IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 3227 of 2026
a/w
Criminal Bail Application No.3117 of 2026

Applicant [in Cr.B.A No.3227/2026]	:	Muhammad Yousuf S/o. Muhammad Ismail Through Ms. Shabana Chohan advocate
Applicant [in Cr.B.A No.3117/2026]	:	Muhammad Rehan son of Abdul Ghaffar Through Mr. Nadeem Memon advocate
The State	:	The State: Through Mr. Dur Muhammad Shah, Assistant Attorney General, Pakistan along with Investigation Officer Inspector Junaid, FIA.
Date of hearing	:	19.10.2026.
Date of Order	:	19.10.2026.

O R D E R

Jan Ali Junejo, J:-- By this common order, I intend to decide the above captioned bail applications, as they arise out of same FIR.

2. Through these Criminal Bail Applications, the Applicant Muhammad Yousuf son of Muhammad Ismail [in Cr. B.A No.3227/2026] and applicant Muhammad Rehan son of Abdul Ghaffar [in Cr. B.A No. 3117/2026] seek post-arrest bail in FIR bearing No. FIR-ACC-KHI-15/2026 registered at Police Station FIA, Anti-Corruption Circle, Karachi for offences under Sections 161/162/109 PPC R/w Section 5(2) PCA-II, 1947. The Applicants' earlier post-arrest bail applications Nos.50/2026 and 39/2026, respectively were dismissed by the learned Special Judge (Central-I), Karachi vide separate order dated 26.09.2026 & 18.09.2026, respectively. Being aggrieved, the Applicants have approached this Court.

3. Concisely, the facts leading to the instant bail application as depicted in the FIR are that, the instant FIR is the outcome of Enquiry No.

84/2026 of FIA Anti-Corruption Circle (ACC), Karachi, wherein credible information was received from a reliable source that an organized agent mafia was operating outside the Regional Passport Office, Saddar, Karachi, in collusion with officials of the Passport Office and was allegedly exploiting citizens by offering expeditious processing of passport applications, facilitation on incomplete or improper documents, and other passport-related services in violation of the prescribed procedure in exchange for illegal gratification. Upon obtaining permission from the competent authority, a raiding party was constituted and proceeded to the said office, where accused Muhammad Yousaf, an alleged unauthorized agent, was intercepted and his mobile phone was scrutinized, resulting in the recovery of incriminating WhatsApp chats and transaction-related material. During interrogation, he allegedly disclosed that he had been referring passport applicants to co-accused Muhammad Raihan, an LDC/Data Entry Operator posted at the Passport Office, who would process their applications expeditiously by bypassing the prescribed procedure, even in cases involving deficiencies in the required documents, in return for illegal gratification of Rs.1,000/- per application. On the pointation of accused Muhammad Yousaf, the raiding party proceeded inside the Passport Office and apprehended co-accused Muhammad Raihan, who allegedly admitted to processing applications referred by Muhammad Yousaf in violation of the prescribed procedure against the said gratification. The mobile phones of both accused persons were seized, and they were taken to FIA ACC Karachi. Consequently, the instant FIR was registered against accused Muhammad Yousaf and Muhammad Raihan for offences punishable under Sections 161, 162 and 109 PPC, read with Section 5(2) of the Prevention of Corruption Act, 1947, and investigation was taken up by the complainant. Hence, the present FIR.

4. Learned counsel for the applicants in Cr. Bail Application No. 3227 of 2026 submits that the applicant is innocent and has been falsely implicated in the present case with mala fide intentions and ulterior motives. She submits that the allegations leveled against the applicant are general and omnibus in nature, as no specific complainant has been

identified in the FIR who allegedly paid illegal gratification, nor has any particular passport application been identified which was allegedly processed through unlawful means at the instance of the applicant. She further contends that the applicant was neither apprehended while receiving illegal gratification nor was any amount recovered from his possession or at his pointation, and no trap was conducted against him. According to learned counsel, the prosecution primarily relies upon alleged WhatsApp communications and statements or disclosures attributed to the accused persons during interrogation, which require independent corroboration and cannot, by themselves, constitute substantive evidence of guilt. She further submits that, unlike co-accused Muhammad Raihan, who was serving as an LDC/Data Entry Operator at the Regional Passport Office and allegedly possessed the authority to process passport applications, the applicant had no such official position or authority, and the circumstances relied upon against the co-accused are, therefore, distinguishable. Learned counsel maintains that the prosecution has failed to establish, through independent and legally admissible material, any specific role attributable to the applicant in the commission or abetment of the alleged offences, particularly in the absence of evidence connecting him with any particular passport application or transaction involving illegal gratification. She also argues that the applicability of the penal provisions invoked against the applicant requires further examination, as the prosecution has not established the necessary ingredients of the alleged offences at this stage. She contends that the learned trial Court failed to properly appreciate these material aspects and rejected the bail application without adequately considering the grounds raised on behalf of the applicant. She further submits that the alleged offences do not fall within the prohibitory clause of Section 497 Cr.P.C., that the applicant is no longer required for any useful purpose of investigation, and that his continued incarceration would serve no lawful purpose. Lastly, she submits that the applicant is a permanent resident of Karachi, has deep roots in society, undertakes to cooperate with the investigation, and shall neither abscond nor tamper with the prosecution evidence or influence any witness; therefore, the applicant deserves the concession of bail.

