

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2712 of 2026

Applicant : Ayyan Najeeb
S/o. Najeeb Ahmed
Through M/s. Aamir Mansoob Qureshi
and Mamoon A. K. Shirwany,
advocates

The State : The State:
Through Mr. R. D. Kalhoro,
Assistant Attorney General,
Pakistan along with Investigation
Officer Inspector Tariq Mehmood, FIA
NCCIA, Karachi.

Date of hearing : 07.09.2026.

Date of Order : 24.09.2026.

ORDER

Jan Ali Junejo, J:-- Through this Criminal Bail Application, the Applicant Ayyan Najeeb son of Najeeb Ahmed seeks post-arrest bail in FIR No. 59/2026 registered at Police Station FIA, National Cyber Crime Investigation Agency, Karachi for offences under Sections 3, 4, 13, 14, 16 & 26 of PECA R/w Section 34 & 109 PPC. The Applicant's earlier post-arrest bail application bearing No.4956/2026 was dismissed by the learned Sessions Judge, Karachi East vide order dated 20.08.2026. Being aggrieved, the Applicant has approached this Court.

2. Concisely, the facts leading to the instant bail application as depicted in the FIR are that Enquiry No.129/2026 was registered at Police Station NCCIA, Karachi Circle, on the basis of source information regarding an illegal call centre operating at LA Lounge Restaurant, Gulistan-e-Johar, Karachi East. Pursuant to approval of the competent authority, a raiding team conducted a raid at the said premises, where Haider Umrani and Ayyan Najeeb were found present. During search, various digital devices were recovered and seized vide seizure memo dated 14.07.2026, which, upon initial on-site and technical examination, allegedly revealed chats, digital artefacts and other electronic data indicative of illegal financial fraud activities, including extraction and

possession of confidential Medicare and health insurance credentials of foreign nationals for making unauthorized charges and illegal transfers of funds for wrongful gain. During preliminary interrogation, Haider Umrani allegedly disclosed that his partner Zeeshan Ali s/o Sikandar Ali Dhakan was primarily responsible for providing data used for unauthorized billing under the Medicare insurance of foreign nationals and for coordinating with various merchants for processing unauthorized transactions/charges. The seized devices were forwarded for technical analysis, which allegedly confirmed the presence of unauthorized confidential Medicare and health insurance data of foreign nationals. On the basis of the said recovery, initial technical analysis and investigation, Haider Umrani, Ayyan Najeeb, Zeeshan Ali and others were alleged to have intentionally committed offences punishable under Sections 3, 4, 13, 14, 16 and 26 of PECA, 2016 (as amended in 2025), read with Sections 34 and 109, PPC, whereafter, with approval of the competent authority, the instant FIR was registered and investigation was entrusted to Inspector Tariq Mehmood. Hence, the present FIR.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated with mala fide intention and ulterior motives, as there is no credible or independent material connecting him with the alleged offences. He contends that the applicant was merely present at LA Lounge Restaurant, Gulistan-e-Johar, Karachi, on 14.07.2026 for a social gathering when the raiding team arrived, collected the mobile phones and electronic devices of the persons present and, after scrutiny, returned the same to the applicant without finding any incriminating material or illegal data therein, yet the applicant was subsequently arrested without warrant or reasonable grounds. Learned counsel submits that the FIR does not attribute any specific role, overt act or individualized allegation to the applicant and merely records his presence at the premises, whereas the alleged disclosure regarding procurement of Medicare data and coordination with merchants is attributed to a co-accused, and no particular digital material, device, chat, database or transaction has been specifically recovered from or linked to the applicant. He further contends that mere presence at the premises,

