

**IN THE HIGH COURT OF SINDH, AT KARACHI**

Cr. Bail Appln. No. 2635 of 2025.

Applicant : Tariq Hussain through Mr. Raj Ali Wahid, Advocate.

Respondent : The State, through Mr. R.D Kalhoro, D.P.G.

Date of Hearing : 04.11.2025.

Date of order : 09.12.2025.

O R D E R

**TASNEEM SULTANA, J:-**Through this criminal bail application, the applicant Tariq Hussain seeks post-arrest bail in FIR No. 283/2025 registered at FIA AHTC Karachi under Sections 3, 4 and 6 of the Prevention of Smuggling of Migrants Act, 2018 (as amended 2025), read with Sections 420, 468 and 471 PPC. Having been rejected his earlier bail application by learned trial Court vide order dated 23.9.2025.

2. Brief facts of the prosecution case are that on 28.08.2025 FIA AHTC Karachi received a written complaint of Eduardo Lopez, Special Agent, U.S. Department of State Diplomatic Security Service, Consulate General of the USA at Karachi, forwarded by the Director FIA Karachi Zone. The complainant conveyed that the Overseas Criminal Investigations Unit (OCIU) Karachi was examining a matter in which a group of twenty visa applicants had appeared at the U.S. Consulate for B1/B2 visa interviews and had submitted documents which, upon scrutiny, were suspected to be forged or fabricated. These included employment letters, salary slips, invitation letters and other supporting papers which the applicants claimed to have obtained through certain consultancy channels. OCIU Karachi further reported that some of the applicants stated that they had made payments for arranging these papers. The U.S. authorities reported that a group of twenty visa applicants had appeared at the Consulate claiming to be “Brand Ambassadors” and “Student Coordinators” for Alpha Aviation Group, Miami, U.S.A., and had submitted forged or fabricated documents including counterfeit employment letters, salary slips, invitation letters and mis-declared facts in online visa applications. Preliminary interviews conducted by OCIU Karachi indicated that several applicants had obtained these documents through persons

linked with Huzaifa Sheikh Consultants & Travel Services and other associated entities, and that amounts ranging from PKR 200,000 to PKR 500,000 had allegedly been paid in advance for arranging such documentation and facilitating purported aviation-training opportunities abroad. Upon receipt of this information, a raiding team of FIA AHTC Karachi proceeded to the vicinity of the U.S. Consulate at Mai Kolachi Road, where the group of intending migrants was found and taken into custody for examination. During preliminary inquiry, some applicants disclosed that forged documents had been arranged for them shortly before their visa interviews and that coordination had occurred through specific phone numbers and email addresses, including Fasst.G@mail.com. Based on these disclosures, the FIR was registered alleging that the present applicant Tariq Hussain, described as operating First & FASST Visa Consultant, Islamabad, along with co-accused Sohail Badar, CEO of Sheikh Huzaifa Enterprises, had acted as migrant smugglers by arranging fabricated documentation and facilitating attempts to obtain B1/B2 visas through misrepresentation, thereby attracting offences under Sections 3, 4 and 6 of the Prevention of Smuggling of Migrants Act, 2018 (as amended 2025).

3. Learned counsel for the applicant contended that the applicant Tariq Hussain has no nexus with the forged documentation; that none of the twenty visa applicants attributed to him regarding the preparation, procurement, alteration or delivery of any document; that no incriminating material has been recovered from him; that no financial transaction, communication, email, digital record or call data of any visa applicant connects him with the alleged documentation; that his role as Commercial Director of First & FASST Visa Consultant was confined to lawful marketing and training initiatives relating to aviation-training programs offered by Alpha Aviation Group, Miami, USA, and promotional engagements with Wingmen Solutions LLC, USA; that he merely recommended thirty-two Brand Ambassadors for marketing purposes, one of whom was Sohail Badar, who independently operated his own consultancy entities; that the applicant never met, dealt with, or received money from any visa applicant; and that the case against him, resting only on his presence outside the Consulate, calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

4. Conversely, learned Special Prosecutor FIA, assisted by learned counsel for the complainant, opposed this application; submits that

forged documents were prepared and submitted in a coordinated fashion; that the applicant was present with the group outside the Consulate; that statements under Section 161 Cr.P.C. implicate both accused in the chain of events; and that the gravity of the offence militates against concession of bail.

