JUDGEMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

JUDICIAL DEPARTMENT

Writ Petition No. 4142/2026

Muhammad Saeed Khan

VERSUS

Federation of Pakistan through Secretary, Ministry of Interior and others

PETITIONER BY:	Mr. Sami Ullah Waheed, Advocate
RESPONDENTS BY:	Mr. Fahad Khan Tareen, Assistant Attorney General. Mr. Muhammad Riaz, A.D (Legal) and Ms. Afshan Noreen, S.I, FIA.
DATE OF HEARING:	08.09.2026

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***AYYAZ SHAUKAT, J*:-** The petitioner has impugned the action of the respondents in offloading him from his scheduled international flight at the Islamabad International Airport on 12.08.2026. The petitioner seeks a declaration that the said action, taken notwithstanding his possession of a valid passport, a valid Indonesian business visa and a confirmed return air ticket, is without lawful authority, arbitrary, unreasonable and of no legal effect. He further seeks a direction to the respondents to furnish him the complete record relating to his offloading, including the name and designation of the officer concerned, the written reasons, the immigration remarks and the offloading report; a restraint against arbitrary treatment in respect of his future international travel; and compensation for the financial loss occasioned by the impugned action.

2. Learned counsel for the petitioner submitted that the petitioner is a law-abiding citizen of Pakistan holding passport No. HK4114163**,** issued on 11.07.2025 and valid until 10.07.2035. He submitted that the petitioner is engaged in business and intended to travel to the Republic of Indonesia in connection with his commercial activities.

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3. It was submitted that for that purpose the petitioner lawfully obtained an Indonesian electronic visa of the category E28A, bearing Visa No.26E28A821222 and Reference No.1240726E28A696287, issued on 04.08.2026, permitting a duration of stay of two years and required to be availed of before 01.11.2026. M/s AZM Nexus International was named as the sponsor in this behalf. Learned counsel submitted that the visa was obtained after fulfilling the requisite formalities and upon an expenditure of approximately US$ 2,400. He further submitted that on 10.08.2026 the petitioner purchased a confirmed return air ticket through Bin Saeed Global Travel, Wah Cantt, for the sector Islamabad to Bangkok to Jakarta and back, with the return leg booked for 09.11.2026. A hotel reservation was also made at the Mekarsari Hotel by ARBA, Cileungsi, Bogor, for the period from 13.08.2026 to 18.08.2026.

4. It was further submitted that on 12.08.2026 when the petitioner reached the Islamabad International Airport to board his scheduled international flight TG-350 of Thai Airways International, he was stopped and offloaded by the immigration authorities. The only reason verbally conveyed to him was that his hotel reservation was for six days while his return ticket was for approximately three months thereafter, and that he had not explained where he would stay upon the expiry of the reservation. Learned counsel emphasised that no written order, no speaking order, no notice and no legally sustainable written reason was ever supplied to the petitioner, at any stage, disclosing the statutory or regulatory basis upon which he had been prevented from travelling.

5. The learned counsel invited the attention of this Court to the offloading proforma dated 12.08.2026 issued by FIA Immigration, Islamabad and submitted that the reason mentioned therein is factually incorrect and is contradicted by the very documents which the petitioner had produced at the counter. He submitted that the petitioner was travelling upon a business and investment visa of the category E28A and

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not upon a visit visa, and that a hotel booking did exist and was placed before the officer. It was contended that an entry of this description, made in the official record of the State and operating to the detriment of a citizen, cannot be treated dismissed as consequential.

6. Learned counsel next submitted that the petitioner is the Commissioner (Komisaris) of PT AZM Nexus International, a company incorporated in the Republic of Indonesia by decision of the Minister of Law No.AHU-0055944.AH.01.01.TAHUN 2026 dated 16.07.2026, in which he holds ten thousand shares; and that the company holds Business Identification Number 1707260178099 and a Standard Certificate issued by the Investment Coordinating Board. He submitted that the impugned action has caused the petitioner serious financial loss, the disruption of his business plans and reputational embarrassment, and that it offends Articles 4, 9, 15 and 18 of the Constitution of the Islamic Republic of Pakistan, 1973.

