THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Application No.S- **631** of 2026
(***Abid Hussain Chandio v. The State***)

Mr. Muhammad Ali Napar, Advocate for the Applicant.
Syed Naveed Ali Shah, D.A.G a/w S.I/I.O Abdul Salam, FIA, Sukkur.

Date of Hearing: **27-07-2026**

Date of Order: **27-07-2026**

O R D E R

ZULFIQAR ALI SANGI, J.- Through the instant Criminal Bail Application, the applicant, Abid Hussain Chandio, seeks post-arrest bail in connection with Crime No.03 of 2024, registered by FIA Composite Circle, Larkana, for offences punishable under Section 22(b) of the Emigration Ordinance, 1979 read with Sections 420, 468, 471 and 109, P.P.C., after his bail application was declined by the learned Judge, Special Court (Central), Sukkur, vide order dated 20.06.2026.

2. Briefly stated, the prosecution case emanates from Enquiry No.87/2023 initiated by FIA Composite Circle, Larkana, with the prior approval of the Director, FIA Hyderabad Zone, on the basis of a written complaint submitted by complainant Rashid Ali Solangi. It is alleged that the applicant falsely represented himself as an authorized travel agent/Overseas Employment Promoter and entered into an agreement for arranging work visas for the Kingdom of Saudi Arabia for the complainant and his relatives against a total consideration of Rs.890,000/-, which amount was allegedly received through bank transfers and cash payments. Despite receipt of the agreed amount, the applicant allegedly failed to arrange the promised visas or refund the money. During enquiry, FIA collected oral as well as documentary evidence including bank transaction records, WhatsApp communications, and statements of the complainant and witnesses. It was further revealed that the applicant was neither registered with the

Directorate of Tourist Services nor licensed as an Overseas Employment Promoter under the relevant law. Consequently, the present crime was registered against the applicant.

3. Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated due to mala fide and ulterior motives. He contended that the FIR was lodged after an unexplained delay of about one year and no specific date of occurrence has been mentioned therein. It was further argued that the prosecution case is founded upon an oral agreement without any written contract and that there exist material discrepancies regarding the alleged payments, bank transactions, and number of intended beneficiaries. Learned counsel submitted that only a portion of the alleged amount was deposited in the applicant's account while another amount was deposited in the account of Shadman Travels & Tours, whose proprietor was never investigated. He further argued that statements of certain alleged victims were not recorded, material improvements were made in the complainant's subsequent statement under Section 161, Cr.P.C., and contradictions exist regarding the number of visas agreed to be arranged and actually provided. It was further contended that no deposit slips or documentary evidence directly connecting the complainant with deposits into the applicant's account have been produced and that one prosecution witness has exonerated the applicant through an affidavit while also lodging an FIR against the complainant. Learned counsel maintained that the entire case is based upon documentary evidence already in the custody of the prosecution; therefore, no possibility of tampering with evidence exists. He lastly submitted that the applicant is a first offender, no longer required for investigation, and his case falls within the ambit of further inquiry under Section 497(2), Cr.P.C.

4. Conversely, learned Deputy Attorney General opposed the application and submitted that sufficient incriminating material has been collected during enquiry and investigation connecting the applicant with the commission of the alleged offences. He argued that the bank record, WhatsApp conversations, statements of the complainant, witnesses, and bank officials clearly establish that the applicant dishonestly induced the complainant and other victims to part with substantial amounts on the false promise of arranging overseas employment. It was further argued that the investigation conclusively established that the applicant was operating an unauthorized travel business without obtaining the requisite license under the Emigration Ordinance, thereby attracting the penal provisions of Section 22(b) of the said Ordinance. Learned DAG contended that the discrepancies highlighted by the defence relate to appreciation of evidence and cannot be examined at the bail stage. He lastly submitted that the allegations disclose a systematic fraud involving multiple victims and substantial financial loss, which does not bring the case within the ambit of further inquiry.

5. I have heard the learned counsel for the parties at considerable length and have carefully examined the available record with their able assistance.

6. At the bail stage, the Court is only required to tentatively assess whether reasonable grounds exist for believing that the accused has committed the alleged offence and is not expected to undertake a deeper appreciation of evidence, which is exclusively the domain of the trial Court. A tentative assessment of the material available on record reveals that the prosecution has collected sufficient incriminating material connecting the applicant with the commission of the alleged offences. The record prima facie reflects that substantial amounts were transferred into the applicant's bank account pursuant to the alleged agreement for arranging overseas employment. The WhatsApp communications, statements of the complainant and witnesses recorded during enquiry, together with the banking record, furnish prima facie corroboration to the prosecution version. Furthermore, the investigation has revealed that the applicant was not licensed as an Overseas Employment Promoter nor authorized to operate such business under the relevant statutory framework. The allegation, therefore, is not merely of breach of a private arrangement but of deceitful inducement through unauthorized operation of an overseas employment business, attracting the penal provisions invoked in the FIR.

7. The contentions advanced by the learned defence counsel regarding delay in registration of the FIR, absence of a written agreement, alleged contradictions in the statements of witnesses, discrepancies regarding the amount allegedly paid, the role of Shadman Travels & Tours, non-recording of statements of certain witnesses, and the evidentiary value of the affidavit relied upon by the defence, pertain to disputed questions of fact requiring detailed examination of evidence. Such matters fall within the exclusive province of the trial Court after recording evidence and cannot be conclusively adjudicated upon while deciding a post-arrest bail application. At this stage, the Court is not expected to conduct a meticulous appreciation of evidence or determine the veracity of rival versions.

8. It is also significant that the allegations involve cheating of several persons on the pretext of securing overseas employment and receipt of a substantial amount of **Rs.890,000/-**. Offences of this nature adversely affect public confidence and have serious societal repercussions, particularly when innocent persons seeking overseas employment are allegedly induced to part with their hard-earned money through false representations. Economic offences involving deception and organized fraudulent activities are generally viewed with greater seriousness, and where sufficient incriminating material exists, the concession of bail is not to be extended as a matter of course.

9. From the material collected during investigation, this Court is satisfied that there exist reasonable grounds for believing that the applicant is prima facie connected with the commission of the alleged offences. The case, therefore, does not fall within the ambit of "further inquiry" as contemplated under Section 497(2), Cr.P.C. The pleas raised by the defence constitute matters of evidence, the determination whereof shall be made by the learned trial Court after recording evidence during trial.

10. For the foregoing reasons, I am not persuaded to extend the concession of post-arrest bail to the applicant. Consequently, the instant Criminal Bail Application is **dismissed**.

11. Needless to observe that the observations made herein are purely tentative in nature and confined to the disposal of the instant bail application. The learned trial Court shall decide the case strictly on the basis of the evidence produced before it, without being influenced in any manner by any observation contained in this order.

JUDGE