

# IN THE HIGH COURT OF SINDH AT KARACHI

## **Criminal Bail Applications No.1394 of 2026**

Applicant : Muhammad Sadiq  
Son of Muhammad Saleem  
Through M/s. Shahab Sarki  
& Taj Muhammad Jamali, advocates.

The State : Through:  
Mr. Muhammad Ishaq,  
Assistant Attorney General  
a/w I.O SI-Muhamad Aftab,  
FIA, AHTC.

Date of hearing : 14.05.2026

Date of Order : 14.05.2026

### ORDER

**Jan Ali Junejo, J:--** This post-arrest bail application has been filed by the applicant/accused, Muhammad Sadiq S/o. Muhammad Saleem, under Section 497 of the Code of Criminal Procedure, 1898, being aggrieved and dissatisfied with the Impugned Order dated 08.05.2026 passed by the learned Special Judge (Central-II), Karachi in Criminal Bail Application No.07/2026, arising out of FIR No. 136/2026, dated 16.04.2026, registered at Police Station FIA Anti Human Trafficking Circle, Karachi, for the alleged offences under Sections 3, 4, 6 & 7 of the Prevention of Smuggling of Migrants Act (PSMA), 2018 (Amended in March 2025), read with Section 6(1)(q) of the Passport Act, 1974.

2. The brief facts of the prosecution case, as narrated in FIR No. 136/2026 registered at Police Station FIA AHT Circle, Karachi, are that one deportee, Syed Samar Haider Rizvi, was deported from the UAE on 14.04.2026. During immigration clearance, he disclosed that he had paid PKR 240,000 to agents Arsalan Ashfaq and Syed

Ghulam Mohiuddin Haider for a UAE tourist visa. The agents allegedly arranged a tampered visa by altering a family visa to a single tourist visa. Upon the deportation, the FIA team, on the pointation of the victim and co-accused persons, conducted a raid at the office of M/s. A-One Tourism, where the present applicant/accused was found. From his office, the prosecution claims to have recovered 21 passports, a rubber stamp, and a mobile phone. The co-accused persons allegedly stated that the visa was arranged through the applicant against a payment of Rs. 160,000/-.

3. The learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. He submitted that the entire case against the applicant rests solely on the inadmissible disclosure of a co-accused, without any independent corroborative evidence. He pointed out that the applicant had only obtained a genuine family visa for the victim and his wife, as evidenced by the approved visa copies, WhatsApp chat, and application forms. He argued that no incriminating material such as a visa printing setup, forensic report, or any instrument of forgery was recovered from the applicant, and no bank transaction or monetary link between the applicant and the victim has been established. He further contended that the prosecution case is based entirely on documentary evidence already in the possession of the prosecution, so there is no possibility of tampering. He prayed for the grant of post-arrest bail.

4. The learned Assistant Attorney General, Pakistan along with Investigating Officer opposed the bail application, arguing that the

applicant is a nominated accused and a specific role has been assigned to him. He contended that the recovery of 21 passports from his office and the statement of the co-accused persons and the victim constitute sufficient prima facie material to connect the applicant with the offence of human smuggling. He submitted that the offences are serious and have wide social ramifications, and therefore the applicant does not deserve any leniency.

5. I have carefully heard the learned counsel for the parties, perused the available record, including the FIR, interim charge sheet, and the annexures filed by the applicant. At the stage of considering a post-arrest bail application, the Court is not required to conduct a roving inquiry or a mini-trial. The question to be determined is whether a prima facie case exists against the accused, not whether the accusation is ultimately likely to result in a conviction. The settled principle of law is that if the prosecution's case is based on material that requires further inquiry and the evidence is largely documentary and already in the possession of the prosecution, the continued detention of the accused may not be necessary. Upon a tentative assessment of the material on record, the following significant facts emerge in favour of the applicant: (i) Lack of direct evidence of tampering or forgery: The prosecution has not produced any forensic report, expert opinion, or technical evidence to establish that the applicant himself tampered with the visa in question or that the visa provided by the applicant was forged. The applicant has produced copies of the approved family visas issued by the Government of Dubai, which prima facie appear to be

