

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2575 of 2026

a/w

Criminal Bail Application No.2548 of 2026

Criminal Bail Application No.2829 of 2026

Criminal Bail Application No.2830 of 2026

Criminal Bail Application No.2786 of 2026

Applicants [in Cr.B.A No.2575/2026]	:	1. Usama Abdullah S/o. Muhammad Abdullah 2. Danish Iqbal S/o. Muhammad Iqbal Through Syed Amir Ali Shah Jeelani advocate
Applicant [in Cr.B.A No.2548/2026]	:	Aemon Farooque Khan W/o. Gul Riaz Nabi Memon Through Mr. Aamir Mansoob Qureshi advocate
Applicant [in Cr.B.A No.2829/2026]	:	Sardar Khan S/o. Faqir Khan Through Mr. Mukesh Kumar advocate
Applicant [in Cr.B.A No.2830/2026]	:	Arif Khan S/o. Sardar Khan Through Mr. Mukesh Kumar advocate
Applicant [in Cr.B.A No.2786/2026]	:	Muhammad Siddique S/o. Nazir Ahmed Through Mr. Wajeehuddin Ahmed advocate
The State	:	The State: Through Mr. Muhammad Ahmed, Assistant Attorney General, Pakistan along with Investigation Officer SI-Masroor Baloch, FIA AHTC.
Date of hearing	:	08.09.2026.
Date of Order	:	18.09.2026.

ORDER

Jan Ali Junejo, J:- By this common order, I intend to decide the above captioned bail applications, as they arise out of same FIR.

2. Through these Criminal Bail Applications, the Applicants 1) Usama Abdullah S/o. Muhammad Abdullah and 2) Danish Iqbal son of Muhammad Iqbal [in Cr. B.A No.2575/2026], applicant Aemon Farooque

W/o. Gul Riaz Nabi Memon [**in Cr. B.A No. 2548/2026**], applicant Sardar Khan S/o. Fariq Khan [**in Cr. B.A No. 2829/2026**], applicant Arif Khan S/o. Sardar Khan [**in Cr. B.A No. 2830/2026**] and applicant Muhammad Siddique S/o. Nazir Ahmed [**in Cr. B.A No. 2786/2026**] seek post-arrest bail in FIR No. 205/2026 registered at Police Station FIA, AHTC Circle, Karachi for offences under Sections 6(1)(g)(h) of Passport Act, 1974 R/w Section 17 & 18 of Emigration Ordinance 1979. The Applicants' earlier post-arrest bail applications in Case No. 25/2026 were dismissed by the learned Special Judge (Central-I), Karachi vide separate order dated 05.08.2026, 05.08.2026, 25.08.2026, 25.08.2026 and 17.08.2026, respectively. Being aggrieved, the Applicants have approached this Court.

3. Concisely, the facts leading to the instant bail applications as depicted in the FIR are that consequent upon Inquiry No.1287/2026 of FIA Anti-Human Trafficking Circle (AHTC), Karachi, reliable information was received that Abdul Rauf, proprietor/owner of Jutt Brothers Manpower Services, Office No.202, Al-Mustafa Center, Gizri, Karachi, in collusion with his accomplices was involved in facilitating passport holders by using fake/forged driving licences, counterfeit MOFA (KSA) stickers, fake Aqad-e-Amal/employment agreements, forged immigration and travel documents and tampering with passports, besides facilitating Afghan nationals to travel to different countries through unauthorized routes. Upon approval of the Deputy Director, FIA AHTC, a raiding team proceeded to the said premises, where accused Danish Iqbal and Usama Abdullah were found present. During search, fake/forged driving licences, counterfeit MOFA (KSA) stickers, fake Aqad-e-Amal, forged immigration documents, tampered/replaced passport pages, letterheads and stationery of travel agencies, Pakistani passports belonging to different persons and other incriminating material were recovered. The accused failed to produce any valid OEP, DTS or Saudi Embassy licence/authorization for the activities being carried out. Preliminary scrutiny of the laptops, CPUs and mobile phones also revealed scanned passport copies, templates of forged documents, immigration files, correspondence and data relating to intending emigrants. The recovered physical and electronic material was seized through proper seizure

