

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 2312 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGES
<u>For hearing of bail application.</u>	
<u>22nd December, 2021</u>	
<p style="text-align: center;">Mr. Muhammad Bilal Rashid, Advocate for applicant. Mr. Muhammad Ahmed, Assistant Attorney General a/w Ghazala Naureen, I.O.</p> <p style="text-align: center;">=====</p> <p><u>Omar Sial, J:</u> Shafqat Hussain has sought post arrest bail in crime number 156 of 2021 registered under sections 22(b) and 17(2)(b) of the Emigration Ordinance 1979 at the Anti-Human Trafficking Wing of the F.I.A. police station. Earlier, his application seeking bail was dismissed by the learned Special Judge (Central) – II at Karachi on 29-11-2021.</p> <p>2. A background to the case is that the aforementioned F.I.R. was registered on 12-11-2021 on the complaint of Muhammad Hassan Rasool. Although the F.I.R. is lengthy, the complainant Rasool had in essence is as follows:</p> <p>3. Co-accused Zuhair was the owner of an entity called Canadian Immigration Expert, whereas the applicant is an employee in that business. Rasool approached the business to explore immigration to Canada and after reviewing his paper-work, he was informed that his qualifications make him eligible for employment under a certain immigration program of the Canadian government. Rasool was supposed to pay USD 8000 in four installments for the services of the business. He paid two installments subsequently. Not much progress was made in the matter and after remaining in touch with the complainant, sometime in November 2018 both the accused i.e. Zuhair Ahmed and Shafqat Hussain became incommunicado.</p> <p>4. I have heard the learned counsel for the applicant as well as the learned Assistant Attorney General. The complainant did not effect an appearance. The arguments of the learned counsels is not being reproduced for the sake of brevity but are reflected in the observations below.</p>	

5. It is an admitted position that the business was run by co-accused Zuhair Ahmed and that the applicant was an employee at that business. The investigating officer has confirmed that the money taken by the business from Rasool went into the account of the business. She further confirmed that the applicant is not an authorized signatory of the bank account of the business. She also confirmed that during investigation no evidence was found to establish that any of the money taken from Rasool by the business found its way to the applicant in any manner whatsoever. In view of the foregoing findings during investigation, further inquiry is required to establish the nexus of the applicant with the crime complained of. The applicant is therefore admitted to bail subject to his furnishing a solvent surety in the sum of Rs. 100,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE