

IN THE HIGH COURT OF SINDH, AT KARACHI

Cr. Bail Application No.122 of 2026

Applicants : Muhammad Owais s/o Muhammad Nadeem Asif Paracha and Muhammad Waseem Khan s/o Muhammad Saleem Khan, through Mr.Tousif Abro Advocate.

Respondent : The State, through Syed Bashir Hussain Shah, Asstt. Attorney General along with Inspector Babar Ali, F.I.A. AHTC, Karachi.

Date of hearing: 30.01.2026.

Date of Order : 30.01.2026.

ORDER

TASNEEM SULTANA, J.— Through this Criminal Bail Application, the applicants Muhammad Owais and Muhammad Waseem Khan seek post-arrest bail under Section 497, Cr.P.C., in crime No.470/2025, registered at Police Station FIA, Anti-Human Trafficking Circle, Karachi, under Sections 3, 4, 6 & 7 of the Prevention of Smuggling of Migrants Act, 2018. Having been rejected their earlier bail application No.nill of 2026 passed by the learned in charge judge of Special Court (Central-II), Karachi vide order dated 08.01.2026; hence, the present application for the same concession.

2. Brief facts of the prosecution case, as narrated in the FIR, are that consequent upon Enquiry No.1465/2025 dated 18.12.2025, initiated on the basis of Off-Loading Report (VRF No.130/2025 dated 17/18.12.2025) lodged by SI Rahat Khan, Incharge Shift "A", FIA I&AHS, JIAP Karachi, it came to light that the applicants, along with Stephen of M/s Adony Services (Visa Provider) and others, were allegedly acting as an organised group involved in migrant smuggling. It is alleged that intending migrants were engaged on the false pretext of being provided employment in Malaysia under the garb of Malaysian visit visas and that amounts ranging from Rs.200,000/- to Rs.240,000/- per head were demanded and received through cash as well as banking channels. The prosecution further alleges that Malaysian visit visas were procured on the basis of fabricated or arranged documents, including bank statements, and that none of the passengers had independently provided bank statements required for visa processing. It is further alleged that while the applicants were taking a group of passengers through Flight No. D-7109, they were off-loaded at Jinnah International Airport, Karachi, and thereafter referred to FIA for further

verification and legal action. The passengers appearing at Sr. Nos.1 to 21 were treated as victims under Section 8 of the PSMA, 2018, whereas the applicants were nominated as accused of offences punishable under Sections 3, 4, 6 & 7 of the Act. The record further reflects that two passengers, namely Muhammad Shariq Noor and Ms. Farhana Noor, were allowed to proceed to Malaysia, while the remaining passengers were off-loaded.

3. Learned counsel for the applicants contends that the applicants have been falsely implicated on the basis of assumption and airport profiling; that applicant No.1 is a lawfully registered travel agent, proprietor of M/s Owais Travel & Tours, duly registered with FBR and PATO; that applicant No.2 is merely an employee/support staff; that all passengers were holding valid passports, valid Malaysian visit visas, confirmed return air tickets and hotel bookings; that no document has been declared forged or fabricated by any competent authority; that no fake bank statement has been recovered from the possession of the applicants; that the alleged monetary transactions correspond to lawful travel-related services; that statements recorded under Section 161 Cr.P.C. are not substantive evidence and are mutually inconsistent, particularly regarding Mushtaq Ali s/o Mahmeer; that despite police custody and physical remand no incriminating recovery has been affected; that investigation has substantially progressed and interim challan has already been submitted; that selective off-loading is evident as two passengers were allowed to fly; and that, at best, the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

4. Learned Assistant Attorney General for the State vehemently opposes and submits that the applicants were apprehended while actively facilitating the international movement of a group of passengers; that the off-loading report, enquiry proceedings, profiling exercise, remand report and interim challan, when read cumulatively, disclose a *prima facie* case of organised migrant smuggling rather than a routine travel transaction; that the applicants were not merely selling tickets but allegedly engaged in recruiting intending migrants, receiving consideration from them, arranging visit visas without requisite bank statements, and attempting to transport them abroad for employment under the garb of visit visas; that such conduct squarely attracts the mischief of Sections 3 and 6 of the Prevention of Smuggling of Migrants Act, 2018, read with Section 7 thereof; and that the declaration of passengers as victims under Section 8 of the Act lends *prima facie* support to the prosecution stance.

5. Heard. Record perused.

6. A tentative assessment of the material placed on record reflects that the allegations against the applicants are not confined to mere facilitation of lawful travel or provision of ticketing services; rather, they *prima facie* attract the mischief of Sections 3 and 6 of the Prevention of Smuggling of Migrants Act, 2018, which criminalise the act of organising, facilitating, aiding, abetting or attempting the smuggling of migrants, whether directly or indirectly, including arrangements made under the garb of lawful travel. The prosecution material, as emerging from the off-loading report, enquiry proceedings, remand report and interim challan, *prima facie* demonstrates that the applicants engaged multiple intending migrants, received consideration from them, arranged visit visas for the stated purpose of overseas employment, and attempted to transport such persons through an international exit point, namely Jinnah International Airport, Karachi, thereby bringing the case within the scope of the said provisions at this stage.

7. The material further reflects that the alleged acts were not isolated or individual in nature but were carried out in coordination with other persons, including an absconding visa provider, which *prima facie* attracts the mischief of Section 7 of the PSMA, 2018, providing enhanced punishment where migrant smuggling is committed as part of an organised criminal group. The treatment of passengers appearing at Sr. Nos. 1 to 21 as victims under Section 8 of the PSMA, 2018 further strengthens, at this tentative stage, the prosecution position that the applicants were operating on the facilitating end of the transaction. The pleas raised by the applicants regarding lawful business activity, validity of visit visas, selective off-loading and absence of recovery do not, at present, dislodge the *prima facie* material collected during enquiry and investigation and do not bring the case within the ambit of further inquiry as envisaged under Section 497(2), Cr.P.C.

8. In view of the above tentative assessment, the applicants have failed to make out a case for the grant of post-arrest bail. Consequently, this Criminal Bail Application is dismissed.

9. These observations are tentative in nature, made only for the purpose of deciding this bail application, and shall not prejudice the case of either party at the time of trial.

JUDGE