

ORDER SHEET  
IN THE HIGH COURT OF SINDH, AT KARACHI.

**Criminal Bail Application No.2316 of 2023**

Date	Order with signature of Judge
------	-------------------------------

For hearing of bail application.

**15.01.2024.**

Mr. Sikandar Ali Shar, Advocate for the applicant.  
Mr. Ghulam Sarwar Baloch, Assistant Attorney General.  
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.  
-----

**MOHAMMAD KARIM KHAN AGHA, J:-** The Applicant Muhammad Shahid S/o. Muhammad Aslam is facing trial before the Judicial Magistrate (Malir), Karachi in respect of FIR No.104/2023 U/s. 3 & 4 Prevention of Smuggling of Migrants Act, 2018.

2. The brief facts of the case are that 06 persons were deported from Saudi Arabia on the basis of fake visa. On the enquiry from the FIA they have found that the fake Visas have been issued to the deported persons by applicant Muhammad Shahid, hence the FIR was lodged against the applicant for aforementioned offence. The applicant applied for pre-arrest bail which was declined vide order dated 04.10.2023 by the Sessions Judge Malir, Karachi hence the applicant has approached this Court for pre-arrest bail.

3. I have heard the parties and perused the record.

4. The offences for which the applicant has been charged carry a maximum sentence of 05 years and in such like cases the general rule is that the bail should be granted unless some exceptional circumstances exist for declining the bail. When confronted by this Court learned D.A.G. was not able to point out any exceptional circumstances. Furthermore, the evidence against the applicant is of a documentary in nature and as such the applicant would not be able to tamper with the same. The amount

taken from the deportees is also not huge being 15,00,000/- in total. Under these circumstances the pre-arrest bail granted to the applicant Muhammad Shahid S/o. Muhammad Aslam is confirmed on the same terms and conditions. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing of the outcome of the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it.

5. This pre-arrest bail application is disposed of in the above terms.

JUDGE

*M. Arif*