7. Upon the preliminary hearing on 28.08.2026, this Court, finding that the points raised required consideration, issued notice to the respondents and directed them to file para-wise comments. Being conscious that the controversy turned upon the accuracy of a contemporaneous official record, it was further directed that the officer, official or Shift Incharge who had issued the offloading proforma dated 12.08.2026 shall appear in person on the next date of hearing along with the relevant original record and a detailed written explanation regarding the reasons and circumstances leading to the offloading of the petitioner. On 04.09.2026, the said direction not having been complied with in full, this Court directed that the Additional Director, FIA, posted at the Islamabad International Airport, along with the Shift Incharge who had issued the offloading proforma, shall appear in person on the next date of hearing.

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8. The learned Assistant Attorney-General, assisted by the Assistant Director (Legal) of the Federal Investigation Agency and by the officer detailed above, controverted the submissions of the petitioner and relied upon the report filed on behalf of respondents Nos.2 to 4. The substance of that report is that the petitioner was scheduled to travel to Indonesia for the first time on 12.08.2026 by Thai Airways Flight No.TG-350; that during immigration scrutiny his travel purpose, supporting documents and overall travel profile were assessed in accordance with the applicable immigration procedure and standing instructions. It was contended that the purpose of visit was not satisfactorily established; that his accommodation was arranged only for six days whereas his return ticket was for approximately three months later; and that he failed to produce evidence of share ownership or personal investment in a registered company, or proof of the possession of two thousand US$ 2,000 as living funds, which are said to be mandatory requirements of the E28A visa.

9. The report submitted in this behalf goes on to state that the assessment was made in the light of relevant business visa risk indicators, namely the inability to provide satisfactory business registration or tax documents, the lack of evidence of genuine business activities, and insufficient knowledge of the claimed business purpose or meeting. The passenger was accordingly offloaded and the reason duly recorded in the immigration and offloading record.

10. Learned Assistant Attorney-General accordingly submitted that the offloading was an act of official immigration scrutiny performed in the discharge of a statutory function, that it was founded upon circumstances observed at the time of departure, and that it stands duly reflected in the official record.

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11. We have heard the learned counsel for the petitioner as well as the learned Assistant Attorney-General, and have carefully examined the record, the report submitted by the respondents, and the applicable law.

12. The controversy in this petition lies within a narrow compass, and it turns upon a single document. That document is the offloading proforma dated 12.08.2026, the only contemporaneous record of the decision impugned. It mentions the particulars of the passenger and states the final destination as Indonesia and the flight as TG-350. The "Visa Type" is described as "visit visa". Under the heading "Reason of Offloading", the following is set out:

> *"Pax was travelling to Indonesia on visit visa, offloaded due to having no hotel booking and purpose of visit no justified."*

13. The proforma bears the signature of the Second Line Officer of Shift B and is counter signed by the Shift Incharge of Shift B dated 12.08.2026. That is the whole of the reasoning by which the petitioner was prevented from travelling abroad.

14. At the outset, two of the three matters recorded in this single sentence are contradicted by the material placed before this Court. As to the first, the electronic visa placed at page 7 of the petition is, in terms, an E28A visa issued by the Directorate General of Immigration of the Republic of Indonesia, describing the sponsor as a company and permitting a duration of stay of two years. It is not a visit visa. As to the second, the Agoda booking confirmation placed at page 13 records a confirmed reservation at the Mekarsari Hotel by ARBA for the period from 13.08.2026 to 18.08.2026 in the name of the petitioner. It is therefore incorrect to record that the petitioner had ‘no hotel booking’; indeed, the respondents’ own report proceeds on the footing that a booking existed, its objection being only that it was for six days. The remaining expression, ‘purpose of visit no justified’, is a bare conclusion: the contemporaneous proforma

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identifies neither the document found deficient, nor the question put to the petitioner, nor the answer considered unsatisfactory, nor any specific risk indicator on which that conclusion was founded.