memos, and during interrogation, the accused disclosed that they, along with their proprietor/boss Abdul Rauf, obtained Pakistani passports from various registered and unregistered travel agencies for processing forged documents, visa facilitation and other illegal immigration-related activities, while further material concerning other agencies was available in their records and electronic devices. On the basis of the recovered material, disclosures and preliminary electronic scrutiny, an organized network involving forged immigration documents, passport tampering, illegal overseas employment, human smuggling and unlawful migration was prima facie disclosed. Consequently, accused Abdul Rauf, Danish Iqbal and Usama Abdullah were booked under Sections 6(1)(g)(h) of the Passport Act, 1974 read with Sections 17 and 18 of the Emigration Ordinance, 1979, while the role of other persons was left to be determined during investigation, and accused Danish Iqbal and Usama Abdullah were arrested accordingly. Hence, the present FIR.

4. Learned counsel for the applicants in Cr. Bail Application No. 2575 of 2026 submits that the applicants have been falsely implicated in the instant case and are in judicial custody, while their earlier bail application was dismissed vide order dated 05.08.2026; he contends that the present application is maintainable on the basis of fresh circumstances arising subsequently, particularly the delay in commencement and conclusion of the trial, which is not attributable to the applicants. He further submits that the FIR contains an incorrect assertion regarding non-availability of the licences of the travelling agency, whereas such licences were in fact available and were taken into custody during investigation; that no complaint has been lodged by any customer, client, employee or other aggrieved person against the applicants, nor has any specific victim or loss been identified. He argues that no incriminating material has been established from the electronic devices allegedly examined by the prosecution, no forensic report connects the laptops or mobile phones with the applicants, and no specific forged or manipulated document, its author, alleged forged signature, date, manner of manipulation or role of the applicants has been identified in the challan. He further submits that the alleged electronic devices neither belong to nor were recovered from

the possession, control or office premises of the applicants and that the prosecution has failed to establish their ownership, user account, forensic connection, metadata, IP address or any other legally admissible nexus with the applicants. Learned counsel maintains that the prosecution has thus failed to establish any direct nexus between the applicants and the alleged offences, rendering the matter one of further inquiry within the meaning of Section 497(2), Cr.P.C.; that the investigation has substantially progressed and the relevant documents and devices are already in police custody, hence no useful purpose would be served by further incarceration. He lastly submits that the applicants are permanent residents having roots in society, there is no likelihood of their absconding, influencing witnesses or tampering with evidence, and they undertake to regularly attend the trial and comply with any condition imposed by this Honourable Court; therefore, the applicants are entitled to the concession of bail, particularly as the subsequent delay in trial constitutes a fresh ground for successive bail in terms of the principles laid down in *Muhammad Usman v. The State and another* (2024 SCMR 28) and *Syeda Ayesha Subhani v. The State and others* (PLD 2023 SC 648).

5. Learned counsel for the applicants in Cr. Bail Application No. 2548 of 2026 submits that the applicant is innocent and has been falsely implicated, as she was neither named nor nominated in the original FIR and M/s Al Badri International, of which she is proprietor, was also not mentioned therein; rather, she was subsequently implicated during investigation on the basis of disclosures/statements of the persons originally arrested. He contends that no alleged forged document, passport, electronic device or other incriminating article was recovered from the person or exclusive possession of the applicant, nor has any specific document been attributed to her as having been prepared, signed, altered, transmitted or used by her, while the prosecution has failed to produce any independent material corroborating the alleged disclosures of co-accused and connecting her with the offence. Learned counsel further submits that M/s Al Badri International is a duly licensed Overseas Employment Promoter holding valid OEP Licence No.4317/RWP, renewed for the period from 01.01.2026 to 31.12.2028, and

