

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1354 of 2025
(Shoaib Ahmed v. The State)

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection
2. For hearing of main case

20.04.2026

Mr. Aijaz Ali Lund Baloch, Advocate along with Applicant on interim pre-arrest bail.

Complainant present in person

Mr. Ghulam Abbas Sangi, Assistant Attorney General

Crime No.12 of 2022

P.S. FIA, Cybercrime Reporting Center,
Hyderabad

u/s 13, 14, 16 of PECA 2016 r/w section
34, 406, 419, 420, 468, 471, 109 PPC

ORDER

Adnan Iqbal Chaudhry, J.:- The Applicant prays for pre-arrest bail in the aforesaid crime after the same has been denied by the Sessions Judge Hyderabad by order dated 28.08.2025

2. Heard learned counsel and perused the record.

3. As per the inquiry of the FIA, on 27.12.2021, the Informant received calls from certain cell numbers, one portraying himself to be a known Senator and the other an MPA, who duped the Informant into transferring Rs.50,000/- each to two micro finance accounts (Easypaisa) (total Rs.100,000/-) linked to certain cell numbers. The FIA traced those cell numbers to a micro finance franchisee at Bhattia Colony, Korangi Crossing, Karachi, who informed that said cell numbers were used by the Applicant (Shoaib Ahmed) and his brother (Shahnawaz) to make withdrawals *albeit* those cell numbers were registered in the name of others. Upon such information, Shahnawaz was arrested from his home and a number of cell phones, SIMs and other incriminating material was recovered from his possession. It is alleged that during interrogation, Shahnawaz also implicated his brother, the Applicant, in the aforesaid crime.

4. It is contended by the Applicant that he is estranged from his brother (Shahnawaz) and lives separately; therefore, he has been implicated in the crime by way of *malafides*; and in any case, the statement given against him by a co-accused in custody, is no evidence against him. Incidentally, the Informant files an affidavit of no-objection for the grant of bail to the Applicant.

5. Be that as it may, offences of electronic forgery and electronic fraud, respectively under sections 13(1) and 14 of the Prevention of Electronic Crimes Act, 2016 [PECA], were bailable offences in terms of section 43 of PECA at the time those were allegedly committed by the Applicant on 27.12.2021. Those offences were made non-bailable by Amendment Act No. II of 2025 i.e. after the alleged incident. The alleged offence of unauthorized use of identity information under section 16 of PECA, continues to be bailable in terms of section 43 of PECA. Therefore, for offences alleged against the Applicant under the PECA, he is entitled to bail by way of right.

6. Out of the offences alleged against the Applicant under the PPC, the offences under sections 420 and 471 PPC are also bailable.

7. Even going by the facts alleged in the FIR, the offences of criminal breach of trust and forgery for purposes of cheating, respectively under sections 406 and 468 PPC, do not seem to be attracted to the Applicant.

8. As regards the last offence alleged against the Applicant i.e. of cheating by personation, punishable under section 419 PPC with a maximum imprisonment of 7 years, the FIA has not collected any electronic or forensic evidence to link the Applicant to the cell numbers from which impersonating calls were made to the Informant. Therefore, there is force in the submission that the Applicant has been implicated in the aforesaid crime by way of *malafides*.

9. For the foregoing reasons, the Applicant Shoaib Ahmed is granted pre-arrest bail in Crime No. 12 of 2022 subject to furnishing solvent surety in the sum of Rs.300,000/- [Rupees Three Hundred Thousand only] and P.R. Bond in like amount to the satisfaction of the Additional Registrar of this Court. The surety of Rs.100,000/- submitted for interim pre-arrest bail may be adjusted.

Needless to state that observations herein are tentative and are not to be construed to prejudice the case of the prosecution.

JUDGE