IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1143 of 2026

Applicant	:	Syed Muhammad Ashfaq, through Mr. Rana Adnan Rajput, Advocate.
Respondent	:	The State, through Mr. R.D. Kalhoro, A.A.G., a/w I.O. Inspector Baber Ali.
Date of hearing	:	18.05.2026.
Date of order	:	18.05.2026.

O R D E R

TASNEEM SULTANA, J.— Through this criminal bail application, the applicant Syed Muhammad Ashfaq seeks post-arrest bail in Crime No.34 of 2026, registered under Sections 420, 468, 471 and 109, P.P.C. at Police Station F.I.A., Anti-Human Trafficking Circle, Karachi. Earlier, his post-arrest bail application bearing No.33 of 2026 was dismissed by the learned Civil Judge and Judicial Magistrate-I, Karachi South, vide order dated 05.03.2026, while his subsequent bail application bearing No.945 of 2026 was dismissed by the learned Vth Additional Sessions Judge, Karachi South, vide order dated 18.03.2026; hence, the instant application for the same concession.

2. Brief facts of the prosecution case are that the Overseas Criminal Investigation Unit of the U.S. Consulate General, Karachi, vide communication dated 27.01.2026, informed the Federal Investigation Agency that the applicant, being President and Chief Executive Officer of Huqooq-ul-Ebad Development Foundation, was allegedly facilitating visa applications through counterfeit documents and misrepresentation of material facts. Co-accused Muhammad Moazan Ali appeared before the U.S. Consulate General, Karachi, for obtaining a C-2 visa on the strength of an employment letter purportedly issued by the said Foundation, showing him as its Social Mobilizer. During the visa interview, he allegedly failed to explain the bye-laws of the Foundation or the nature of his duties and disclosed that his travel expenses were to be borne by the applicant. Similar discrepancies were also reported in the visa application of co-accused Khalid Saleem. The enquiry further revealed that the applicant had previously facilitated C-2 visa applications for three Pakistani nationals who subsequently sought asylum in the United States. On receipt of the said information, the F.I.A. initiated Enquiry No.166 of 2026 and, after collection of material, registered the FIR.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated with malafide intention; that he

neither forged nor prepared any document and no direct evidence connects him with the alleged offences; that the prosecution case rests upon presumptions and the disclosure of the co-accused; that the material attributed to the applicant requires deeper appreciation of evidence, making the matter one of further inquiry within the meaning of Section 497(2), Cr.P.C.; and that the alleged offence do not fall within the prohibitory clause of Section 497(1), Cr.P.C. He prayed that the applicant be admitted to post-arrest bail.

4. Conversely, learned A.A.G. opposed the application and contended that sufficient material connects the applicant with the alleged offence; that he arranged false employment and supporting documents for the visa application after receiving substantial consideration; that relevant messages and voice notes were recovered from the seized mobile phones; and that no case for further inquiry has been made out.

5. Heard. Record perused.

6. A tentative assessment of the material available on record reflects that the applicant is specifically nominated in the F.I.R. with a distinct role. He is stated to be the President and Chief Executive Officer of Huqooq-ul-Ebad Development Foundation, while the documents allegedly used in support of the visa application are stated to have emanated from the said organization. The proceedings originated from a written communication addressed by the U.S. Consulate General to the Federal Investigation Agency, wherein the applicant was specifically identified as the person allegedly facilitating visa applications through counterfeit documents and misrepresentation of material facts.

7. The prosecution case further reflects that the applicant was approached through the maternal uncle of the visa applicant for arranging his travel to the United States. The applicant allegedly demanded Rs.2,500,000/-, received Rs.1,000,000/- in advance and agreed to receive the remaining amount after the intended traveller’s arrival in the United States. He is also alleged to have obtained copies of the relevant CNIC, passport and photograph through WhatsApp and thereafter arranged documents showing the visa applicant as an employee of the Foundation, although he had never served the said organization.

8. The role attributed to the applicant is not confined to a general allegation. He is further alleged to have conducted training for the visa applicant at ZM Food Point, Wazirabad, coached him regarding the visa interview and instructed him to represent himself as a Social Mobilizer of the Foundation drawing a monthly salary of Rs.81,200/-. The employment and

supporting documents allegedly arranged through the Foundation were subsequently presented before the U.S. Consulate during the visa process. These circumstances, when considered cumulatively, prima facie indicate a pre-arranged course of conduct.

9. The communication received from the U.S. Consulate General also refers to the applicant's alleged involvement in facilitating similar C-2 visa applications for three Pakistani nationals who subsequently sought asylum in the United States. At this tentative stage, such material, when considered with the other circumstances available on record, further supports the prosecution case regarding the applicant's alleged course of conduct.

10. The record further reflects the alleged availability of messages and voice notes relating to the applicant's role in the visa arrangement. The relevant mobile phones were seized and forwarded for forensic examination. Thus, the prosecution case is supported, at least tentatively, by the communication originating from the U.S. Consulate General, the documents allegedly arranged through the Foundation, the visa application material and the electronic material collected during investigation. A deeper appraisal of such material or determination of its ultimate evidentiary value is not permissible at the bail stage.

11. Although the alleged offences do not fall within the prohibitory clause of Section 497(1), Cr.P.C., the grant of bail in such cases is not a rule of universal application and depends upon the facts and circumstances of each case. Reference may well be made to **Shameel Ahmed v. The State (2009 SCMR 174),** wherein the Hon'ble Supreme Court of Pakistan held as under: —

> "4………Bail in a case not falling within the prohibitory clause of S. 497, Cr. P.C. --- Principles---Grant of bail in cases not falling within the domain of prohibition clause of proviso to S.497, Cr. P.C. is not a rule of universal application---Each case has to be seen through its own facts and circumstances---Grant of bail, no doubt, is a discretion granted to a Court, but its exercise cannot be arbitrary, fanciful or perverse."

12. In **Mehmood Siddique v. Imtiaz Begum and two others (2002 SCMR 442),** the Hon'ble Supreme Court of Pakistan further held as under: —

> "4……………. None can claim bail as of right in non-bailable offences even though the same do not fall under the prohibitory clause of section 497 Cr.P.C."

13. In view of the above facts and circumstances, the applicant failed to make out a case for further inquiry within the meaning of Section 497(2), Cr.P.C. Consequently, the instant criminal bail application was dismissed

vide short order dated 18.05.2026. These are the reasons for the said short order.

14. The observations made herein are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

JUDGE