that the handling of passports, visa and employment documents was part of its lawful business; therefore, mere recovery of such documents from business premises or the applicant's status as proprietor cannot establish criminal knowledge, mens rea, connivance or participation in any alleged forgery. He further submits that no forged document, passport, electronic device or other incriminating article was recovered from her exclusive possession, nor has any specific questioned document been attributed to her as having been prepared, signed, altered, transmitted or used by her. He further submits that the prosecution has not placed on record, at this stage, any independent and tangible material establishing that the applicant knowingly participated in, facilitated or directed the alleged illegal activities. He contends that even the prosecution has left the extent of the applicant's knowledge and involvement to be determined through evidence, thereby making the case one of further inquiry under Section 497(2), Cr.P.C.; that the applicant is a woman and is entitled to the beneficial consideration of the first proviso to Section 497(1), Cr.P.C., particularly as there is no material suggesting any likelihood of her absconding, tampering with evidence, influencing witnesses or repeating the offence. Learned counsel further submits that the investigation has been completed, the applicant is no longer required for investigation purposes, and there are no reasonable chances of tampering with prosecution evidence; hence, continued incarceration would amount to pre-trial punishment. He lastly submits that the allegations, however serious, cannot substitute the requirement of establishing the individual role of the applicant, and in the absence of direct, independent and tangible incriminating material, the case squarely calls for further inquiry and the applicant is entitled to the concession of bail.

6. Learned counsel for the applicants in Cr. Bail Application No. 2829 of 2026 submits that the applicant is innocent, a law-abiding citizen and a duly licensed Overseas Employment Promoter, and has been falsely implicated on the basis of the alleged disclosure of co-accused Muhammad Siddique, without any independent, direct or cogent material connecting him with the alleged offences. He contends that the applicant was neither nominated in the original FIR nor arrested from the place of the initial raid, and nothing incriminating was recovered from his possession

at that time; rather, his name surfaced subsequently during investigation solely on the basis of the alleged disclosure of the co-accused. Learned counsel further submits that the subsequent search of the applicant's premises was conducted without a search warrant, thereby raising a serious question regarding the legality and evidentiary value of the alleged recovery, which itself requires determination at trial. He argues that the essential ingredients of Sections 6(1)(g) and (h) of the Passport Act, 1974 and Sections 17 and 18 of the Emigration Ordinance, 1979 are not prima facie established against the applicant, as no evidence of trafficking in passports, forgery, fraudulent conduct, deception or misrepresentation has been attributed to him, nor has any instrument, stamp, seal or device used for forgery been recovered from his possession. He further submits that the applicant's business is duly licensed and lawfully operated as an Overseas Employment Promoter, and mere possession of passports or employment-related documents in the course of such lawful business does not constitute trafficking or establish criminal intent. Learned counsel contends that the prosecution case substantially rests upon the statement of a co-accused and disputed recovery, while the nexus of the recovered material with the alleged offence and the applicant's role in its preparation or use are matters requiring evidence, thus making the case one of further inquiry under Section 497(2), Cr.P.C. He further submits that the investigation has been completed, the alleged evidence is already in the custody of the Investigating Officer, the applicant is no longer required for investigation, and there is no likelihood of his absconding or tampering with prosecution evidence. Lastly, he submits that the alleged offences do not fall within the prohibitory clause of Section 497, Cr.P.C., the applicant has no previous criminal record, is a legitimate businessman and has remained in custody since his arrest; therefore, continued incarceration would serve no useful purpose and amount to pre-trial punishment, particularly when bail is the rule and refusal an exception, and accordingly the applicant is entitled to the concession of bail.

7. Learned counsel for the applicants in Cr. Bail Application No. 2830 of 2026 submits that the applicant is innocent and has been falsely

