IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2944 of 2026

Applicant	:	Muhammad Asfand Shah S/o. Ghulam Madni Shah Through Mr. Asif Ali, Advocate
The State	:	Through Mr. R. D. Kalhoro, Assistant Attorney General for Pakistan a/w Inspector Babar Ali of PS FIA, AHTC, Karachi.
Date of hearing	:	10.11.2026.
Date of order	:	10.11.2026.

O R D E R

***Khalid Hussain Shahani*, J.**— The applicant seeks confirmation of interim pre-arrest bail granted by this Court on 09.09.2026 in Crime No. 317 of 2025, registered at Police Station FIA, Anti-Human Trafficking Circle, Karachi, under sections 3, 4 and 6 of the Prevention of Smuggling of Migrants Act, 2018, as amended in 2025. His earlier application was declined by the Special Judge (Central-I), Karachi, on 21.10.2025.

2. The prosecution case stems from a complaint dated 26.09.2025 lodged by Eduardo Lopez, Special Agent, Diplomatic Security Service, U.S. Consulate General, Karachi. The allegation is that Duniawise International, a visa consultancy owned by co-accused Kiran Faisal Khan, facilitated applications for U.S. B1/B2 visas through false particulars and fabricated documents portraying intending migrants as entrepreneurs and delegates to the Young Entrepreneurs Summit. The FIA intercepted twenty visa applicants outside the Consulate. They allegedly disclosed that sums ranging from Rs. 25,00,000 to Rs. 30,00,000 had been paid for arranging the visas. Co-accused Uzma Mustafa, said to have acted as the summit's ambassador and group leader, named the applicant among those allegedly involved.

3. Learned counsel for the applicant submitted that the FIA registered the FIR on the day it received the complaint, without a meaningful preliminary inquiry. He contended that the applicant carried on a separate business, had no proprietary or managerial connection with the consultancy, and had been implicated because he was the brother of Kiran Faisal Khan. He further submitted that the material disclosed no specific act by the applicant in preparing the documents or facilitating the visa applications, that section 6 of the Act was inapplicable, and that the bail already granted to the co-accused warranted like treatment. The

learned Assistant Attorney General opposed confirmation, submitting that the record sufficiently connected the applicant with the alleged offence.

4. Having heard learned counsel and tentatively examined the record, I find that the applicant's individual role requires further inquiry. Although Uzma Mustafa named him, the material presently available does not identify any specific act by which he prepared or supplied a fabricated document or facilitated a visa application. Kiran Faisal Khan, to whom the prosecution attributes ownership of the consultancy, has already been granted pre-arrest bail by this Court. Uzma Mustafa and Muhammad Shabbir have also been granted post-arrest bail by the Honourable Supreme Court of Pakistan. On the material presently available, there is no distinguishing feature adverse to the applicant that would warrant withholding the concession already extended to Kiran Faisal Khan. The rule of consistency, as applied in *Pir Bakhsh v. The State and others* (2010 MLD 220), supports that conclusion.

5. The applicant has thus made out a case of further inquiry within the contemplation of section 497(2), Cr.P.C. The application is allowed, and the interim pre-arrest bail granted on 09.09.2026 is confirmed on the same terms and conditions. The applicant shall attend the trial.

6. These observations are tentative. The trial Court shall decide the case on its own merits, uninfluenced by them.

.

J U D G E