15. It was in these circumstances that this Court called upon the officers of the Federal Investigation Agency to explain how an entry of this nature came to be made upon an official proforma, and in particular how the visa held by the petitioner came to be described as a visit visa when the document itself bore upon its face the category E28A. The officers in attendance were unable to furnish any satisfactory explanation. No material was placed before this Court to show that the passenger had been interviewed upon the subject, that his documents had been examined and found wanting for stated reasons, or that the entry represented anything other than what it appears to be. Confronted with these queries an affidavit dated 07.09.2026 was tendered by Mr. Muhammad Noman, Assistant Director, presently serving as Shift Incharge, Immigration Wing, Federal Investigation Agency, Islamabad International Airport, in the following terms:

> *"That I was performing duties as Shift Incharge at Islamabad International Airport on 12.08.2026, when the passenger namely Muhammad Saeed Khan was scheduled to travel to Indonesia through Thai Airways Flight No. TG-350. He was intended to travel on E28A visa (Investor/business). However, due to clerical mistake the visa category mentioned mistakenly as 'visit visa'."*

16. The affidavit admits that the petitioner was travelling upon an investor/business visa and that the description of the visa as a visit visa in the offloading proforma was a clerical mistake. The admission therefore establishes that a material premise expressly recorded in the contemporaneous decision was factually incorrect. Read with the equally incorrect recital that there was 'no hotel booking', the proforma is shown to rest, in material part, upon facts which did not exist. The third recital—that the purpose of visit was not justified—cannot, by its generality alone,

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sustain the decision when no contemporaneous particulars or supporting material were recorded. An administrative decision must ordinarily be judged by the reasons recorded when it is made; reasons subsequently supplied in a report to the Court cannot be used to substitute or materially improve the contemporaneous basis of the decision. The requirement of reasons is not a mere formality; it is the means by which the exercise of public power is rendered examinable. Section 24A of the General Clauses Act, 1897 reinforces that obligation where an authority makes an order or gives a decision in exercise of statutory power.

17. It need hardly be said that the grounds set out in the respondent's report do not improve their position, and in one respect they weaken it. The report asserts that the petitioner failed to furnish any evidence of share ownership or personal investment in a registered company. This assertion is directly contradicted by the record. Annexed to the petition are the decision of the Minister of Law of the Republic of Indonesia dated 16.07.2026 approving the incorporation of PT AZM Nexus International, its schedule showing the petitioner as Commissioner holding ten thousand shares, its Business Identification Number and its Standard Certificate. Whether or not those documents were produced at the counter is not disclosed by the proforma, which is silent upon the subject. This conspicuous silence attracts our attention to the instrument by which the respondents themselves are governed. Standing Order No.02/2026 dated 01.06.2026, issued by the Director General of the Federal Investigation Agency and produced before this Court, establishes the Risk Analysis Unit of the Immigration Wing and prescribes, in Part 12, the principles of risk-based assessment in the following terms:

> *"Building upon the analytical framework established above, risk assessment of travelers at departure shall be based on objective, documented, and proportionate risk assessment, informed by RAU*

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profiles, real-time indicators, passenger interview, and verification of travel documents."

18. Part 13, which prescribes the conditions for departure clearance, provides:

"i. Passengers shall produce all required documents to the Immigration Officer. Genuineness of documents and purpose of travel will be verified by the Immigration Officer. Adverse risk indicators identified through risk analysis or through initial inspection may warrant enhanced scrutiny by a second-line expert. Non-justifying the purpose of visit or lack of required travel documents may result in refusal of departure based on reasonable assessment which shall be brought in writing by the Second Line Officer and counter verified by Shift Incharge concerned."

ii. Any person so refused shall be provided the decision in writing by the concerned Shift In-charge Immigration, and the same shall be promptly flagged in IBMS with clear and specific reasons…"

19. Part 15 places upon the Additional or Deputy Director Immigration, as supervisory officer, the duty to ensure "that all offloading and refusal decisions are lawful, risk-justified, and accurately recorded". Part 17 provides that "any deviation from this Standing Order or misuse of authority shall entail disciplinary action".

20. Measured against these departmental instructions, the impugned action falls short in more than one respect. The assessment was required to be objective and documented, and to be informed by verification of travel documents. The visa category and hotel booking was inaccurately verified and recorded. The decision was required to be accurately recorded and furnished to the passenger in writing, and it is not the respondents' case that any written decision was supplied to the petitioner. On the contrary, the petitioner's assertion that only a verbal reason was conveyed stands uncontroverted. The Standing Order also affords a right of review to the In-

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charge Immigration within seven days and a right of appeal to a Grievance Committee within fourteen days, but those remedies are rendered largely ineffective if the passenger is not furnished the decision and its clear and specific reasons. The requirement of a written, specific and accurate decision is therefore substantive: it both disciplines the original exercise of discretion and enables the affected passenger to invoke the review and appeal mechanism meaningfully.