implicated, as he was neither nominated nor named in the original FIR, nor was the name of M/s Mero Khel Group OEP, the business owned by his father, mentioned therein, and even the subsequent supplementary complaint did not array the applicant or the said OEP as an accused. He contends that the applicant was neither arrested at the time of the original raid nor was anything incriminating recovered from him, and his implication subsequently arose merely from the alleged disclosure of co-accused Muhammad Siddique, who allegedly disclosed the name of the applicant's father, pursuant to which the FIA raided his father's office where the applicant was merely present to visit him. Learned counsel submits that the applicant is independently engaged as a freelancer in the lawful business of sale and purchase of properties and vehicles, has clean and unblemished antecedents, and no specific overt act, role, participation or material has been attributed to him connecting him with the alleged offence or the affairs of his father's OEP business. He further submits that mere presence at his father's office cannot constitute a lawful basis for implication, particularly in the absence of any independent incriminating material, while the alleged disclosure of a co-accused made in police custody cannot, by itself, furnish sufficient basis for curtailing the applicant's liberty, reliance being placed upon 2018 YLRN 82 (SHC). Learned counsel further contends that the subsequent raid and search were conducted without obtaining a lawful search warrant, thereby raising serious questions regarding the legality and evidentiary value of the alleged search and recoveries, which require determination at trial and constitute a ground for further inquiry. He submits that the essential ingredients of Sections 6(1)(g) and 6(1)(h) of the Passport Act, 1974 and Sections 18 and 19 of the Emigration Ordinance, 1979 are not prima facie attracted against the applicant, as neither any forged or fabricated emigration document nor any instrument, article, stamp or device allegedly used for forgery was recovered from his possession or control, nor is there any allegation that he made any false representation of Government authority or otherwise employed fraud, deception or misrepresentation in relation to emigration. He further submits that the alleged offences are, in any event, outside the prohibitory clause of Section 497, Cr.P.C., and where the relevant penal provisions prescribe alternative

punishment of fine, the lesser punishment is a relevant consideration in determining the question of bail, reliance being placed upon 2016 P.Cr.L.J. 482 and 2022 YLR 185. Learned counsel contends that the prosecution case against the applicant rests substantially upon the disclosure of a co-accused and material recovered from his father's office, whereas the nexus of such material with the applicant and his alleged role in its preparation, use, facilitation or abetment remain matters requiring evidence, thus bringing the case within the ambit of further inquiry under Section 497(2), Cr.P.C. He further submits that the investigation has substantially been completed, the alleged evidence is already in the custody of the Investigating Officer, the applicant is no longer required for investigative purposes, and there is no likelihood of his tampering with the prosecution evidence or absconding. Lastly, learned counsel submits that the applicant enjoys the presumption of innocence, is a previously non-convicted and law-abiding citizen, and continued incarceration would amount to pre-trial punishment; therefore, considering his non-nomination in the FIR, subsequent implication through a co-accused's disclosure, disputed legality of the search and recoveries, absence of independent incriminating material, non-applicability of the penal provisions and completion of investigation, the case calls for further inquiry and the applicant is entitled to the concession of bail.

8. Learned counsel for the applicants in Cr. Bail Application No. 2786 of 2026 submits that the applicant is innocent, a victim of circumstances and has been falsely implicated with mala fide intention, as he was neither named nor nominated in the original FIR, nor was any recovery effected from his person, residence or workplace, and his subsequent implication arose merely during investigation on the basis of the alleged disclosure of persons originally arrested in the case. He contends that such disclosure of a co-accused, in the absence of independent incriminating material connecting the applicant with the preparation, procurement or knowing use of any forged document, cannot by itself furnish sufficient basis for curtailing his liberty, reliance being placed upon *Muhammad Sarfraz Ansari v. The State* (PLD 2021 SC 738). Learned counsel further submits that the applicant is a bona fide salaried employee of the Royal Consulate

