

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 478 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGES
For hearing of bail application.	
<u>31-03-2022</u>	
	<p>Mallang Assa Dashti, Advocate for applicant. Mr. Jameel Ahmed Shah, Assistant Attorney General a/w PI Adnan Khattak, FIA/AHTC, I.O. of the case. Complainant present in person.</p> <p style="text-align: center;">=====</p> <p><u>Omar Sial, J.</u>: On 25.01.2022, a man named Khalid Soomro lodged an F.I.R. under sections 365-A and 34 P.P.C. at the Baghdadi police station in Karachi (F.I.R. No. 26 of 2022) stating therein that his brother named Iftikhar and the brother's friend named Tahir Ahmed Fazal had been abducted. Khalid's apprehension turned out to be false and the two men soon returned home. It transpired that the two men had been lured by some people who had promised them that they would be taken to Italy via Iran. Apart from losing their money, the two men also had their dreams shattered and soon found themselves back in Karachi. The case of abduction was closed by the police but the F.I.A. took it up as a case of human trafficking. A case, therefore, was registered at the F.I.A's Anti-Human Trafficking Circle police station under sections 3, 4 and 5 of the Prevention of Trafficking Act 2018 with Khalid Soomro being the complainant (F.I.R. No. 17 of 2022).</p> <p>2. F.I.A.'s investigation revealed the possibility of an organized gang of people led by one Haji Zafar who may be involved in luring people on the pretext of sending them abroad and then holding them captive until money was paid for their release. Mr. Adnan Khattak, the F.I.A. sleuth investigating the case has explained to me that Tahir Ahmed had come across on the social media, a person living in Italy by the name of Riaz who had told him that Haji Zafar, a person in Pakistan, had brought Riaz to Italy and that he could also do the same for Tahir Ahmed. Tahir and his friend Iftikhar then contacted Haji Zafar and a deal was struck between the two parties. The Haji would get them to Italy through Iran for a fee of Rs. 2 million each. The two men boarded a bus and reached Quetta where they stayed in a hotel. From the hotel they contacted one Haji Moosa, who told them that they should catch a rickshaw and that he (Haji Moosa) will</p>

explain to the rickshaw driver where the two men were to be brought. The two men were taken to a bus stand where the present applicant (Raza Muhammad) appeared, arranged their accommodation for the night and then purchased bus tickets for them (at the expense of the two men) and boarded them on a bus the next day. It appears that the journey continued for a substantially long time, in which several vehicles were changed, before they reached the mastermind Haji Zafar. What happened next is not relevant as the role of the applicant was restricted to receiving the two men, putting them up for a night and then facilitating their onward journey.

3. I have heard the learned counsel for the applicant, the learned Assistant Attorney General, Mr. Adnan Khattak, the investigating officer of the case as well as Mr. Khalid Soomro, the complainant.

4. Mr. Khalid Soomro denied that he had lodged the F.I.R. with the F.I.A. He stated that he had lodged the F.I.R. with the Baghdadi police only and that he does not know the applicant nor anything about the Human Trafficking case. He denied that any money had been given for the release of his brother and friend and that they had returned home on their own.

5. Section 3 of the Prevention of Trafficking in Persons Act, 2018 comes into play when a person is lured for the purpose of compelled labour or commercial sex acts. Prima facie the investigation has not revealed till date that the two men were lured for either of the two purposes. However, a final observation can only be made when evidence is led at trial. The role of the applicant was to receive the two men at the bus station and then to put them onto another bus after having arranged for the accommodation for the night. It cannot be said with certainty at the moment whether the applicant was even aware of the transaction that the two men had with Haji Zafar or whether he even knew what the ultimate fate of the two men would be. Prima facie it is possible that for some money, the applicant facilitated the onward journey of the two individuals. The call data record also does not show any incoming calls on the phone of the applicant from Haji Zafar. Haji Zafar has acted shrewdly and has layered his transaction substantially. Whatever the applicant knew has been told to the investigating agency. He is no more required for investigation and does not have a past criminal record. At this preliminary stage I am inclined to give him the benefit of

doubt and his involvement with the crime complained of also requires further inquiry.

6. Above are the reasons for the short order dated 25-03-2022.

JUDGE