JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT,
ISLAMABAD

W.P. NO. 2151 OF 2025

BABAR SHEHZAD

VS

FEDERATION OF PAKISTAN THROUGH MINISTRY OF INTERIOR, ISLAMABAD ETC.

Petitioner by	**:**	**Malik Shahid Mehmood Kandwal, Advocate along with Petitioner.**
Respondents by	**:**	**Raja Zamir ud Din Ahmed, AAG.** **Mr. M. Azeem Akhtar, Section Officer (ECL), Ministry of Interior.**
Date of hearing	**:**	**24.06.2025**

MUHAMMAD AZAM KHAN, J.

1. Through the instant Writ Petition under Article 199 of Constitution of the Islamic Republic of Pakistan, 1973 (hereinafter referred to as the **"Constitution"**), Babar Shehzad **("Petitioner")** has prayed for the following: -

i. Direct the Respondents to immediately remove the Petitioner's name from any immigration watch list, blacklist, or unofficial exit control mechanism that is unlawfully preventing him from travelling abroad to his employment.

ii. Declare that the actions of the Respondents, particularly the unwarranted detention and repeated obstruction of the Petitioner's right to travel, are illegal, without lawful authority, violative of Articles 4, 9, 15, 18 and 25 of the Constitution and constitute an abuse of power and denial of fundamental rights.

iii. Further declare that the Petitioner has never been an employee of the Pakistan Air Force or any other military institution and is not a deserter and therefore, no restrictions on his travel can be justified under any Law.

iv. Direct the Respondents particularly FIA and immigration authorities, to permit the petitioner to travel freely and unconditionally to Italy to resume his lawful employment and complete the legal process for the renewal of his work Visa.

v. Restrain the Respondents from causing any further harassment, obstruction, or undue interference in the Petitioner's right to travel and earn a lawful livelihood abroad.

2. The brief facts of the case, as per the contents of the petition, are that the Petitioner is a Pakistani citizen with a valid Italian work visa, legally employed in Italy. In 2018, the Petitioner, a professional cook, was privately employed by Mr. Syed Fiaz Mehboob (then Air Commodore in Pakistan Air Force) as a personal cook at his residence. Mr. Fiaz Mehboob was selected for a course in Italy in 2018 and arranged for the Petitioner to accompany him as his personal cook, assuring visa and travel arrangements. The Petitioner obtained a passport and travelled to Italy on a one-year work visa arranged privately through Mr. Fiaz Mehboob. During his stay in Italy, the Petitioner was paid PKR 30,000 per month (sent to Pakistan in cash) and never received any salary in Euros or from any government source. The Petitioner was not on the payroll of the Pakistan Air Force or any government institution. Upon visa expiry, Mr. Fiaz Mehboob refused to return the Petitioner's passport and expelled him from his residence. The Petitioner sought assistance from the Pakistani Embassy in Italy and obtained a new passport. He applied for asylum in Italy after visa expiry, which was eventually rejected; he then legally secured employment with a private Italian employer in 2022 and withdrew the asylum request. The Petitioner has been working lawfully since 2022 and applied for visa renewal in 2024; a biometric appointment is scheduled for November 2025. The Petitioner planned to visit Pakistan in April 2025 and was travelling on a valid passport and pending visa renewal document. Upon arrival at Islamabad Airport on April 2, 2025, the Petitioner was flagged as an "Army Deserter" and detained for three days. No military institution claimed him, and he was released on a personal surety bond. *Subsequently, on* March 21, 2025, he was again stopped at the airport while trying to return to Italy, detained, and then released again upon another surety. The Petitioner remains unable to travel back to Italy, which necessitated him to file the instant petition.