General of the Kingdom of Saudi Arabia, Karachi, posted in its Work Visa Department, and the handling and processing of passports and visa-related documents submitted by various agencies forms part of his ordinary official duties; he has neither any proprietary, financial nor employment connection with Jutt Brothers Manpower Services or PGT Manpower Services. He contends that the alleged fake MOFA stickers and other material were recovered from the premises of Jutt Brothers Manpower Services and not from the applicant, his official desk or any place under his exclusive control, while verification of the genuineness of the stickers and forensic examination of the seized electronic devices are still awaited, and no forensic material from any device personally belonging to the applicant has been produced to establish that he prepared, transmitted, directed or facilitated any questioned document. Learned counsel argues that mere handling of passports or visa documents in the ordinary course of lawful official employment cannot be equated with criminal knowledge, mens rea or participation, and criminal liability being personal, the applicant's official position cannot substitute proof of knowledge, connivance, intentional facilitation, illegal gratification or any specific overt act. He further submits that the prosecution itself has left the extent of the applicant's knowledge and involvement to be determined during investigation/trial, which clearly brings the matter within the ambit of further inquiry under Section 497(2), Cr.P.C. Learned counsel contends that the gravity of the allegations or the severity of the prescribed punishment cannot substitute the requirement of examining the individual role and incriminating material against the applicant, particularly when he was not nominated in the FIR, no recovery was effected from him, and the essential ingredients of Sections 6(1)(g) and (h) of the Passport Act, 1974 and Sections 17 and 18 of the Emigration Ordinance, 1979 have not been prima facie established against him. He further submits that the applicant is a permanent employee of a foreign Consulate, has a fixed and verifiable place of employment and residence, has no previous criminal record, is not required in any other case, and there is no likelihood of his absconding, tampering with evidence, influencing witnesses or repeating the alleged offence. Learned counsel submits that the investigation has been completed, the applicant is in

judicial custody and is no longer required for investigative purposes, while no prosecution witness has yet been examined; therefore, his continued incarceration would serve no useful purpose and would amount to pre-trial punishment. He further contends that bail is the rule and refusal an exception, particularly where the case does not fall within the prohibitory clause of Section 497, Cr.P.C., and relies upon Tariq Bashir v. The State (PLD 1995 SC 34), Mst. Asiya v. The State (2021 SCMR 383), Suba Khan (2006 SCMR 66), 2018 P.Cr.L.J. Note 190 and other cited authorities. Lastly, learned counsel submits that the learned Trial Court proceeded on the erroneous premise that the applicant was specifically nominated in the FIR, whereas the record shows otherwise, and although the Court itself observed that the evidentiary value of the material was tentative and more appropriately determinable after recording evidence, it nevertheless dismissed the bail application on the basis of such tentative material; hence, considering the applicant's non-nomination in the FIR, absence of personal recovery, lawful official employment, lack of independent corroborative material, pending verification and forensic reports, disputed attribution of criminal knowledge and the prosecution's own reservation regarding his role, the case is one of further inquiry and the applicant is entitled to the concession of bail.

9. Conversely, the learned Assistant Attorney General, assisted by the Investigating Officer, opposes the grant of bail. He contends that the alleged offences involve corruption and forgery, which are serious in nature and strike at the integrity of public service. He further contends that offences of such nature undermine public trust and have serious repercussions for the economy, therefore requiring a strict approach. Lastly, the learned AAG prayed for dismissal of the bail applications.

10. I have heard the learned counsel for the applicants, learned Assistant Attorney General assisted by the Investigating Officer, and have gone through the material available on record with their able assistance.

11. So far as the applicants in Cr. Bail Applications No.2575, 2829, 2830 and 2786 of 2026 are concerned, I have considered their respective contentions, particularly the plea of further inquiry, non-nomination in

the FIR, absence of personal recovery, alleged lack of independent corroboration and the disputed evidentiary value of the material collected by the prosecution. However, at the bail stage, the Court is required to tentatively examine the available material to determine whether reasonable grounds exist for believing that the applicants are connected with the alleged offence. In the present case, the prosecution has placed on record material which prima facie connects the applicants with the alleged unlawful activities. The raid conducted pursuant to the FIA inquiry resulted in recovery of fake/forged driving licences, counterfeit MOFA (KSA) stickers, fake Aqad-e-Amal/employment agreements, forged immigration documents, tampered passport pages, passports of different persons, travel-agency stationery and other incriminating material, besides electronic devices containing scanned passport copies, templates of forged documents and immigration-related data. Such material cannot, at this tentative stage, be discarded merely on the ground that its ultimate evidentiary value is to be determined at trial.