5. Heard. Record perused.

6. It appears from perusal of the record that the present applicant has been booked on the allegation that he had participated in the preparation or management of the forged documentation allegedly used by the group of twenty visa applicants for their appearance at the U.S. Consulate. Prima facie the material placed on record, however, do not identify any specific act performed by the applicant in the procurement, alteration or forwarding of the alleged documents. The applicant's stance, as elaborated in his bail application, is that his role as Commercial Director of First & FASST Visa Consultant was confined to promoting and expanding awareness of aviation-related academic and professional training programmes, particularly the Aviation Ground Operations & Flight Dispatch Training Program offered by Alpha Aviation Group, Miami, Florida, USA, as well as aviation-industry orientation modules associated with Wingmen Solutions LLC, a licensed U.S.-based entity. According to him, this commercial engagement involved educational outreach, brand promotion, and preliminary student-recruitment assistance, and did not extend to preparation, handling or management of supporting documents for visa applications.

7. The applicant further asserts that, under the arrangement documented through a Brand Ambassador Non-Disclosure and Confidentiality Agreement executed with Wingmen Solutions LLC, his task was limited to identifying and recommending individuals who could serve as Brand Ambassadors for aviation-training programmes. These Brand Ambassadors were required only to promote the training modules, disseminate information, facilitate student interest, and coordinate marketing activities within Pakistan. He states that he nominated thirty-two individuals for this strictly promotional function, one of whom was Sohail Badar, who independently owned and operated three consultancy entities. The applicant maintains that this nomination did not authorize Sohail Badar or any other ambassador to prepare, handle, alter or deliver visa-related documents, nor did it

create any operational collaboration between the applicant and Sohail Badar for the acts now attributed to him.

8. On perusal of the record, it further appears that none of the recovered documents, digital correspondences, banking trails, device-based artefacts or call-data patterns link the forged employment letters, salary slips or aviation-training invitation letters to the applicant. The training-related invitation letters referencing Alpha Aviation Group and Wingmen Solutions LLC originate from a different channel and do not bear the applicant's signature, email domain or company letterhead. The prosecution has not produced any material indicating that the applicant collaborated with Sohail Badar in processing visa cases, preparing documentation, or coordinating the appearance of the twenty applicants at the U.S. Consulate. Even the applicant's presence outside the Consulate, without supportive material showing supervisory or facilitative conduct, does not establish a nexus with the alleged fabrication process. No correspondence shared communication trail connects the applicant to the documentation used by the visa applicants.

9. Prima facie, it appears that record does not demonstrate any direct act of preparation, procurement, alteration, forwarding, assistance or financial benefit attributable to the applicant in relation to the forged documents forming the gravamen of the FIR. On the material presently available, the Court is required to consider whether the prosecution narrative sufficiently establishes a prima facie linkage between the applicant and the alleged documentation process envisaged under Sections 3, 4 and 6 of the Prevention of Smuggling of Migrants Act, 2018, or whether the question of his participation is one that properly falls for determination after evidence is recorded and tested at trial. Thus, the matter calls for further inquiry as contemplated under Section 497(2), Cr.P.C.

10. Accordingly, this bail application is allowed. The applicant Tariq Hussain is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.1,000,000/- (Rupees One Million only) and a P.R. bond in the like amount to the satisfaction of the trial Court.

11. The observations made herein are tentative in nature and shall not prejudice the trial Court while deciding the case on merits.

**JUDGE**