genuine. The allegation of “tampering” is based solely on the assertion of the co-accused persons, without any corroborative documentary or electronic evidence linking the applicant to the act of alteration. (ii) The prosecution case rests primarily on the statement of a co-accused: It is well settled that the disclosure statement of a co-accused, in the absence of independent corroboration, has very limited evidentiary value and cannot be the sole basis to deny bail, especially where the accused is not alleged to have made any confession himself.

6. In the present case, the only link connecting the applicant to the alleged tampering is the voluntary admission of the co-accused (*Syed Ghulam Mohiuddin Haider and Arsalan Ashfaq*) that they “got arranged” the visa through the applicant. No bank receipt, written communication, or other independent material has been brought on record to substantiate this claim. (iii) No monetary transaction between the applicant and the victim: The FIR and the interim charge sheet clearly state that the victim paid PKR 240,000 to the bank account of M/s. HN Travel and Consultancy (the co-accused). There is no allegation, much less any proof, that the applicant directly received any amount from the victim. The alleged payment of PKR 160,000 by the co-accused to the applicant is also not supported by any bank statement, cheque, or other documentary evidence. In the absence of a financial trail, the allegation of monetary gain against the applicant remains unsubstantiated at this stage.

7. The prosecution has recovered 21 passports from the applicant's office. However, the applicant runs a travel agency. The mere possession of passports of intending travellers, without more, does not *\*ipso facto\** constitute an offence under the PSMA, especially when the applicant has produced evidence of registration and a valid license from the Government of Dubai. Whether these passports were collected for legitimate visa processing or for illegal purposes is a matter of trial, requiring detailed evidence. At the bail stage, this recovery cannot be treated as conclusive incriminating material, particularly when no complaint from any of those passport holders has been produced alleging any fraud or cheating.

8. The record shows that all relevant documents, including the passports, mobile phones, and the alleged incriminating material, have already been seized by the FIA and are in their custody. The interim charge sheet has also been submitted before the learned trial Court. In such circumstances, there is no reasonable apprehension that the applicant, if released on bail, would be able to tamper with the evidence, which is already secured by the prosecution. The mere fact that investigation may be ongoing does not automatically justify continued detention, especially when no further physical custody of the applicant is required for collection of documentary evidence.

9. The applicant claims to have no previous criminal record, which has not been disputed by the prosecution. The physical custody of the Applicant is not required in this matter as the prosecution relies upon the documentary evidence, which is already in its possession.

10. In view of the above, I am of the considered opinion that the applicant has made out a case for the grant of post-arrest bail. The material placed on record does not, at this stage, establish a prima facie case against the applicant under the Prevention of Smuggling of Migrants Act (PSMA), 2018, read with the Passport Act, 1974. The allegations, even if accepted at their face value, give rise to serious disputed questions of fact which can only be adjudicated upon after recording of evidence and conclusion of a full-fledged trial. In such circumstances, the continued incarceration of the applicant at this stage does not appear to be warranted. Reliance in this regard is placed upon the cases of *Shafqat Hussain v. The State and another* (2025 YLR 2350), *Muhammad Asif v. The State* (2007 YLR 3026), and *Murad Ali Shah v. The State* (2004 P.Cr.L.J. 925).

11. Consequently, this Criminal Bail Application is allowed. The applicant/accused, Muhammad Sadiq S/o. Muhammad Saleem, is ordered to be released on post-arrest bail subject to his furnishing a solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand Only) and a personal bond in the like amount to the satisfaction of the learned Trial Court. It is clarified that the observations made hereinabove are purely tentative and for the purpose of deciding this bail application only, and shall not prejudice the case of either party at the time of final trial.

**JUDGE**