12. The contention that the prosecution case rests merely upon statements/disclosures of co-accused also does not, in the circumstances of the present case, persuade this Court to extend the concession of bail, as the prosecution case is not founded exclusively upon such statements but is supported by the recoveries and other material collected during investigation. The nature and quantity of the recovered material, coupled with the material collected during the course of investigation, prima facie indicate a nexus requiring the applicants to face trial. The questions raised by learned counsel regarding the legality of search, ownership or control of the premises/devices, forensic examination, and the precise evidentiary value of the recovered articles are matters which can appropriately be determined after recording evidence and cannot, at this stage, be treated as sufficient to bring the case within the ambit of further inquiry under Section 497(2), Cr.P.C.

13. Consequently, the plea that the applicants are entitled to bail merely because the investigation has been completed or that the alleged offences do not fall within the prohibitory clause of Section 497, Cr.P.C.

does not, by itself, entitle them to the concession of bail where the material available on record tentatively connects them with the commission of the alleged offences. The presumption of innocence, no doubt, remains available to every accused; however, the same does not preclude the Court from examining the incriminating material available on record for the limited purpose of determining the question of bail. In this regard, I am fortified by the judgments of the Honourable Supreme Court in *Imtiaz Ahmed and another v. The State* (PLD 1997 SC 545) and *Muhammad Siddique v. Imtiaz Begum and 2 others* (2002 SCMR 442), as well as the judgment reported as *Muhammad Siddiq Awan v. The State* (2003 P.Cr.L.J. 890). In *Muhammad Siddique v. Imtiaz Begum and 2 others* (supra), it has been held as under:-

“Ss. 497 & 498---Bail in non-bailable offences---None can claim bail as of right in non-bailable offences even though the same do not fall under the prohibitory clause of S.497, Cr.P.C.”

14. In view of the foregoing discussion and the material available on record, the cases of the applicants in Cr. Bail Applications No.2575, 2829, 2830 and 2786 of 2026 do not appear to fall within the scope of further inquiry within the meaning of Section 497(2), Cr.P.C. Consequently, the said bail applications are dismissed.

15. Conversely, the case of the applicant in Cr. Bail Application No.2548 of 2026 stands on a different footing. The applicant was neither named nor nominated in the original FIR, and the prosecution case against her subsequently developed during the course of investigation on the basis of disclosures/statements of the persons originally arrested. It is also an admitted position that the applicant was not present at the place of raid when the alleged incriminating articles were recovered. No forged document, passport, electronic device or other incriminating article was recovered from her exclusive possession, nor has any specific questioned document been attributed to her as having been prepared, signed, altered, transmitted or used by her. The prosecution has also not placed on record, at this stage, any independent and tangible material establishing that she knowingly participated in, facilitated or directed the alleged illegal activities.

16. It is also not disputed at this stage that the applicant claims to be proprietor of M/s Al Badri International, holding OEP Licence No.4317/RWP, and that handling passports, visa and employment-related documents forms part of the ordinary business of such concern. Mere status as proprietor and without independent material demonstrating knowledge, connivance or intentional participation in the alleged forgery, would not by itself be sufficient to deny the concession of bail. The extent of her knowledge and alleged involvement requires determination through evidence. Her case, therefore, calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

17. Furthermore, the applicant is a woman and the investigation has been completed; the material relied upon by the prosecution is already in its custody and there is no material before the Court suggesting that her further detention is necessary for the purposes of investigation or that she is likely to abscond or tamper with the prosecution evidence. In these circumstances, continued incarceration of the applicant would not serve any useful investigative purpose. Accordingly, the applicant in Cr. Bail Application No.2548 of 2026 has made out a case for the concession of bail.

18. Consequently, Cr. Bail Application No.2548 of 2026 is allowed, The Applicant Aemon Farooque Khan W/o. Gul Riaz Nabi Memon is admitted to post-arrest bail in FIR No. 205/2026 registered at Police Station FIA, AHTC Circle, Karachi for offences under Sections 6(1)(g)(h) of Passport Act, 1974 R/w Section 17 & 18 of Emigration Ordinance 1979, subject to her furnishing solvent surety in the sum of Rs. 5,00,000/- (Rupees Five Lac only) and a PR Bond in the like amount, to the satisfaction of the learned trial Court.

It is, however, clarified that the observations made herein are tentative in nature and shall not prejudice the case of either party at the trial.

JUDGE