

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No. 638 of 2026

Applicant: Zahid Hussain through Mr. Ajab Khan Khattak,
Advocate

Respondent: The State through Mr. R. D. Kalhoru,
Assistant Attorney General of Pakistan a/w
Inspector Arsalan Qazi, AHTC, FIA, Karachi.

Date of hearing: 27.04.2026

Date of order: 27.04.2026

ORDER

TASNEEM SULTANA, J :-Through this criminal bail application, the applicant Zahid Hussain seeks the concession of post-arrest bail in Crime No.10/2026 registered under Sections 3, 4, 6 & 7 of the Prevention of Smuggling of Migrants Act, 2018 (as amended in 2025) at Police Station FIA, Anti Human Trafficking Circle, Karachi. Earlier, the bail application of the applicant/accused was dismissed by the learned Special Judge (Central-II), Karachi vide order dated 28.01.2026 passed in Special Case No. 07/2026. Hence, this application for the same concession.

2. Brief facts of the prosecution case are that victims namely Shehbaz and Erman Hussain, being desirous of proceeding abroad, came into contact with the present applicant/accused, who allegedly demanded an amount of Rs. 450,000/- for arranging their travel to the Kingdom of Saudi Arabia under the garb of Umrah visas for the purpose of employment. It is alleged that part of the said amount was paid through banking channels while the remaining amount was paid in cash. Thereafter, on 08.01.2026, the applicant/accused along with the said victims attempted to travel to Saudi Arabia from Jinnah International Airport, Karachi, but during immigration clearance, they were intercepted on suspicion and subsequently offloaded. Upon inquiry, it was revealed that the passengers were not in possession of proper hotel bookings and their travel arrangements appeared inconsistent. The victims allegedly disclosed that their intended purpose was to seek employment abroad under the cover of Umrah visas. Consequently, the matter was referred to FIA, Anti Human Trafficking Circle, Karachi, and the instant FIR was registered.

3. Learned counsel for the applicant/accused contends that the applicant is innocent and has been falsely implicated in the present case; that no direct and independent evidence is available on record to connect the applicant with the commission of the alleged offence; that the entire case of the prosecution rests upon the statements of the victims which are yet to be tested during trial; that the alleged offence does not fall within the prohibitory clause of Section 497, Cr.P.C.; that the case of the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C.; that the applicant is in custody, investigation has been completed and challan has been submitted; and that there is no likelihood of his absconding or tampering with the prosecution evidence if released on bail.

4. Conversely, learned State counsel vehemently opposes the grant of bail and contends that the applicant is involved in an organized scheme of human smuggling; that the applicant arranged illegal migration of intending passengers under the garb of Umrah visas for monetary consideration; that substantial amounts were received from the victims which are corroborated through banking transactions available on record; that the circumstances of interception at the airport and disclosures made during inquiry clearly establish the involvement of the applicant; that sufficient incriminating material is available on record; and that the case does not fall within the ambit of further inquiry; therefore, prayed for dismissal of the bail application.

5. I have heard learned counsel for the parties and have carefully gone through the record.

6. From a tentative assessment of the record, it appears that the present applicant is prima facie involved in arranging illegal migration of the victims, namely Shehbaz and Erman Hussain, under the garb of Umrah visas for the purpose of employment abroad against monetary consideration. The record further reflects that such arrangement was undertaken by the applicant with the assistance of persons connected with travel-related activities, through whom bookings, tickets and allied formalities were managed. The material collected during investigation, including financial transactions and statements of the victims, prima facie corroborates the prosecution case and suggests that the entire scheme was orchestrated and controlled by the applicant.

7. The circumstances leading to the interception of the passengers at Jinnah International Airport, Karachi, their lack of proper travel arrangements, and the disclosures made during inquiry, prima facie indicate that the intended travel was not for a bona fide religious purpose but was a means to facilitate employment abroad, thereby reflecting an organized activity of human smuggling carried out for monetary gain.

8. The offences alleged against the applicant arise under Sections 3, 4, 6 & 7 of the Act *ibid*. A perusal of the amended provisions shows that the offences under Sections 3 and 4 carry punishment extending up to ten years, thus attracting the prohibitory clause of Section 497, Cr.P.C. It is by now well settled that where any of the alleged offences falls within the prohibitory clause, bail is not to be granted as a matter of course. In the present case, the material available on record prima facie connects the applicant with the commission of the alleged offence.

9. The reliance placed by learned defence counsel on the judgment rendered in Cr. Bail Application No. 656 of 2026 is distinguishable on facts, as in the said case there was absence of specific incriminating material.

10. In view of the above facts and circumstances, the applicant has failed to make out a case for grant of bail. Consequently, instant bail application is dismissed.

11. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party at the time of trial.

JUDGE