3. The learned counsel for the Petitioner submits that the employment with Mr. Fiaz Mehboob was purely private, unrelated to any official duties or government appointment. The travel to Italy was on a privately arranged visa; the Petitioner was not a government servant or on official duty. The labeling of the Petitioner as an "Army Deserter" was unlawful and baseless, as he was never employed by any military department. The alleged flagging in the immigration

system was a result of misuse of authority by Mr. Fiaz Mehboob. The detentions and travel restrictions constitute arbitrary state action without legal justification or due process. Fundamental rights of the Petitioner, including right to movement, dignity, and livelihood, have been violated. Despite official confirmations from both the Pakistan Air Force and Army that the Petitioner is not listed as a deserter, immigration authorities continue to obstruct his travel. The Petitioner's lawful employment in Italy and pending visa process are jeopardized due to continued unlawful restrictions. The Respondents (Ministry of Interior; Director General, Federal Investigation Agency (FIA); Director FIA; and Deputy Director, Anti Human Trafficking Cell, Islamabad) are acting without any credible evidence or legal authority, amounting to abuse of power. The Petitioner has cooperated fully and committed no criminal or administrative wrongdoing to justify such treatment. There is an urgent need for judicial intervention to allow the Petitioner to return to Italy, resume his job, and preserve his legal status and livelihood. The Petitioner's role as sole breadwinner and the risks to his employment and family support due to illegal obstruction highlight the severity of harm caused.

4. On behalf of Respondent No.1, Report is submitted, according to which the name of the Petitioner was placed on ECL on 13.08.2024 under Section (2) of the Exit from Pakistan (Control) Ordinance, 1981, with the approval of the Federal Government vide Cabinet Decision No.380/Rule-19/2024/646 dated 12.08.2024, on the recommendation of the Intelligence Agency. It is also mentioned in the Report that, according to the Intelligence Agency, the Petitioner was deserted from Pakistan Army. Lastly, it is requested that the instant Petition may kindly be dismissed.

5. On behalf of Respondents No.2 to 4/FIA, a Report is submitted which reveals that, as per Report dated 10.06.2025 of Assistant Director Analysis & Stop List/IBMS of FIA Integrated Border Management System (IBMS), FIA Headquarters, Islamabad, the name of the Petitioner has been found active on the Exit Control List (ECL), category of Stop List/Watch List. The Petitioner was placed on ECL on 13.08.2024 by the Ministry of Interior in exercise of powers conferred under the Exit from Pakistan (Control) Ordinance, 1981, read with its Rules of 2010, vide Ragency S3 Comments F. No.12/281/2021-ECL (D.O.P. 13-08-2024) as deserter from Pakistan Army.

6. I have heard learned counsels for the parties and perused the record with their able assistance.

7. The Petitioner's name was placed on the ECL on 13.08.2024 on the ground that he is a deserter from Pakistan Army. In this regard, upon the Court's query, the Respondents failed to submit any proof that the Petitioner was an employee of the Armed Forces of Pakistan and later became a deserter. As per the version of the Petitioner, he was privately employed as a cook by the then Air Commodore, namely Syed Fiaz Mehboob, who used to pay him Rs.30,000/- per month there in Italy when the said Air Commodore was on training there. In the absence of any proof of employment of the Petitioner in any of the Armed Forces of Pakistan, it shows that the Petitioner never remained an employee, let alone being a deserter from Pakistan Army. The claim of the Petitioner appears credible, as the record indicates that he was engaged as a private employee by the then Air Commodore and had no affiliation with the Armed Forces of Pakistan. Moreover, he previously travelled to Pakistan and, upon arrival, was detained by immigration authorities due to being flagged in their system as an "Army Deserter." However, no military authority came forward to assume his custody despite multiple notices, and he was ultimately released upon furnishing a personal surety bond. In these circumstances, it would be just and appropriate to direct the removal of the Petitioner's name from the Exit Control List, as no lawful basis for its retention exists. The Petitioner merely seeks to travel on a valid visa to rejoin his lawful employment in Italy.

8. Resultantly, the instant Writ Petition is **allowed**, and the Respondents are directed to remove the Petitioner's name from the Exit Control List forthwith so that he can proceed abroad.

9. The office is directed to communicate this Order to the concerned authorities for compliance forthwith.

Copy dasti.

(MUHAMMAD AZAM KHAN)
JUDGE

Announced in the open Court on this _____ day of June 2025.

JUDGE

//Sajid//*