

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

Constitutional Petition No. D-1648 of 2026
(*Muhammad Rizwan versus Federation of Pakistan & others*)
Constitutional Petition No. D-1649 of 2026
(*Usama versus Federation of Pakistan & others*)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order: 30.3.2026

Ms. Samreen Ali Rizvi advocate for the petitioner
Ms. Wajiha Mehi Assistant Attorney General
Mr. Amin Ahmed Additional Director Passport

ORDER

Adnan-ul-Karim Memon, J. Petitioners have filed theses Constitutional Petitions under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer(s): -

- a. To declare that the continued inclusion/retention of the name of the petitioner in the Exit Control List (ECL) /PCL/PNIL and/ or any other restrictive list by the respondents, despite his acquittal vide order dated 26.08.2025, is illegal, unlawful, ab initio void and of no legal effect;*
- b. To direct the respondents to immediately remove the name of the petitioner from the Exit Control List (ECL) /PCL/PNIL and/ or any other hidden or undisclosed restrictive list maintained by the respondents;*
- c. To allow the petitioner to travel abroad freely to perform his religious obligation of Umrah and for any other lawful purpose.*

2. The petitioner's counsel contends that the petitioners are law-abiding citizens, who were implicated in FIR No. 04/2023 but were subsequently honorably acquitted by the competent court vide order dated 26-08-2025. He added that despite their acquittal, their name continues to remain on the Exit Control List (ECL)/PCL/PNIL, which is illegal, arbitrary, and without lawful authority. He submits that they are not involved in any other case, and the continuation of their name on such lists amounts to double punishment and violation of his fundamental rights guaranteed under Articles 4, 9, 10-A, 15, and 20 of the Constitution. He emphasized that due to this, they have been prevented from travelling abroad to perform Umrah, causing severe mental and religious distress. He prays for removal of their name from all restrictive lists and permission to travel abroad. He prayed to allow these petitions.

3. The learned AAG submits that the petitioner's name were placed on the Passport Control List (PCL) on 29-02-2024 based on the recommendations of the Directorate of Intelligence & Investigation (IR), Islamabad, conveyed through the Ministry of Interior. She added that the placement was made in accordance with Rule 22(2)(b) of the Passport Rules, 2021. It is, therefore, contended that the action of the respondents was lawful, and the petition may be disposed of accordingly to the extent of Respondents No. 01 and 03.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. In the present case, it is an admitted position that the petitioners were implicated in FIR No. 04/2023; however, the said FIR has already been quashed by the learned Lahore High Court, Lahore, and the petitioners have also been acquitted by the learned trial Court. Therefore, the very basis for placing the names of the petitioners on the Exit Control List (ECL) / Passport Control List (PCL) / PNIL no longer exists.

6. Once the criminal proceedings have culminated in acquittal and the FIR itself has been quashed, the continuation of the petitioners' names on the ECL/PCL amounts to an unlawful and arbitrary restriction on their fundamental rights. It is now a settled principle of law that the right to travel abroad is a fundamental right flowing from Articles 4, 9 and 15 of the Constitution, and the same cannot be curtailed except strictly in accordance with law. The superior courts of the country have consistently held that mere registration of a criminal case is not sufficient ground for placing a person's name on the ECL, and such restriction must be based on lawful authority, valid reasons, and due process.

7. This Court in the case of *Sharafat Hussain vs Federation of Pakistan* has held that the continued placement of a person's name on PCL/PNIL/ECL merely on suspicion or unsubstantiated material is arbitrary, unlawful, and violative of Articles 4 and 15 of the Constitution, and directed the authorities to remove the name and not to create any impediment in travelling abroad. Similarly, in 2025 CLC 1607, it has been held that placement of a person's name on the ECL without independent application of mind and without lawful justification is void ab initio and violative of fundamental rights, and the authorities were directed to immediately remove the name from the ECL.

8. Furthermore, under Rule 22(2)(b) of the Passport Rules, 2021, the name of a person can be placed on PCL only when there are valid legal grounds such as pending criminal proceedings, conviction, or matters relating to national security. In the present case, since the FIR has been quashed and the petitioners have been

acquitted, no proceedings are pending against them; therefore, the continuation of their names on the PCL/ECL is without lawful authority and jurisdiction.

9. It is also an established principle that after acquittal, all adverse consequences flowing from criminal proceedings must cease, and any continued restriction amounts to double jeopardy and continued punishment without conviction, which is not permissible under law. Therefore, the continued inclusion of the names of the petitioners in the ECL/PCL/PNIL, despite their acquittal and quashment of FIR, is illegal, unlawful, without jurisdiction, and of no legal effect, being violative of Articles 4, 9, 10-A and 15 of the Constitution of the Islamic Republic of Pakistan, 1973.

10. Resultantly, these petitions are allowed, and the respondents are directed to forthwith remove the names of the petitioners from the Exit Control List (ECL), Passport Control List (PCL), PNIL, and any other restrictive list, and not to create any impediment in the petitioners' travelling abroad, subject to any lawful restriction, if any, in accordance with law.

JUDGE

JUDGE