21. At this juncture, it is necessary to reiterate that a citizen's travel abroad forms an important aspect of personal liberty and freedom of movement and cannot be curtailed by executive action except in accordance with law. Articles 4 and 9 require lawful treatment and protect liberty, while Article 15 guarantees freedom of movement subject to reasonable restrictions imposed by law; where travel is undertaken for trade or business, Article 18 may also be engaged. In ***Government of Pakistan and another v. Dada Amir Haider Khan*** **(PLD 1987 SC 504),** the Supreme Court observed as follows:

> *"Moreover, a citizen's right to travel abroad is an important aspect of the citizen's liberty and is closely related to the rights of free speech and association. As nations in the world become politically and commercially more dependent upon each other and foreign policy decisions have come to have greater impact upon the lives of citizens, the right to travel has become correspondingly more important."*

22. In the same judgment their lordships laid down the standard by which the exercise of executive discretion in this field is to be measured, holding that:

> *"It is now established law that a discretion vested in a public authority must be exercised fairly, reasonably and in good faith."*

23. In ***Federation of Pakistan v. General (R) Pervez Musharraf*** **(PLD 2016 SC 570)** the Supreme Court observed:

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> *"…considering the question of inclusion or retaining the name of respondent No.1 in the ECL, thereby, restricting his freedom of movement, we also cannot lose sight of the fact that under Article 15 of the Constitution freedom of movement is one of the fundamental rights guaranteed to every citizen of the Country, which cannot be abridged or denied arbitrarily on mere liking or disliking, without any lawful justification for this purpose. More so, when Article 4 of the Constitution further guarantees right to every individual, to be dealt with in accordance with law…"*

24. This Court has consistently held to the same effect. In ***Muhammad Adil Irshad v. Federation of Pakistan*** **(Writ Petition No.5235 of 2025)** it was held:

> *"The right to due process and fair trial, guaranteed under Article 10-A of the Constitution, is the cornerstone of constitutional governance… Such an action, affecting valuable fundamental rights, taken without notice or hearing, is violative of due process and is void ab initio."*

25. As to the standard governing the exercise of such discretion, it was further observed that:

> *"While the State undoubtedly possesses the authority to regulate international travel and to take measures against unlawful activities abroad, the discretion conferred… is not unfettered. Such discretion must be exercised judiciously, proportionately, and on the basis of tangible and credible material. The use of the word 'may' in the Rules signifies discretion, not compulsion, and such discretion cannot be exercised mechanically merely on the basis of unverified allegations."*

26. Similarly, in ***Wazir Khan v. Directorate General of Immigration and Passports*** **(Writ Petition No.2269 of 2026)**, it was held that although the State possesses the authority to regulate international travel in accordance with law and in furtherance of national

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security and the public interest, such authority must be exercised fairly, reasonably and proportionately. It was also held that administrative convenience or generalised considerations cannot override fundamental rights in the absence of lawful authority and objective satisfaction. Furthermore, in ***Dr. Joseph Wilson v. Federation of Pakistan*** **(2017 PCrLJ 1569)** it was observed that to prevent a man from leaving the country is to impose a physical restraint upon his person and to deprive him of his personal liberty, and that a citizen cannot be deprived of his right to travel abroad except according to the procedure established by law.

27. The present case is not one in which mala fides have been established. It is, rather, a case of want of due care and diligence in the recording of reasons. An incorrect description of the visa and an incorrect statement that no hotel booking existed became part of the sole contemporaneous record on the basis of which the petitioner was prevented from undertaking his scheduled journey. Where an administrative decision has immediate consequences for a citizen's liberty and travel, such inaccuracies cannot be treated as inconsequential clerical lapses.

28. The standard of care demanded of a public functionary is accordingly measured not by the modesty of the act performed, but by the gravity of what turns upon it. The immigration officer at a departure counter exercises a power to arrest the movement of a citizen across the frontier of his own State. There is no counsel at hand, no hearing, no record beyond what the officer himself writes, and in practice no effective opportunity for the passenger to respond before the aircraft departs. A power exercised in those conditions must be attended by a correspondingly higher degree of diligence and care. The Standing Order recognises as much when it requires the assessment to be objective, documented and proportionate, and the decision to be accurately recorded and furnished in writing.

