

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Justice Jamal Khan Mandokhail
Justice Naeem Akhter Afghan
Justice Aqeel Ahmed Abbasi

**CRIMINAL PETITION FOR LEAVE TO APPEAL NO.100-K OF
2026**

(Against the order dated 18.05.2026 passed by the High Court of Sindh at Karachi, in Criminal Bail Application No.1143 of 2026)

Syed Muhammad Ashfaq

...Petitioner(s)

Versus

The State through Deputy Attorney General of
Pakistan

...Respondent(s)

For the Petitioner(s) : Mr. Muhammad Ghaffar Khan, ASC
Mr. Ghulam Rasool Mangi, AOR

For the Respondent(s) : Raja Muhammad Shafqat Abbasi, DAG
Babar Ali, Inspector, FIA AHTC
Karachi

Date of Hearing : 24.09.2026

JUDGMENT

AQEEL AHMED ABBASI, J.- Through instant Criminal Petition for Leave to Appeal, the petitioner, has impugned the order dated 18.05.2026 passed by the High Court of Sindh, Karachi, in Cr. Bail Application No. 1143 of 2026, whereby application for post-arrest bail of the Petitioner in case FIR No. 34 of 2026, registered under Sections 420, 468, 471, and 109 of the Pakistan Penal Code, 1860 ("**PPC**") at Police Station FIA, Anti-Human Trafficking Circle, Karachi has been dismissed.

2. Briefly, as per the FIR, the allegations against the petitioner arise from a written communication sent by the U.S. Consulate General, Karachi to the Federal Investigation Agency ("**FIA**"). It was alleged that the petitioner, serving as the President and Chief Executive Officer ("**CEO**") of Huqooq-ul-Ebad Development Foundation, was facilitating C-2 visa applications through counterfeit documents and misrepresentation. Specifically, the co-accused Muhammad Mozan Ali appeared for a visa interview claiming to be a Social Mobilizer for the said

Foundation, but failed to substantiate his role or credentials during the interview. Similar discrepancies were also reported in the visa application of co-accused Khalid Saleem. On these allegations, the aforementioned FIR was registered.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case with *mala fide* intent. He further contends that no tangible evidence connecting the petitioner with the alleged forgery or cheating has been established on record, making it a case of further inquiry under Section 497(2) Cr.P.C. Learned counsel has argued that uncorroborated allegations, any gap or missing link in the prosecution's chain of evidence must ensure to the benefit of the accused even at the bail stage and the benefit of doubt can be extended at the post-arrest bail stage without awaiting the final outcome of the trial. He has further argued that the main co-accused Muhammad Mozan Ali, on whose statements and visa application the prosecution case hinges, has already been granted post-arrest bail by the High Court, thereby entitling the petitioner to the concession of bail under the rule of consistency. Learned counsel contends that the alleged offences under Sections 420, 468, 471, and 109 PPC do not fall within the prohibitory clause of Section 497 of the Code of Criminal Procedure, 1898 ("**Cr.P.C.**"), where grant of bail is a rule and refusal is an exception. In support of his contentions, learned counsel has placed reliance on the cases of *Ali Anwar Paracha v. The State* (**2024 SCMR 1596**), *Akhtar v. Khawas Khan* (**2024 SCMR 476**), and *Ahmed Nawaz v. The State* (**2024 SCMR 1525**).

4. Conversely, the learned DAG vehemently opposes the grant of bail, arguing that sufficient material is available to connect the petitioner with the alleged offence. He contends that the Petitioner played an active role in facilitating visa processing using fraudulent documents of his organization and received monetary considerations for the same. He further contends that no case for further inquiry is made out.

5. We have heard the learned counsel for the petitioner and learned DAG for the respondent, perused the material

available on record, and gone through the impugned judgment with their assistance.

6. Perusal of the record reflects that the case against the petitioner rests upon digital material whose evidentiary value is yet to be established through evidence at trial, whereas the material so far collected by itself is not sufficient to *prima facie* establish the charges against the petitioner. An in-depth examination of the evidentiary value of the documents and digital material (such as mobile phones, audio/video recordings, and electronic records) collected during the investigation cannot be undertaken at the bail stage, as to determine their authenticity, admissibility, relevancy, and probative worth, falls within the exclusive domain of the Trial Court after recording of evidence. The matter falls within the purview of further inquiry under Section 497(2) Cr.P.C. entitling the accused to the concession of bail. Furthermore, co-accused Muhammad Mozan Ali, whose interview and visa documentation initially triggered the investigation, has already been admitted to post-arrest bail vide order dated 01.04.2026, therefore, following the rule of consistency, the Petitioner is also entitled to the same relief. All the offences alleged against the Petitioner i.e. Sections 420, 468, 471, and 109 PPC do not fall within the ambit of the prohibitory clause of Section 497 Cr.P.C, in such like cases, the grant of bail is a rule and refusal is an exception. Since the material against the petitioner has already been recovered from the petitioner and challan has been furnished whereas, petitioner is no more required for further inquiry, therefore, no useful purpose will be served to keep the petitioner behind the bars on the basis of alleged offences which do not fall under the prohibitory clause, particularly, when the petitioner has made out a case of further inquiry.

7. Accordingly, instant petition was converted into an appeal and allowed. The impugned order dated 18.05.2026 passed by the learned High Court of Sindh, Karachi and the order dated 18.03.2026 passed by the learned Trial Court were set aside vide our short order dated 24.09.2026 and the petitioner namely Syed Muhammad Ashfaq, was admitted to post-arrest bail subject to his furnishing bail bonds in the sum of Rs. 200,000/- with one surety in the like amount to the satisfaction of the learned Trial Court.

Above are the reasons for our short order.

The observations made hereinabove are however, tentative in nature and shall not prejudice the Trial Court in deciding the case on merits.

Judge

Judge

Islamabad, the
24.09.2026
Approved for Reporting
*Zainab, Law Clerk/ **

Judge