

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Application No.S-262 of 2025

Applicant : Sajjad Ali S/o Badshah @ Qurban Ali Chandio
Through Mr. Nawabuddin Chandio, Advocate.

Respondent : The State
Through Mr. Nazeer Ahmed Bhangwar, Deputy Prosecutor General.

Date of Hearing : 11.07.2025

Date of Order : 11.07.2025

ORDER

KHALID HUSSAIN SHAHANI, J.: – Applicant Sajjad Ali seeks pre-arrest bail in a case bearing crime No. 28 of 2025 registered at Police Station Gaji Khuhawar, offence under Section 26-A of the Prevention of Electronic Crimes Act, 2016 (PECA). Earlier, interim pre-arrest bail was granted to the applicant vide order dated 21.05.2025. The learned counsel now seeks confirmation of said bail.

2. The facts as narrated in the FIR are that on 10.05.2025, complainant ASI Muhammad Khan Badani, while present at the police station with his staff came across a Facebook post uploaded by the applicant Sajjad Ali Chandio. In that post, the applicant allegedly claimed that he heard the sound of a drone attack in Gaji Khuhawar Town area. The complainant, considering the post as dissemination of false information and as causing panic among the public, sought permission from his superiors and lodged the FIR against the applicant under Section 26-A of PECA, 2016.

3. Learned counsel for the applicant argued that the FIR is false and fabricated, lodged with malafide intention and ulterior motives. It was contended that the applicant is a law-abiding citizen with no criminal antecedents. The post was made without criminal intent and may have stemmed from misunderstanding or lack of awareness of the legal implications. It was further argued that under Section 2(c)

of PECA, the Authority designated under the Act must first receive a complaint for false information before initiating proceedings. Furthermore, the local police, without the intervention or authorization of the designated Cyber Crime Authority, have no jurisdiction to take cognizance of offences under PECA. No prior inquiry or authorization was obtained from the Pakistan Telecommunication Authority or the Cyber Crime Wing of FIA, thereby making the registration of the FIR unlawful. Lastly, it was submitted that the offence does not fall within the prohibitory clause of Section 497(1) Cr.P.C., and the case against the applicant requires further inquiry under Section 497(2) Cr.P.C.

4. On the other hand, learned Deputy Prosecutor General opposed confirmation of bail. He argued that the applicant, by posting false information on social media regarding a drone attack during a sensitive security period, created unnecessary fear and panic. It was submitted that the applicant openly admitted in Court that the Facebook ID belonged to him, thereby confirming authorship of the post. The DPG further contended that the offence was committed in a fragile national security environment, and the circulation of such misinformation could potentially disrupt public peace and order. It was also argued that the ingredients of mala fide or malice on the part of the police are missing and that digital evidence of the post exists, establishing a prima facie case against the applicant.

5. I have heard the learned counsel for the applicant, the learned DPG, and examined the record with their assistance.

6. The post in question was made on the applicant's Facebook ID and contained a statement regarding an alleged drone attack in the locality. However, from the face of the FIR and the investigation papers, it is not evident that any complaint whatsoever was lodge with the designated Authority as required under PECA, nor was there any preliminary inquiry conducted by the FIA's Cyber Crime Wing. Section 26-A of PECA contemplates action against dissemination of false information with the intent to intimidate or harm. The prosecution has yet to establish the applicant's intent to spread panic or cause harm beyond reasonable doubt. Furthermore, all witnesses are police officials and no public outcry, incident of unrest, or

credible harm as a result of the alleged post has been demonstrated on record.

7. While the conduct of the applicant may be questionable and subject to legal scrutiny, the premature registration of FIR without compliance with procedural safeguards laid down under PECA, including reference to the Authority and jurisdictional agency, casts doubt over the legality of the process. Prima facie, the case calls for deeper appreciation of evidence, which is not permissible at the bail stage. In such circumstances, and considering that the offence does not fall within the prohibitory clause of Section 497 Cr.P.C., the case against the applicant qualifies as one of further inquiry within the meaning of Section 497(2) Cr.P.C. Accordingly, the interim pre-arrest bail granted to the applicant Sajjad Ali vide order dated 21.05.2025 is hereby confirmed on the same terms and conditions.

8. Needless to mention, the observations made herein are tentative in nature and shall not prejudice either party at the time of trial.

JUDGE