

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2267 of 2025

Applicant : Kiran Sohail wife of Sohail through
M/s Rashid Mustafa Solangi & Imtiaz Ali
Jatoi, Advocates

Criminal Bail Application No.1810 of 2025

Applicant : Dr. Mumtaz Nayani widow of Dr. Shoukat
Nayai through M/s Shaukat Hayyat, Syed
Muhammad Abdul Kabir and Miss Amna
Magsi, Advocates

Criminal Bail Application No.1777 of 2025

Applicant : Yasmin Mawani widow of Wali Muhammad
through Mr. Aamir Mansoor Qureshi,
Advocate

Respondents : The State through Mr. Shah Hussain, Assistant
Attorney General along with IO/SI Rafia Altaf
of FIA, AHT Circle, Karachi.

Date of Hearing : 25.09.2025
Date of Order : 03.10.2025

ORDER

MUHAMMAD HASAN (AKBER), J.—This common order will decide the subject three bail applications, in view of their inter-connected facts in the same crime. The proceedings were initiated in Crime No.191/2025, registered at P.S. FIA AHT Circle, Karachi for offences under Sections 3, 4, 5 of the Prevention of Trafficking in Persons Act, 2018 (Amended 2025), [PTPA] read with Sections 419, 420, 468, 471, 109, PPC. Earlier, the bail applications by all three applicants, Kiran Sohail, Dr. Mumtaz Nayani and Yasmin Mawani were rejected by the learned Special Judge (Central-II), Karachi vide common Order dated 23.07.2025, which has been impugned herein.

2. Prosecution case is that on 09.06.2025, Immigration authorities intercepted accused/ applicant Kiran Sohail carrying and showing the victim child, Zayaan as her real son, while attempting to proceed to Mozambique by way of Ethiopian Flight No.ET-695 along with her family. Accused Kiran Sohail was handed over to FIA, AHT

Circle for Inquiry, wherein it transpired that she is not the biological mother of the victim child Zayaan. On interrogation, she revealed that one Suhail Ali, living in Mozambique was in need of a child for his boss in Mozambique who had no son. It was further revealed that the victim child Zayaan was born on 02.09.2024, and was arranged by one Hameeda alias Major Maan, working in Darkhana Jamat Khana at Garden East, Karachi against an amount of Rs.10/12 Lacs, from one Dr. Lubna Siddiqui, who is a government employee working in the Health Department, Government of Sindh and is also CEO of an NGO, Nayab Welfare, Human Health Care and Orphanage Association. The child was given under the care of a caretaker, namely, Baby alias Lakshmi wife of Mukesh through co-accused Yasmeen Mawani. The Birth Certificate dated 04.09.2024 of the victim child was also arranged by Yasmeen Mawani under instructions of Hameeda alias Major Maan. Dr. Mumtaz Nayani, who was operating her clinic at 9-12, Fatima Plaza, CS-4, Block-7, F.B. Area, Karachi prepared the Birth Certificate under her letterhead, with a fake stamp showing her as working with SSGC Medical Services and Department, whereas in reality, she had actually retired in the year 2016. The remaining documents of the victim child viz. CRC from NADRA Mega Centre, SITE, Karachi, and his Passport from RPO, Saddar, Karachi were arranged by accused Kiran Sohail on the basis of the said Birth Certificate, by falsely showing child Zayaan as her biological son. She visited NADRA along with her husband and caretaker, Baby Lakshmi. Invitation letter for visas and air tickets were arranged by Sohail Ali, resident of Mozambique and all expenses on account of CRC, Passport, caretaker's wages, etc. were borne by said Sohail Ali paid through Yasmeen Mawani. Yasmeen Mawani also visited and took custody of the child from the above referred Dr. Lubna, a government employee and CEO of NGO, Nayab Welfare & Orphanage. The Inquiry therefore established that an **“organized criminal group”**, consisting of accused persons, Kiran Sohail, Sohail Ali, resident of Mozambique, Hameeda alias Major Maan, Yasmeen Mawani, Dr. Mumtaz Nayani, Dr. Lubna Siddiqui and others have hatched a criminal conspiracy and participated in illegal trafficking of the victim child Zayaan to Mozambique, on the basis of above referred documents containing false information. Their such acts constitute commission of offences punishable under Sections 3, 4, 5 of the Prevention of Trafficking in Persons Act, 2018 (Amended 2025), read with Sections 419, 420, 468, 471, 109 PPC, hence the subject FIR against the accused persons for child trafficking, fabrication of false and forged documents.

