Rule 22; (iv) the reasons justifying restriction; and (v) the subsisting legal basis for continuing the restraint after

the Petitioner's acquittal and the order dated 24.07.2026 passed in C.P. No.D-1900 of 2026. However, they failed to perform the lawful duties, and unnecessary created bottlenecks which action on their part is illegal and cannot sustain under the law.

17. Consequently, the continuation of the Petitioner's name on the PCL cannot be sustained merely on the basis of the police letter dated 05.03.2026, the security-agency request, or the fact that the name was originally entered before his acquittal. The respondents have failed to show a fresh, subsisting and legally sustainable basis for the restraint. In the absence of such material, the impugned PCL entry amounts to an arbitrary executive restriction upon the Petitioner's constitutional right to travel.

18. For the foregoing reasons, the petition is accordingly allowed. The impugned PCL entry against the Petitioner is set aside and the respondents shall forthwith remove/deactivate his name from the PCL, PNIL and any other restrictive travel database maintained on the basis of the same underlying material, and communicate such removal to all concerned immigration and airport authorities.

J U D G E

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Shahzad Soomro