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29. It follows that a State functionary who records a reason thereby warrants its accuracy. He is not merely completing a form; he is creating the sole document against which the lawfulness of his act will later be tested. An entry which is wrong upon its face devalues the record of the Department, exposes its officers to precisely the imputation of arbitrariness which accurate record-keeping exists to avoid, and leaves the citizen without the means of challenging what was done to him. In ***Pakistan Muslim League (N) v. Federation of Pakistan*** **(PLD 2007 SC 642)** it was held that an action which is founded upon extraneous or irrelevant considerations, or which is taken upon no ground at all or without application of mind, is not action in accordance with law and is liable to be struck down. An action founded upon a ground which does not exist stands upon no better footing, and the entry upon the proforma of 12.08.2026 is such a ground.

30. Two consequences follow. The first concerns the petitioner. The impugned action rests materially upon factual premises that are demonstrably incorrect, while the remaining stated reason is unsupported by any clear and specific contemporaneous particulars. It therefore cannot be sustained and is liable to be set aside. The second concerns the Federal Investigation Agency. The admitted inaccuracies also call for examination by the competent departmental authority under the Agency's own Standing Order. That examination, however, must itself conform to law and the requirements of due process, and nothing stated in this judgment shall be construed as a finding of personal misconduct against any particular official.

31. Part 15 of Standing Order No.02/2026 places upon the supervisory officer the duty to ensure that offloading and refusal decisions are lawful, risk-justified and accurately recorded**,** while Part 17 provides for departmental consequences in the event of deviation from the Standing Order. In the present case, the affidavit dated 07.09.2026 acknowledges the incorrect description of the visa category, and the record also

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demonstrates that the recital regarding absence of a hotel booking was inaccurate. It is therefore appropriate that the competent authority examine the matter in accordance with the Standing Order and applicable service/disciplinary law, after affording due opportunity to any official whose conduct may be called in question.

32. Accordingly, the Director General, Federal Investigation Agency, is directed to cause the matter concerning the incorrect entries in the offloading proforma dated 12.08.2026 to be examined by the competent authority in accordance with law and Standing Order No.02/2026. If, upon such examination, any deviation or misconduct is found attributable to any official, appropriate proceedings may be taken strictly in accordance with law and after observance of due process. A compliance report regarding completion of the examination and the action taken pursuant thereto shall be submitted to the Deputy Registrar (Judicial) of this Court within thirty days of receipt of this judgment.

33. For the foregoing reasons, this petition is allowed to the following extent. It is declared that the action of the respondents in offloading the petitioner from Thai Airways Flight No. TG-350 on 12.08.2026, on the basis of the reasons recorded in the offloading proforma of that date, was without lawful authority and is of no legal effect. Any flag, adverse remark or entry placed against the petitioner in the Integrated Border Management System (IBMS) or any allied record solely on the basis of the said offloading proforma shall be removed or cleared forthwith, without requiring the petitioner to make a fresh application for that purpose. The petitioner shall not be impeded in undertaking future international travel by reason only of the impugned proforma or any entry founded solely thereon, subject always to his fulfilling the lawful immigration and travel requirements applicable at the time of departure. This direction shall not preclude the respondents from undertaking lawful immigration scrutiny on any subsequent occasion on the basis of fresh, relevant and objectively verifiable material, provided

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that any adverse decision is taken and recorded strictly in accordance with law and the applicable Standing Order.

34. The petitioner has also claimed compensation for the financial loss allegedly occasioned by the offloading. That claim involves questions as to proof, causation and quantification of damages which cannot appropriately be determined on the present record in constitutional jurisdiction. The prayer for compensation is, therefore, left open, and the petitioner may avail such remedy as may otherwise be available to him in accordance with law.

35. Let a copy of this judgment be sent to the Director General, Federal Investigation Agency, Islamabad, and to the Secretary, Ministry of Interior, Government of Pakistan, for information and compliance.

(AYYAZ SHAUKAT)
JUDGE

Announced in open Court on **16.09.2026**.

JUDGE

Saeed.

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