3. Learned counsel for applicant Kiran Sohail (Bail Application 2267/2025) argued that applicant/accused is innocent and she has been falsely implicated in this case by FIA officials. The applicant has never signed or prepared forged or fabricated documents as alleged. He further argued that there is no direct evidence against the applicant, except her offloading along with child Zayyan, who was proceeding abroad on a family trip along with her family; that child Zayaan is adopted one, who was left by his parents in Edhi Cradle and she cared him as her real son with the consent of her husband; that investigating agency has failed to locate biological parents of child Zayaan; that without any concealment, applicant clearly disclosed before FIA Officials that Zayaan is an adopted son, however, rest of the story has been managed by FIA officials; that WhatsApp messages and communication is subject to verification by forensic process, which is yet to be done. He further added that the applicant is behind bars since her arrest and that case of applicant requires further inquiry in terms of Section 497(2), Cr.PC.

4. Learned counsel for applicant Dr. Mumtaz Nayani (Bail application No.1810/2025) argued that applicant is an old widowed lady, and is a doctor by profession, she is sick and infirm person, aged more than 60 years, she is innocent and has been falsely implicated in this case by FIA official; that birth certificate of child Zayaan was allegedly issued on 04.09.2024 whereas alleged incident took place on 09.06.2025, i.e. after nine months of issues of birth certificate, as such, question of connivance, abetment and criminal conspiracy does not arise; and that provisions of Section 3, 4 and 5 of Act, 2018 (Amended 2025) are not applicable to the instant case.

5. Learned counsel for applicant, Yasmeen Mawani (Bail application No.1777/2025) argued that applicant is an old widowed lady, she is innocent and has been falsely implicated in this case by FIA official; that applicant has been involved in the instant case on the statement of co-accused Kiran Sohail, without any independent corroboration, which is inadmissible in the eyes of law; that applicant had never visited any of the Offices for preparation of alleged documents in respect of child Zayaan, rather the principal accused had admitted that she along with her husband personally visited NADRA office to get issued CNIC of child Zayaan; that provisions of Section 3, 4 and 5 of Act, 2018 (Amended 2025) are not applicable to the instant case; and that this is a case of no evidence, as such, her case falls under the provisions of Section 497(2), Cr.PC.

6. Controverting the above position, learned Assistant Attorney General, duly assisted by Investigation Officer, opposed the grant of bail and informed that at present, there are 7 accused in this Crime, out of which two are absconders, other two have not applied for bail and the remaining three are applicants before this Court. It was argued that applicant applicants have been found actively involved in the organized crime, the child Zayaan was recovered from the custody of Kiran Sohail, who was admittedly not her biological son and was intended to be taken abroad by her to be handed him over to the boss of her husband in Mozambique; that false and fabricated documents in respect of child Zayaan were got prepared by her in collaboration with co-accused in order to facilitate the illegal and unlawful trafficking of child from Pakistan to Mozambique. Further pleaded the role of other applicants/ accused along with the material recovered so far; that interim report has been submitted before learned trial Court, yet case is under further investigation and time has been sought for completion of investigation and submission of final report; that applicant/accused has been found involved in fraud, cheating and forgery of documents so also human trafficking, being a serious crime. He lastly prayed for the dismissal of all bail applications.

7. Heard learned counsel for the parties, learned AAG and perused the record with their able assistance.

8. In Pakistan, the Prevention of Trafficking in Persons Act 2018 [PTPA] comprehensively criminalizes human trafficking, encompassing recruitment, transportation, and exploitation of individuals through coercion, fraud, or abuse of power. Section 4, PTPA outlines aggravating circumstances and provides that where an offence under section 3 involves (a) serious injury, life-threatening illness, or death of the victim or another person; **(b) activity of an organized criminal group;** (c) confiscation or destruction of any travel document of the victim; or (d) repetition of the offence by the same offender; the offender shall be punished with imprisonment which may extend to fourteen years and which shall not be less than three years and fine which may extend to two million rupees.