without any material establishing prior meeting of minds, common intention, intentional assistance, instigation or participation, cannot attract Sections 34 and 109, PPC, and that the essential ingredients of actus reus and mens rea are conspicuously absent. Learned counsel further submits that the case originated from undisclosed source information, no specific victim has been produced and no private witness has been associated with the alleged recovery, while the raid, search, seizure and examination of the applicant's personal mobile phone and electronic data were allegedly conducted without a warrant under Section 33 of PECA, 2016, and the mere approval of the competent authority could not substitute the judicial warrant required by law; hence, the legality and evidentiary value of the alleged search, seizure and digital material require further inquiry. He further submits that the seizure memo was not prepared in the presence of private witnesses and the prosecution has failed to establish any accused-specific nexus between the applicant and the alleged digital material or equipment. Learned counsel contends that the offences alleged under Sections 3, 4, 13, 14 and 26 of PECA, 2016, read with Sections 34 and 109, PPC, are not prima facie attracted to the applicant and, in any event, the offences carrying the lesser prescribed punishments fall outside the prohibitory clause of Section 497, Cr.P.C.; therefore, bail is the rule and refusal an exception in the absence of extraordinary circumstances such as likelihood of abscondence, tampering with prosecution evidence, repetition of the offence or previous conviction. He submits that none of such circumstances exists, as the applicant is a permanent resident of Karachi, has no previous criminal record, is not a hardened or dangerous criminal, and the alleged evidence and equipment are already in the custody of the prosecution. Lastly, learned counsel submits that the applicant is no longer required for investigation, his continued incarceration would serve no useful purpose and would amount to pre-trial punishment; therefore, considering the absence of direct incriminating material, lack of specific role, disputed legality of the search and seizure, absence of mens rea, non-prohibitory nature of the alleged offences and the overall circumstances, the case squarely falls within the ambit of further inquiry under Section 497(2), Cr.P.C., and the applicant is entitled to the concession of bail.

4. Conversely, the learned Assistant Attorney General, assisted by the Investigating Officer, opposes the grant of bail. He submits that the applicant was found present at the premises where an alleged illegal call centre was being operated and that, during the raid, various digital devices were recovered, which upon technical examination allegedly revealed confidential Medicare and health-insurance data of foreign nationals and other digital material indicative of unauthorized financial activities. He further contends that the nature of the allegations involves misuse and unauthorized possession of sensitive electronic data of foreign nationals for the purpose of making unauthorized charges and illegal financial transactions, which requires a thorough investigation and technical examination of the recovered devices. Learned AAG submits that the applicant's precise role and association with the alleged activity are matters being investigated and that the defence pleas regarding the legality of search and seizure, evidentiary value of digital material and absence of a specific role cannot be conclusively determined at the bail stage, therefore, the applicant is not entitled to the concession of post-arrest bail. Lastly, the learned AAG prayed for dismissal of the bail application.

5. I have heard the learned counsel for the applicant, learned Assistant Attorney General assisted by the Investigating Officer, and have gone through the material available on record with their able assistance.

6. The record shows that the applicant was found present at the premises where the alleged illegal call centre was being operated and, during the raid, digital devices were recovered and seized. The subsequent technical examination of the seized devices allegedly disclosed confidential Medicare and health insurance data of foreign nationals and digital artefacts connected with unauthorized financial activities. At this stage, the prosecution case cannot be discarded merely on the ground that the applicant was not assigned a separate or overt role in the FIR, particularly when the question of his association with the alleged activity and his connection with the recovered digital material are matters to be determined on the basis of the investigation and technical evidence.

7. The plea that the applicant was merely present at the premises for a social gathering is essentially a defence plea, the veracity of which cannot be finally determined at the bail stage. Likewise, the contentions regarding the absence of private witnesses, alleged deficiencies in the seizure proceedings, legality of the search and seizure, and evidentiary value of the recovered digital material involve questions which require examination in depth at the trial. At this stage, the Court is not required to conduct a detailed appraisal of the evidence or determine its ultimate admissibility or probative value.

8. The allegation regarding the recovery of confidential data belonging to foreign nationals, coupled with the technical material allegedly found in the seized devices and the statements/disclosures recorded during investigation, provides sufficient material at this tentative stage to connect the applicant with the alleged occurrence. The applicability of Sections 34 and 109, PPC, also cannot be conclusively determined in favour of the applicant at this stage, as the question whether there was intentional participation, assistance or common design is dependent upon the cumulative effect of the material collected during investigation.

9. In the present case, the material collected during investigation, particularly the circumstances in which the applicant was found at the premises where the alleged illegal call centre was being operated, the recovery and subsequent technical examination of digital devices, and the alleged discovery of confidential Medicare and health-insurance data of foreign nationals, requires consideration at the trial. At this tentative stage, the material available on record does not render the prosecution case against the applicant so doubtful. The defence pleas regarding the applicant's alleged limited role, legality of search and seizure and evidentiary value of the digital material require deeper appreciation of evidence and cannot, in the circumstances of the present case, be made the sole basis for extending the concession of bail.

10. For the reasons recorded above, this Criminal Bail Application filed on behalf of the Applicant is dismissed. The observations herein are

tentative and confined to the decision of bail. The trial Court shall not be influenced thereby and shall adjudicate strictly on the evidence led before it.

JUDGE