

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No. D-2047 of 2026

[Tariq Mehmood V. The Director FIA and others]

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

Date of hearing and Order: 30.04.2026

Mr. Shoukat Hayat, Advocate for the Petitioner.
Mr. Shah Hussain, Assistant Attorney General.
Mr. Abdul Jabbar, I.O/Inspector, FIA ACC, Karachi.

ORDER

Adnan-ul-Karim Memon, J. – Petitioner Tariq Mehmood has filed this Constitution Petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, seeking following relief:-

- a)** *Declare the impugned Circular No. 04 (02/2025) dated 07.02.2025 issued by Respondent No.4 of placement of the individuals on Passport Control List on the recommendation of Respondent No. 1 & 2 is arbitrary, perverse, illegal, without jurisdiction, null and void ab-initio.*
- b)** *Direct the Respondents No. 4, 5 & 6 to withdraw, remove the name of petitioner from the Passport Control List (PCL), Exit Control List (ECL)& PNIL forth with.*
- c)** *Grant one time permission to the petitioner and his family for performance of Hajj-26 from 13.05.2026 to 03.06.2026 during pending of above petition.*
- d)** *Direct the Respondent No. 1 & 2 not to restrain / prohibit the petitioner and his family to travel to Saudia Arabia for performance of Hajj-26 from the period 13.05.2026 to 03.06.2026 during the pending of the above petition.*
- e)** *To direct Respondent No. 4 & 5 to withdraw the name of petitioner on PCL/ECL & PNIL during the period 13.05.2026 to 03.06.2026 of performance of Hajj-26 on part of the petitioner and his family.*
- f)** *Any other relief from this Honorable may deem it fit and proper.*

2. The case of the petitioner as per his pleadings is he served as an Anti-Smuggling Officer (BS-16) in the Collectorate of Customs Enforcement, Karachi. however he has been implicated in FIR No. 19/2023 registered by FIA Anti-Corruption Circle, Karachi under allegations relating to smuggling and facilitation thereof along with other accused persons. It is submitted that the petitioner was initially taken into custody by law enforcement agencies and kept in illegal detention before being formally nominated in the FIR. Subsequently, after completion of investigation, challan was submitted before the learned Special Judges Customs and Central-I Karachi against multiple accused persons including him. However, he was later admitted to bail by the Hon'ble Supreme Court of Pakistan. It is further submitted that the trial proceedings are still pending; and is

presently stalled and no charge has been effectively framed. He submitted that he throughout remained compliant with court proceedings and has never been declared a fugitive from law. He emphasized that despite this, the respondents, on administrative recommendations, initiated correspondence for placing the names of 50 accused persons, including the petitioner, on the Passport Control List (PCL), Provisional National Identification List (PNIL), and also sought placement on Exit Control List (ECL). Consequently, his name was included in the impugned PCL notification dated 07.02.2025 issued under the Passport Rules, 2021.

3. The learned counsel for the petitioner submitted that the impugned action was taken without issuing any notice, without providing any reasons, and without affording the petitioner an opportunity of hearing, thereby violating the principles of due process guaranteed under Article 10-A of the Constitution. The petitioner was condemned unheard, rendering the impugned action arbitrary, unlawful, and without jurisdiction. It is further contended that the petitioner does not fall within the categories contemplated under Rules 21 and 22 of the Passport Rules, 2021, nor under the criteria of ECL or PNIL as prescribed under relevant laws. Mere pendency of criminal proceedings does not justify curtailment of fundamental rights of movement and travel under Article 15 of the Constitution. It is highlighted by him that similarly placed co-accused persons in the same FIR have already approached various constitutional forums, including the Hon'ble Islamabad High Court, and have successfully obtained relief whereby their names were directed to be removed from PCL. In compliance thereof, several names have already been withdrawn from the list, demonstrating selective and discriminatory treatment against the petitioner. The petitioner's counsel further submits that petitioner's family has been issued valid Hajj visa for 2026 by the Kingdom of Saudi Arabia along with confirmed travel itinerary from 13.05.2026 to 03.06.2026. The petitioner seeks permission for performance of Hajj along with his family and is willing to furnish undertaking and surety bonds ensuring his return within the stipulated period. It is, therefore, submitted that the impugned circular dated 07.02.2025 and consequential placement of the petitioner's name on PCL/ECL/PNIL are unconstitutional, illegal, mala fide, and liable to be struck down for violating Articles 4, 9, 10-A, 15, 20, and 25 of the Constitution of Islamic Republic of Pakistan, 1973.

