

## IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2895 of 2026

Applicants : 1. Tahir Hussain  
2. Shahzaib  
both sons of Akbar Ali  
Through Mr. Naveed Anjum, advocate

Complainant : Mst. Samiya Naz D/o. Rao Iftikhar Ahmed  
through Mr. Raj Ali Wahid Kunwar,  
advocate

Respondent : The State  
Through Mr. R. D. Kalhor, Assistant  
Attorney General a/w Investigation SI-  
Adnan

Date of hearing : 29.09.2026.

Date of order : 29.09.2026.

### ORDER

**Jan Ali Junejo, J.**— Applicants 1) Tahir Hussain and 2) Shahzaib son of Akbar Ali seek post-arrest bail in a case bearing Crime No. 66/2026, for offence under section 20, 21 and 24 PECA amended Act, 2025 R/w Section 109 PPC registered at PS NCCIA, Karachi. The Applicants earlier post-arrest bail application bearing No. 5140/2026 was dismissed by the learned Additional Sessions Judge-II, Malir at Karachi vide order dated 31.08.2026. Being aggrieved, the Applicants have approached this Court.

2. Concisely, the facts leading to the instant bail application as depicted in the FIR are that Enquiry No.1209/2026 was registered at Police Station NCCIA, Karachi Circle is that complainant Samiya Naz daughter of Rao Iftikhar Ahmed was in a relationship with accused Shahzaib son of Akbar Ali since approximately November 2025 and, during the course of their relationship, was introduced to certain members of his family. It is alleged that on one occasion, Aamna invited the complainant to her residence and, after offering her a glass of juice, she became unconscious and, upon regaining consciousness, found Shahzaib and Aamna present, whereafter she was assured that Shahzaib would marry her and was asked not to disclose the alleged physical act.

Subsequently, in January 2026, Shahzaib allegedly persuaded the complainant during a video call to remove her clothes on the pretext of seeing her, secretly recorded the video call without her consent and, after she approached the police for registration of an FIR, allegedly circulated the recorded video to various persons. It is further alleged that accused Tahir Hussain son of Akbar Ali, brother of Shahzaib, also forwarded/shared the said video with the complainant's relatives. During the course of enquiry, on 11.08.2026, after obtaining approval from the competent authority, a raid was conducted at about 1850 hours near Total Petrol Pump, adjacent to Lalazar Marriage Hall, Quaidabad, Karachi, where accused Tahir Hussain was found present and, after his identification, a Redmi A2+ mobile phone, Model 23028, allegedly containing incriminating material, was recovered from his possession and seized through a seizure memo. The seized device was thereafter subjected to initial technical analysis at PS NCCIA Karachi, which allegedly revealed the presence and transmission of obscene content involving the complainant and further indicated that the video call had been recorded by Shahzaib and shared through WhatsApp by accused Tahir Hussain. During the enquiry, Shahzaib appeared at PS NCCIA Karachi along with the Judicial Magistrate, 1st East, Karachi, in connection with the alleged detention of accused Tahir Hussain; after inspection, the learned Magistrate recorded the relevant facts in Daily Station Diary Entry No.11, whereafter, on the pointation of the complainant, Shahzaib, who was already nominated in the complaint, was taken into custody under Section 54 Cr.P.C. On the basis of the complaint, recovery, preliminary technical analysis and other material collected during enquiry, a prima facie case was alleged against accused Tahir Hussain son of Akbar Ali and Shahzaib son of Akbar Ali for offences punishable under Sections 20, 21 and 24 of the Prevention of Electronic Crimes Act, 2016 (as amended in 2025), read with Section 109 PPC, while the role of any other person involved was left to be determined during investigation.

3. Learned counsel for the applicants/accused persons argued for post-arrest bail on the ground that the complainant raised no objection to the bail before both the trial Court and this Court. The counsel contended that the complainant's lack of opposition weakens the prosecution's case

and supports the applicant's release on bail. Thus, it is prayed that the Hon'ble Court may be pleased to grant bail to the accused in the interest of justice.

4. Whereas, in pursuance of Court Notice, the complainant alongwith her counsel present in Court, while referring to her affidavit, available on the record, submits that she has No Objection to grant of bail to the applicant/accused as the FIR has been lodged on the basis of some misunderstanding/doubt and on the instigation.

5. Learned Assistant Attorney General for Pakistan vehemently opposed the bail application on the ground that the name of the applicants/accused is mentioned in the FIR with a specific role and as such they are not entitled for concession of bail.

6. I have considered the arguments advanced by learned counsel for the applicants/accused as well as counsel for the complainant and the Assistant Attorney General as well as perused the material available on the record.

7. Record reveals that the offence with which the applicants / accused persons have been charged is a non-compoundable. However, in view of the statement of the complainant, as well as his affidavit of no objection, the case of the applicant/accused calls for further inquiry under sub-section (2) of Section 497 Cr.P.C. For the sake of ready reference relevant Paras of complainant's affidavit are reproduced as under:-

1. *That the FIR came to be lodged due to a misunderstanding between the parties and the circumstances prevailing at that time. After clarification and intervention by the elders of both families, the misunderstanding has been resolved amicably.*
2. *That the video referred to in the FIR was recorded with my knowledge and free consent and with the knowledge and consent of accused Shahzaib; it was not recorded secretly or against my will.*
3. *That, to the best of my knowledge, neither accused Shahzaib nor accused Tahir has circulated, published or disseminated the said video on social media for amongst the public. The only transmission known to me was its sending to my uncle for the limited purpose of*

*conveying the marriage proposal and demonstrating that the video had been made with my consent.*

- 4. That the matter now stands resolved between the elders of both families, and Shahzaib and I intend to solemnize marriage in accordance with law and with our free consent. This statement is being made voluntarily and is not conditional upon the grant of bail.*
- 5. That I have no objection if this Honourable Court, after considering the foregoing circumstances and subject to such terms and conditions as it may deem appropriate, takes a lenient view and grants bail to the applicants/accused in accordance with law.*
- 6. That I understand that the offences alleged in the FIR may be non-compoundable and that the question of bail is exclusively for this Honourable Court to determine. This affidavit is confined to placing my present position and the above facts before the Court; it is not intended to obstruct the investigation or trial, to suppress any material fact, or to seek compounding, quashment or termination of proceedings otherwise than in accordance with law.*
- 7. That I shall cooperate with the investigation and appear before the Court or any competent authority whenever lawfully required.*

8. The record also shows that the applicants/accused persons are not previous convict nor a hardened criminal. Moreover, they are behind the bar since his arrest and is no more required for any investigation nor the prosecution has claimed any exceptional circumstance, which could justify keeping them behind the bars for an indefinite period pending determination of their guilt. Consequently, while taking into consideration the statement of the complainant before the Court and her affidavit, instant Cr. Bail Application is granted and the applicants are admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.5,00,000/- (Rupees Five Lac only) *each* and a PR Bond in the like amount to the satisfaction of the learned trial court.

7. Before parting, it is observed that the findings recorded hereinabove are purely tentative in nature and shall not prejudice the case of either party during the course of trial. The trial Court shall evaluate the evidence independently and uninfluenced by any observation made in this order.

**J U D G E**