

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD**

Cr. Bail Appln. No.S-755 of 2026
Cr. Bail Appln. No.S-781 of 2026

Applicant : Muhammad Idrees S/o Abdul Rehman
Samoo, through Mr. Noor-ul-Haq Qureshi,
Advocate in Criminal Bail Application No.S-
755 of 2026.

Applicant : Khadim S/o Khamiso Lashari
through Ms. Saiqa Ansari, Advocate in
Criminal Bail Application No.S-781 of
2026.

The State : Mr. Altaf Hussain Khokhar,
Deputy Prosecutor General.

Date of Hearing : 06.08.2026
and Order

ORDER

Jawad Akbar Sarwana, J. By this common order, I propose to dispose of the above-captioned criminal bail applications, filed separately on behalf of the above-named applicants, seeking post-arrest bail in one and the same F.I.R. No.41 of 2026, registered at Police Station 'B' Section, Tando Allahyar, under Sections 420, 406, 409 PPC. Earlier, the learned 1st Additional Sessions Judge, Tando Allahyar, declined the applicants/accused's first bail application vide Order dated 17.03.2026 in Cr. Bail Application Nos.226/2026 and 216/2026.

2. The brief facts of the case are that on 23.02.2026, acting on a tip-off during routine patrolling, ASI of P.S B-Section along with police personnel raided Muzammil Rajput Communication Shop, where four accused, namely Muzammil, Mohammad Idrees, Ahsan Ali, and Khadim Hussain Lashari, were apprehended while allegedly running an organized financial fraud network by using SIM cards registered under innocent people's names to fraudulently create Jazz Cash, Easypaisa, and Islamic Bank QR accounts to draw off lakhs of rupees from poor women and citizens; consequently, police seized laptops, mobile phones, SIM cards, cash, and BISP devices, prepared a recovery mashirnama, and registered an FIR under Sections 420, 406, and 409 of the PPC against them.

3. Heard Counsel, DPG and perused the record. The record shows that the aforesaid crime registered at the ordinary police station triggers both the provisions of the PPC and the Pakistan Electronic Crimes Act ("PECA"), 2016, as well as different Courts/Tribunals. The issuance of SIM cards, activating the same on alleged false biometric identifications, and generating fake accounts to misappropriate funds of the Benazir Income Support Program ("BISP"). On the one hand, because BISP funds involve the Federal Government, they attract offences triable by the Special Court Judge (Anti-Corruption) under Section 409 PPC. On the other hand, given the electronic nature of identity theft, digital misappropriation, etc., it also attracts offences under the PECA, 2016 and is subject to investigation by the specialised cybercrime department established under PECA, 2016 (which was previously being handled by the Federal Investigation Agency ("FIA")). As per the DPG, after almost six (6) months, the challan has yet to be submitted due to a lack of clarity between the concerned jurisdiction, IO, and the Court/Tribunal.

4. In this connection, to resolve the matter, I have sight of an Order dated 11.06.2026 passed in Criminal Bail Application No.S-402 of 2026 which reads as follows:-

"Learned counsel for the applicants submits that applicants have been behind bars since the last four months, without any charge being filed against them. Even on the last date, learned D.P.G was asked to enquire as to under which jurisdiction or Court the charge is to be filed, for which he sought some time. Today, the learned A.P.G is present along with SIP Ali Asghar Bhurgri PS B-Section Tando Allahyar, and submits that they are still unable to determine as to what charge (if any) and before which jurisdiction/Court any such charge is to be filed. This shows that as of yet, the prosecution appears entirely uncertain as to whether or not any charges are to be brought against applicants. It is trite law that no person can be held unlawfully and without any charge having been framed against him. Since the prosecution has remained unable to provide any ground for keeping the applicants in confinement, as such, this Cr. Bail Application is allowed and the applicants namely, Muzamil and Mudasir, both sons of Mahboob Ali, are admitted to post arrest bail in Crime No.41 of 2026 registered under Section 420, 406, 409 PPC at Police Station B-Section Tando Allahyar, subject furnishing solvent surety in the sum of its 1,00,000/- [Rupees One Hundred Thousand] each

and PR bond in the like amount to the satisfaction of Additional Registrar of this Court.

Needless to mention that as and when the prosecution files any charges arising out of instant matter against the applicants, the applicants shall join the investigation and process. If any of the conditions of bail are misused by the applicants in any manner, then the Trial Court is fully authorized to take every action against applicants and their surety, including cancellation of bail, without making a reference to this Court."

5. The aforesaid view of the Single Judge appears to be consistent with the following observations of the Division Bench of this (High) Court made in an Order dated 19.02.1996 in Bago and Two (2) others v. the State reported in 1996 P.Cr.LJ 1818, paragraph 11:

"But the grievance of the applicants/accused does not end here. They have also filed a bail application. It is not denied that the applicants/accused are in custody since 27th July 1992. It is yet to be decided whether their case is to be tried either by a Special Court or by a Sessions Court? Till decision of such question, they cannot be kept in detention for indefinite period. It is settled law that if a person is not accused of a scheduled offence as provided in the Act, 1975, then this Court is fully competent to exercise its power under Section 561-A Cr.P.C. as well as under section 498, Cr.P.C."

6. In view of the above and that rule of consistency as per the decisions of the Supreme Court in the cases reported in 2026 SCMR 917 and 2026 SCMR 135, the applicants, namely Muhammad Idrees and Khadim are admitted to post arrest bail in Crime No.41 of 2026 registered at P.S B-Section Tando Allahyar for offences under Sections 420, 406, 409 PPC, subject to furnishing their solvent surety in the sum of Rs.100,000/- (Rupees One Lac) each and P.R Bonds in the like amount to the satisfaction of learned trial Court.

7. As discussed above, the DPG submits that after almost six (6) months, the challan has yet to be submitted due to a lack of clarity between the concerned jurisdiction, IO, and the Court/Tribunal. Therefore, as and when the prosecution files any charges arising out of the instant matter against the applicants, the applicants shall join

the investigation and process. If any of the conditions of bail are misused by the applicants in any manner, then the Trial Court is fully authorized to take every action against applicants and their surety, including cancellation of bail, without making a reference to this Court

8. Needless to mention here that the observations given in this order are tentative in nature and shall not affect the merits of the case at the trial.

SD- JAWAD AKBAR SARWANA-JUDGE