4. The learned AAG assisted by the Investigating Officer, FIA Anti-Corruption Circle, Karachi, opposed the petition and submitted that the same is misconceived and liable to be dismissed. It was contended that the petitioner Tariq Mehmood is an accused in FIR No. 19/2023 involving serious allegations of facilitating an organized smuggling network dealing in betel nuts and other commodities, as well as receiving illegal gratification. It was further submitted

that the allegations are not based on mere suspicion but are supported by substantial material collected during investigation, which stands reflected in the FIR, interim and final challans, forensic analysis of the petitioner's mobile phone, and forensic examination of co-accused Imran Yousuf Noorani's laptop. The said forensic material allegedly reveals communication, transactions, and financial links indicating that the petitioner received substantial amounts from co-accused persons. These facts are further strengthened by the statement of co-accused recorded under Section 164 Cr.P.C., wherein the petitioner has been specifically implicated. On the basis of this material, it was argued that there exists strong prima facie evidence connecting the petitioner with the alleged offences, thereby justifying his placement on the Passport Control List under Rule 22(2)(b) of the Passport Rules, 2021. It was clarified that the petitioner's name was lawfully placed on PCL on 03.11.2023 and subsequently reaffirmed on 07.02.2025 on the basis of proper recommendations of the competent authority, in accordance with law. The Investigating Officer further submitted that the right to travel abroad under Article 15 of the Constitution, though fundamental, is subject to reasonable restrictions imposed in public interest. Reliance was placed on the settled principle laid down by the superior courts that such restrictions are permissible where supported by law and based on credible material, and judicial interference is warranted only where mala fide, arbitrariness, or lack of jurisdiction is established. It was contended that in the present case, the placement of the petitioner on PCL is based on sufficient investigative material and falls within the ambit of the Passport Rules, 2021, the Exit from Pakistan (Control) Ordinance, 1981, and the ECL Rules, 2010. It was further argued that at the stage of preventive or regulatory measures, strict proof beyond reasonable doubt is not required; rather, credible material sufficient for administrative satisfaction is enough. The respondents also submitted that the contention regarding violation of Article 10-A is not sustainable as principles of natural justice are not rigidly applicable in all preventive administrative actions, particularly where public interest and integrity of investigation are involved. It was further argued that Article 25 cannot be invoked to claim parity with other accused persons, as each case depends on its own facts and evidence. Lastly, it was contended that personal hardship, including the plea for Hajj travel, cannot override statutory restrictions imposed in a serious criminal case involving allegations of organized smuggling and corruption. In view of the above, it was submitted that the impugned action is lawful, based on credible material, and does not suffer from any illegality, mala fide, or jurisdictional defect. Accordingly, the petition was prayed to be dismissed being devoid of merit.

5. In rebuttal, the learned counsel for the petitioner submitted that the arguments advanced by the learned AAG and the Investigating Officer are misconceived and do not justify the continued placement of the petitioner's name

on PCL. It was contended that mere pendency of FIR and untested allegations, even if accompanied by challan or investigative material, cannot be treated as conclusive proof of guilt so as to curtail fundamental rights of movement. The petitioner is a regular bailed-out accused who has never been declared absconder or fugitive, and is duly attending trial proceedings, hence there exists no lawful basis for restrictive travel measures. It was further submitted that reliance on forensic reports and Section 164 Cr.P.C. statements is misplaced at this stage, as the same are evidentiary matters to be tested during trial and cannot be used to impose civil disabilities without adjudication by a competent court. The alleged “prima facie material” does not override constitutional safeguards under Articles 4, 9, 10-A, and 15 of the Constitution. The petitioner’s counsel emphasized that placement on PCL is an administrative restriction affecting liberty and must satisfy strict standards of reasonableness, transparency, and due process, which are absent in the present case. No speaking order, notice, or hearing was provided to the petitioner, rendering the action arbitrary and violative of settled principles of natural justice. It was further argued that reliance on statutory provisions is misconceived, as none of the applicable rules permit blanket or indefinite restriction on a bailed accused without individualized assessment and recorded satisfaction. The action, therefore, amounts to punitive treatment under the guise of administrative control. On the issue of equality, it was submitted that similarly placed co-accused persons have already been granted relief by constitutional courts, and discriminatory treatment against the petitioner violates Article 25 of the Constitution. Lastly, it was contended that the petitioner’s request for Hajj travel is an independent constitutional and religious right, and denial thereof without lawful justification amounts to unreasonable restriction on freedom of religion and movement. In view of the above, it was reiterated that the impugned placement of the petitioner’s name on PCL is unlawful, without jurisdiction, and liable to be set aside.

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

7. This Court, while referring to settled principles laid down by the Hon’ble Supreme Court and this Court, observed that continued placement of a citizen’s name on the Passport Control List (PCL), in the absence of lawful justification, cannot be sustained as it entails serious civil consequences affecting fundamental rights, particularly the right to movement and livelihood, and must therefore be supported by cogent material and due process rather than administrative inaction.

8. However, it was noted that the respondents assert the existence of adverse material against the petitioner, thereby justifying continuation of restrictions. In view of the competing contentions, the matter is directed to be placed before the competent Review Committee for expeditious consideration of the petitioner’s

case in accordance with law within one week, keeping in view his request for Hajj travel.

9. It is further observed that in case the Review Committee fails to decide within the stipulated period, the trial Court may regulate the petitioner's travel subject to appropriate safeguards, including security or surety for his return.

10. The petition is accordingly disposed of along with pending applications, with directions for compliance to all concerned authorities, including the learned AAG.

JUDGE

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