9. The term "**organized criminal group**" has been defined in the **Explanation** to section 4, as a structured group of two or more persons, existing for a period of time and acting in concert with the aim of committing any offence under this Act, in order to obtain, directly or indirectly, any financial or other material benefit. Section 5 of the PTPA addresses **abetment** and **criminal conspiracy**. Subsection (1)

provides that any person who participates as an accomplice, aids, or abets an offence under section 3 or section 4 shall be punished in accordance with Chapter V of the Pakistan Penal Code. Subsection (2) specifies that any person who is part of a criminal conspiracy to commit an offence under section 3 or section 4 shall be punished in accordance with Chapter V-A of the Code. Hence, the punishment for offence under section 5 of PTPA punishable under Chapter V and V-A PPC., i.e. abatement and criminal conspiracy under section 109 and 120-B P.P.C., are punishable up to 14 years with fine up to Rs.02 Million.

10. Shedding light on the international obligations of Pakistan in the comity of States on prevention of organized human trafficking and beggary, the Lahore High Court in a recent case of **Sadiq Hussain**¹ observed that:

“43. Pakistan has a comprehensive legal framework to regulate the entry and exit of individuals, including both citizens and foreigners, at its borders. Standing Order No. 31/2005 was introduced to streamline the duties of immigration officers at the country's international airports and provide clear job descriptions for their roles. This Standing Order empowers the Special Checking Officer to scrutinize passengers whose profiles appear inconsistent with their stated purpose of travel. By formalizing procedures, the framework aims to prevent arbitrary actions by immigration staff and protect passengers from unnecessary harassment.

44. In the context of human trafficking, the FIA must adhere to the PTP Rules. Recently, the FIA Risk Analysis Unit developed a standardized set of interview questions to assist immigration staff in identifying individuals suspected of travelling abroad for organized beggary. These questions were officially circulated through Letter No. FIA/ IMMGN/ RAU/ 2024/ 3010 dated 5.8.2024. This initiative serves a dual purpose: it aids in preventing individuals involved in such activities from leaving the country while also ensuring that immigration officers conduct screenings in a fair and non-arbitrary manner. It safeguards the rights of travellers, shields them from undue harassment, and fosters transparency and accountability in immigration processes.

45. In the present case, as discussed, Respondent No.3 was justified in offloading the eight passengers. His action aimed to protect the public interest and ensure compliance with international obligations.”

11. The United Nations Office on Drugs and Crime (UNODC), in its article **“UNDERSTANDING CHILD TRAFFICKING”**² reports that approximately one in every three trafficking victims detected is a **child**. It also points out the forms of exploitation of trafficked children as: Sexual exploitation, forced labour, begging and petty crimes, use in armed conflict, child marriage and Illegal adoptions. It also records adverse impacts of child trafficking on society at large.

12. Moreover, in its **“GLOBAL REPORT ON TRAFFICKING IN PERSONS”** ³ reports that:

“.....The analysis also found girls and women are three times more likely to suffer explicit or extreme violence during trafficking compared to boys and men, and children overall are two times more likely to be subjected to violence than adults.”

In the said Report, at **“FINDING NO.9: WOMEN AND CHILDREN SUFFER GREATER VIOLENCE AT THE HANDS OF TRAFFICKERS”** it records,

“Analysis of court cases shows that female victims are subjected to physical or extreme violence at the hands of the traffickers at a rate three times higher than adults, while children are subjected to physical or extreme violence at a rate almost two times higher than adults.”

13. Lastly, for obtaining a Birth Certificate of a newly born child from the concerned Union Council, including a child who is born through midwives or at home, a complete procedure is also provided under the **‘Birth Death, Marriage and Divorce Registration Bye-Laws 2017’** under sections 6 & 139 of the **Sindh Local Government Act 2013**.

14. Coming to the facts in the Bail Application 2267/2025 filed by the applicant/ Kiran Sohail, the prosecution case has already been recorded at para 2 *ibid*, which is not being reproduced here for brevity’s sake. It is also noted that at the bail stage, only a tentative assessment is to be made by the Court, while a deeper appreciation of the evidence is not permissible. The role and material attributed towards the applicant/Kiran Sohail reflects as follows: that the child/ Zayyan was in her custody when they were intercepted at the airport; that the child was being taken to Mozambique; that she was claiming herself as the real mother of the child; that during such travel she was carrying identification and travel documents of the child, like Birth Certificate, Passport, visa etc., wherein she was shown as the real mother of the child; that for procuring all the above referred and other documents, money was received and paid through co-accused persons; that the Birth Certificate of the child was obtained from the concerned Union Council by her in violation of ‘Birth Death, Marriage and Divorce Registration Bye-Laws 2017’ under sections 6 & 139 of the Sindh Local Government Act 2013; that no Guardianship Certificate by a Court of