5. Learned counsel for the applicant in Cr. Bail Application No.3117 of 2026 submits that the applicant is innocent and has been falsely implicated in the present case arising out of FIR No. FIR-ACC-KHI-15/26, dated 28.08.2026, registered at FIA Anti-Corruption Circle, Karachi, for offences punishable under Sections 161, 162 and 109 PPC, read with Section 5(2) of the Prevention of Corruption Act, 1947. He submits that the applicant has been arrested primarily on the basis of an alleged statement or disclosure attributed to co-accused Muhammad Yousaf, who is himself facing prosecution in the same case, whereas no amount of alleged illegal gratification, marked currency, or other incriminating article was recovered from the applicant at the time of his arrest. He further contends that the prosecution has not alleged that the applicant was apprehended while demanding or receiving a bribe from any passport applicant, nor has any private complainant come forward alleging that the applicant demanded or received illegal gratification from him or her. According to learned counsel, no specific passport applicant or transaction involving the alleged payment of Rs.1,000/- as illegal gratification has been identified, and the allegation that the co-accused paid the said amount to the applicant per application remains an uncorroborated assertion. He argues that the statement of a co-accused cannot, by itself, constitute substantive evidence against the applicant without independent and legally admissible corroboration, particularly in view of the restrictions contained in Articles 38, 39 and 40 of the Qanun-e-Shahadat Order, 1984. He further submits that the alleged WhatsApp communications were recovered from the mobile phone of co-accused Muhammad Yousaf, and their authorship, context, evidentiary value and admissibility require proper examination during investigation and trial. Learned counsel maintains that the applicant, being an LDC/Data Entry Operator at the Regional Passport Office, cannot be held criminally liable merely by virtue of his official posting, unless the prosecution establishes his specific role, the requisite criminal intent and his nexus with the alleged illegal gratification or unlawful processing of any identified passport application. He further contends that the relevant documentary and electronic evidence is already available to the investigating agency and that the

applicant is no longer required for any useful purpose of investigation. He submits that the applicant is a permanent resident of Karachi and a government employee, undertakes to cooperate with the investigation, and there is no likelihood of his absconding or tampering with the prosecution evidence. Lastly, learned counsel argues that the alleged offences do not fall within the prohibitory clause of Section 497(1) Cr.P.C. and that the available material, particularly the absence of direct recovery and independent corroboration, calls for further inquiry within the meaning of Section 497(2) Cr.P.C. He, therefore, prays that the applicant may be admitted to bail subject to furnishing solvent surety to the satisfaction of this Honourable Court.

6. Conversely, the learned Assistant Attorney General, assisted by the Investigating Officer, opposes the grant of bail. He contends that the alleged offences involve corruption and forgery, which are serious in nature and strike at the integrity of public service. He further contends that offences of such nature undermine public trust and have serious repercussions for the economy, therefore requiring a strict approach. Lastly, the learned AAG prayed for dismissal of the bail applications.

7. I have heard the learned counsel for the applicants, learned Assistant Attorney General assisted by the Investigating Officer, and have gone through the material available on record with their able assistance.

8. The allegations against the applicants, as reflected from the FIR and the interim challan, primarily relate to their alleged involvement in facilitating expedited processing of passports in collusion with officials of the Passport Office in consideration of illegal gratification. However, at this stage, the prosecution has not been able to point out any specific transaction, particular passport applicant, date, time, place or amount of illegal gratification allegedly demanded, received or paid by any of the applicants. Likewise, no marked currency, bank transaction, electronic communication or other independent documentary evidence has been brought on record connecting the applicants with the alleged corrupt practice.

9. The prosecution case, insofar as the present applicants are concerned, substantially rests upon the alleged disclosures made during the preliminary inquiry/interrogation. Such disclosures, particularly when not supported by independent and legally admissible corroborative material, require cautious consideration at the stage of bail and cannot, by themselves, furnish sufficient grounds for continued incarceration.

10. Insofar as applicant Muhammad Rehan is concerned, although he was posted as a Data Entry Operator at the Regional Passport Office, no specific overt act has been attributed to him demonstrating that he demanded or received illegal gratification or knowingly facilitated any particular passport applicant in violation of the prescribed procedure. His mere official position, without independent material establishing his conscious participation in the alleged corrupt transaction, cannot by itself justify withholding the concession of bail. The question whether his official functions were actually misused in furtherance of the alleged offence is a matter which can appropriately be determined after recording of evidence at trial.

11. The applicants/accused have been booked in this case under Section 161/162/109, PPC read with Section 5(2) of the PCA, 1947, though these offences are not bailable, but their punishments are also do not fall within the prohibitory clause of Section 497, Cr.P.C., therefore, grant of bail in such circumstances is a rule as held by the Hon'ble Supreme Court of Pakistan in its various pronouncements and its refusal an exception. No exceptional circumstances appear in this case to withhold the bail of the applicants/accused. Even otherwise, on merits, as stated above, the applicants/accused have made out a case for bail.

12. For the foregoing reasons, these Criminal Bail Applications are allowed. The Applicant Muhammad Yousuf son of Muhammad Ismail [in Cr. B.A No.3227/2026] and applicant Muhammad Rehan son of Abdul Ghaffar [in Cr. B.A No. 3117/2026] are admitted to post-arrest bail in FIR bearing No. FIR-ACC-KHI-15/2026 registered at Police Station FIA, Anti-Corruption Circle for offences under Sections 161/162/109 read with

Section 5(2) PCA-II, 1947, subject to their furnishing solvent surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) *each* and a PR Bond in the like amount, to the satisfaction of the learned trial Court.

13. It is, however, observed that the findings recorded herein are tentative in nature, made solely for the purpose of deciding the present bail applications, and shall not prejudice the case of either party during the course of trial.

JUDGE