

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
C.P. No. D-2025 of 2026
(Syed Wamiq Abrar Bukhari v Federation of Pakistan & others)

Dated Order with signature of Judge.

Before:-
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:-21.04.2026.

M/s. Jazib Aftab, Syed Haris Hasan and
S.M. Zaid ali advocates for petitioner.
Ms. Wajiha Mehdi, Assistant Attorney General

ORDER

Adnan-ul-Karim Memon, J Petitioner Syed Wamiq Abrar
Bukhari has filed this Constitutional Petition under Article 199 of the Constitution
of the Islamic Republic of Pakistan, 1973, seeking the following relief:

- a. *To declare that the placement of the petitioner's name in the Exit Control List via the impugned Memorandum No. 12/113/2023 ECL dated 23.06.2023 is illegal, unlawful void ab initio and without jurisdiction, hence is liable to be struck off;*
- b. *Direct the first respondent to forthwith remove the name of the petitioner from ECL placed therein arbitrarily and capriciously without any lawful authority.*
- c. *Any other relief or relief which this Hon'ble court may deem fit and proper under the circumstances of this petition."*

2. Learned counsel for the petitioner submits that the petitioner is citizen of this Country and unblemished character, having rendered distinguished service spanning over three decades, including his tenure as Managing Director, Pakistan Petroleum Limited (PPL) from 2015 to 2018. It is stated that after the conclusion of his tenure, the petitioner had travelled abroad to the United States to attend to his ailing and bed-ridden parents. It is further submitted that FIRs No. 47 and 48 of 2022 were registered against officials of PPL, wherein the petitioner was implicated in absentia. At the time of registration of the said FIRs, the petitioner was abroad and subsequently his name was placed on the Exit Control List (ECL) along with freezing of his bank accounts. Learned counsel contends that after a full-fledged trial, all accused persons, including the petitioner, were acquitted by the learned Special Court (Central-I), Karachi through judgments dated 14.04.2025 and 07.07.2026, which have attained finality. It is submitted that upon his acquittal, the petitioner returned to Pakistan under protective/transitory bail granted by this Court and also obtained pre-arrest bail to face proceedings, which ultimately culminated in his acquittal. It is contended that despite repeated representations, the respondents have failed to remove the petitioner's name from the ECL and to defreeze his bank accounts, without assigning any lawful

justification. Learned counsel emphasizes that mere registration of FIRs cannot justify continuation of ECL placement after acquittal, particularly when no risk of abscondence exists. It is further argued that the impugned placement in the ECL vide memorandum dated 23.06.2023 is mechanical, without application of independent mind, without issuance of notice, and without any speaking order, thus being violative of fundamental rights guaranteed under Articles 4, 10-A, 15, 19-A and 25 of the Constitution. Learned counsel submits that the petitioner has already demonstrated bonafides by returning to Pakistan to face proceedings, and his continued placement on ECL is arbitrary, mala fide, and amounts to unlawful restriction on his right of movement. In these circumstances, it is prayed that the impugned memorandum be declared illegal and without lawful authority, and the respondents be directed to forthwith remove the petitioner's name from the ECL. He prayed to allow this petition.

3. Learned Assistant Attorney General submits that, with regard to the petitioner, namely Syed Wamiq Abrar Bukhari, necessary correspondence has already been initiated by the Federal Investigation Agency (FIA) for removal of his name from the Exit Control List (ECL), vide letter dated 31.03.2026. Learned AAG further submits that although the petitioner has referred to FIR No. 04/2026 dated 10.03.2026 registered at FIA AML/CFT Circle Karachi, the said office has also independently recommended the removal of the petitioner's name from the ECL in respect of earlier FIRs No. 47/2022 and 48/2022, thereby indicating that no further impediment survives for continuation of his name on the ECL. It is thus contended that the matter is already under active consideration of the Competent Authority in light of the recommendations of the FIA, and appropriate orders are expected to be passed in accordance with law. she prayed to dismiss the petition.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. From the facts and submissions placed before this Court, it is evident that the petitioner's grievance pertains to his continued placement on the Exit Control List (ECL) vide Memorandum dated 23.06.2023, despite the subsequent acquittal of all accused persons in FIRs No. 47 and 48 of 2022 through judgments which have attained finality.

6. It is also an admitted position that the Federal Investigation Agency itself, through its competent officers, has already forwarded recommendations dated 31.03.2026 and 14.04.2026 for removal of the petitioner's name from the ECL. Even in respect of FIR No. 04/2026, the relevant FIA forum has reportedly not opposed such removal, thereby indicating a consistent administrative stance in favour of de-listing the petitioner.

7. The record further reflects that no speaking order, independent application of mind, or contemporaneous justification has been produced by the respondents to demonstrate that the petitioner continues to fall within any recognized legal category warranting restriction under the Exit from Pakistan (Control) Ordinance, 1981 or the relevant ECL Rules. Mere pendency of proceedings or involvement in concluded cases, particularly after acquittal, cannot by itself sustain continued restriction on a citizen's fundamental right to travel.

8. It is well-settled that placement on the ECL constitutes a serious curtailment of fundamental rights guaranteed under Articles 15 and 25 of the Constitution, and such restriction must satisfy the test of legality, necessity, proportionality, and reasonableness. In the present case, none of these constitutional thresholds appear to have been met once the foundational criminal proceedings have resulted in acquittal and the investigating agency itself has recommended removal.

9. Furthermore, continued retention of the petitioner's name on the ECL despite clear departmental recommendations in his favour reflects administrative inaction without lawful justification, rendering the impugned memorandum arbitrary and unsustainable in law.

10. In view of the above, the petitioner has successfully demonstrated that the continuation of his name on the ECL is devoid of legal basis, suffers from non-application of mind, and amounts to an unjustified restraint on his constitutional right to movement.

11. Resultantly, this petition is disposed of with direction to the competent authority to recoil the impugned Memorandum dated 23.06.2023, which is set aside, and the respondents are required to forthwith remove the petitioner's name from the Exit Control List and extend all consequential relief in accordance with law. All pending application(s) are also disposed of in the said terms.

JUDGE

JUDGE