

**IN THE HIGH COURT OF SINDH AT KARACHI**

Criminal Bail Application No.1880 of 2025

Applicant : Tariq Ali son of Talib Hussain  
through Mr. Israr Ahmed Abro, Advocate

Respondents: The State through Syed Bashir Hussain Shah,  
Assistant Attorney General.

Date of hearing: 04.02.2026

Date of Order: 04.02.2026

**ORDER**

**TASNEEM SULTANA, J.**— Through this Criminal Bail Application, the applicant seeks pre-arrest bail in Crime No.356/2022 registered under Sections 3/4/6/7 Prevention of Smuggling of Migrants Act, 2018 at Police Station FIA, AHT Circle, Karachi. The applicant had earlier approached the learned Sessions Judge, Malir, Karachi, where his pre-arrest bail application was declined vide order dated 30.04.2025. Hence this application for the same concession.

2. Brief facts, as set out in the FIR, are that consequent upon Enquiry No. 857/2022 initiated based on deportation proceedings, three intending emigrants namely Afzaal Ahmed, Hamza Masood and Tayyab Raza arrived at Jinnah International Airport Karachi from Tehran on 30.10.2022. During scrutiny of their travel documents, Schengen visas affixed on their passports were found suspected to be fake/bogus; upon questioning, they disclosed that the visas had been arranged through agents for monetary consideration for the purpose of illegal migration to Austria through foreign transit routes; consequently, the instant crime was registered under the Prevention of Smuggling of Migrants Act, 2018.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in the present case; that the FIR does not disclose any direct role of the applicant in arranging or affixing the alleged fake visas; that his name did not appear in the initial deportee proceedings; that he has been nominated subsequently during inquiry without independent corroboration; that the allegations rest solely upon disclosure statements of intending emigrants; and that the case falls within the ambit of further inquiry.

4. Conversely, learned Assistant Attorney General opposes the application and contends that he has been attributed the role of agent who facilitated transit arrangements and migration route; that monetary consideration was allegedly received through intermediary for arranging travel documentation; that the offence pertains to organized migrant smuggling falling within the mischief of the Prevention of Smuggling of Migrants Act, 2018; that the statements recorded during investigation prima facie connect the applicant with the commission of offence; and that he is not entitled to the extraordinary relief of pre-arrest bail.

5. Heard. Record perused.

6. Tentative assessment of the material placed on record reflects that the prosecution case originates from deportation of intending emigrants intercepted abroad on suspicion of forged travel documentation. During inquiry proceedings, two intending emigrants namely Hamza Masood and Tayyab Raza have involved the present applicant with regard to facilitation of certain transit arrangements, whereafter his name surfaced in the investigative process.

7. The involvement so attributed to the applicant rests upon disclosure statements recorded during investigation. The material presently available does not furnish independent corroboration connecting the applicant with the alleged migration process. Determination of the nature and extent of his alleged role would necessarily require deeper appreciation of evidence, which is not permissible at bail stage.

8. In these circumstances, it cannot be held, at this tentative stage, that reasonable grounds exist to connect the applicant with the commission of the alleged offence beyond further inquiry. The case, therefore, squarely falls within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C., entitling the applicant to the concession of bail. Reliance in this regard is placed on the case of *Rana Muhammad Ashraf v. Muhammad Rafique* (PLD 2009 SC 427).

9. In view of the above circumstances, the applicant has made out a case for confirmation of pre-arrest bail. Consequently, the instant pre-arrest bail application was allowed and the interim pre-arrest bail granted vide order dated 21.07.2025 stands confirmed on the same terms and conditions.

10. Needless to mention that the observations made herein are tentative in nature and shall not prejudice the case of either side at trial.

11. These are the reasons for my short order dated 04.02.2026.

JUDGE

Nadeem