

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.1521 of 2025

Applicants : i. Syed Muhammad Abbas Ali son of
Muhammad Ali
ii. Mst. Nazish Abbas w/o Syed
Muhammad Abbas Ali
Through Mr. Musharraf Ali Memon,
Advocate

Respondent : The State
Through Mr. Dur Muhammad Shah, DAG
along with Tariq Arbab AD cyber Crime

Date of hearing : 14.04.2026
Date of order : 14.04.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- Through captioned criminal bail application, applicant Syed Muhammad Abbas Ali and Mst. Nazish Abbas, seek pre-arrest bail in Crime No.37 of 2025, registered at P.S FIA Cyber Crime Reporting Circle KHI, for the offences punishable under Sections 3, 4, 13, 26 PECA 2016, r/w 419, 420, 468, 471, and 109 PPC. Prior to this the applicants had approached to the court of learned Sessions Judge, Malir Karachi for the same relief but it was declined vide order dated.26.05.2025. They were granted interim pre-arrest bail by this court on 05.06.2025, which is now fixed for confirmation or otherwise.

2. The facts of the case are need not to be reproduce herein, as the copy of FIR is attached with the bail application and the facts are also stated in detail therein.

3. Heard and record perused.

4. Admittedly the names of the applicants do not appear in the FIR, nor has any specific or active role has been attributed to them during the course of inquiry. Furthermore, there is an unexplained delay of

approximately seven months in the registration of the FIR, which creates serious doubt about the prosecution story. It is also observed that the essential ingredients of the alleged offences under the PECA Ordinance are not made out from the contents of the FIR. At best, the matter appears to be a case of dishonour of cheque, which position has also been fairly conceded by the learned Prosecutor. The said offence does not fall within the prohibitory clause of Section 497 Cr.P.C.; therefore, in such cases grant of bail is a rule, while refusal is an exception. Moreover, the question of applicability of PECA provisions is a matter to be determined at trial after recording of evidence. At this stage, it cannot be conclusively held that such offences are made out against the applicants. Thus, the case clearly calls for further inquiry within the meaning of Section 497(2) Cr.P.C., entitling the applicants to the concession of bail. The record further reflects that after obtaining interim pre-arrest bail, the applicants have joined the investigation and have regularly attended the trial proceedings. There is nothing on record to suggest that they have misused the concession of interim bail or attempted to influence the investigation or prosecution witnesses. Additionally, no recovery is to be effected from the applicants, and their further custodial interrogation does not appear necessary. The applicants are also not previously convicted, nor have they been shown to be habitual offenders. In view of the above circumstances, the applicants have made out a case for confirmation of pre-arrest bail. Consequently, the interim pre-arrest bail already granted to the applicants vide order dated 05.06.2025 is hereby confirmed on the same terms and conditions.

5. Needless to mention here that the observation made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicant on merits. However, in case the applicant misuses

the concession of bail in any manner, the trial court shall be at liberty to cancel the same after giving him notice, in accordance with the law.

Criminal bail application stands disposed of.

JUDGE

Suleman Khan/PA