1. ‘Sadiq Hussain & another v. Deputy Director, Federal Investigation Agency& others’ 2025 PCr.LJ 1145
 2. https://www.unodc.org/unodc/frontpage/2024/July/explainer_-_understanding-child-trafficking.html
 3. https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf

competent jurisdiction was applied by her for adopting the said child; that the victim child was being carried out of Pakistan's territory; and as per her Statement, the child was to be handed over by her in Mozambique to Sohail Ali for her boss. No enmity or *mala fide* against FIA officials has been pointed out for her implication. In view of the above role and material on record, on a tentative and *prima facie* assessment, a strong *prima facie* case with ample material establishes her connection along with active participation in the alleged crime of child trafficking, in connivance with other co-accused as an '**organised criminal group**' with international links and points towards her central role in the whole scheme. In view whereof, no case of 'Further Inquiry' is made out in her favour, hence her bail application is, therefore, dismissed.

15. Turning to the next two bail applications, the role and material attributed to connect the applicant/ Dr. Mumtaz Nayani (Bail application No.1810/2025) with the alleged crime, is the Birth Certificate of the victim child, which was issued by her, containing information that the accused/ Kiran Sohail is the real mother of the child. Moreover, a stamp is also affixed on the said Certificate, which shows her working as SSGC Medical Services and Department, which has been verified by the IO and has been reported as fake by the said institution, while in reality, she already retired way back in 2016. All subsequent documents, from NADRA and Passport office etc., were prepared based upon such Birth Certificate. Dr. Mumtaz on the other hand claims that she was not present at the time of the birth of the child, since the birth procedure was conducted by a midwife and therefore she issued the Certificate in good faith, as per information provide to her by co-accused Yasmin Mawani. Although the allegedly impersonating stamp may not have much of an impact on the present case, on a tentative and *prima facie* assessment, the Birth Certificate itself is enough to connect her with the crime and take her case out of the ambit of 'Further Inquiry'. The role and material attributed to the third applicant/ Yasmin Mawani (Bail application No.1777/2025) is that she actively participated in the crime as the child was given under the care of Baby alias Lakshmi wife of Mukesh, through Yasmeen Mawani. The arrangements for issuance of Birth Certificate dated 04.09.2024 of the victim child through Dr. Mumtaz was also done by Yasmeen Mawani. Expenses on account of CRC, Passport, caretaker's wages, etc. were borne by said Sohail Ali which were paid through Yasmeen Mawani. Lastly, Yasmeen Mawani also visited and took custody of the child from Dr. Lubna, the government employee and CEO of the NGO, Nayab Welfare Orphanage. Hence, on a tentative and *prima facie* assessment, ample

material in the form of statements, mobile calls, chats and other documents have been collected by the IO which connects her with an active role and links with the international handlers in Mozambique and also with local co-accused persons, which is enough to connect her with the crime; hence no case of 'Further Inquiry' is made out in her favour. However, the only factor, which convinces me to exercise discretion for grant of bail in favour of these two applicants (Dr. Mumtaz Nayani and Yasmeen Mawani) is that Dr. Nayani is a retired doctor and widow of advanced age of around 69 years, who is suffering from heart ailment; whereas Yasmin Mawani is also an old aged widow lady of around 68 years; and both of them are in custody since past more than three months. IO confirms that challan to their extent has been submitted, whereas further investigation is ongoing.

16. Hence, solely on such considerations of their old age and fragile health, the bail applications of Dr. Mumtaz Nayani and Yasmeen Mawani are allowed; and they are admitted to bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) each, with one P.R. bond each in the like amount, to the satisfaction of the learned trial Court. The applicants shall fully cooperate with the investigation and the trial Court; no unnecessary adjournments shall be granted; and in case of non-cooperation with the investigation, or misuse of bail, the trial Court is competent to initiate proceedings for recall of bail, without referring to this Court. The observations made herein are tentative in nature, which shall not influence the learned trial Court in its independent adjudication of the case, on its merits.

17. Lastly, in view of the alleged involvement of a government officer working in the Health Department, Government of Sindh; an NGO involved in receiving and delivery of custody of children; and the issuance of fabricated Birth Certificate, which activities appear to be facilitating in sale and trafficking of children, Office is directed to send a copy of this Order to the learned Chief Secretary, the Secretary Health Department and the Secretary Social Welfare Department, Government of Sindh for their kind attention.

18. Before parting with this Order, the diligent assistance provided by the learned AAG and the Investigation Officer is appreciated.

J U D G E