

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No.3203 of 2025 **Crl. Bail Application No.1605 of 2025**

Applicant in

B.A. No.3203/2025: Muhammad Bilal S/o Shahbaz Mughal
Through Mr. Aftab Ahmed, Advocate.

Applicant in

B.A. No.1605/2025: Tahir S/o Faqir Muhammad Khaskheli
Through Mr. Zahid Farooq Mazari,
Advocate.

Respondent:

The State through Syed Bashir Hussain
Shah, Assistant Attorney-General
alongwith Mr.Arsalan Manzoor, Deputy
Director, Cyber Crime a/w SI Shoaib and
SI Adnan Shah.

Complainant:

Muhammad Nadeem Ferozi
Through Mr. Aamir Ali Abbasi, Advocate.

Date of hearing:

02.01.2026

Date of Decision:

02.01.2026

ORDER

Dr. Syed Fiaz ul Hassan Shah, J.- By this common order, I intend to dispose of both instant Criminal Bail Applications filed by the Applicants challenging the Orders dated 22.07.2023 and 30.05.2025 ("**impugned Orders**") respectively passed by the learned Sessions Judge, Karachi Malir (the "**Trial Court**") arising out of the Crime No.31/2023 for the offence under sections 9, 10, and 11 of Prevention of Electronic Crime Act, 2016 ("**PECA**") read with Sections 295-A, 295-B, 295-C, 298-A/34 PPC registered with Police Station FIA, Cybercrime Reporting Centre, Karachi, whereby, the bail pleas of the applicants were declined.

2. Learned counsel appearing on behalf of the applicant in Criminal Bail Application No.3203 of 2025 has argued that a cyber gang is responsible for circulating objectionable material, which led to the commission of belated evil designs against the Holy Personality. This fact, it is submitted, has also been acknowledged by the Inspector General of Police, Punjab, in his press conference. Counsel further contends that officials of the NCCI are involved in falsely implicating the applicant, who has remained incarcerated for the last two and a half years. The certified copies of dairies of trial court record demonstrates that no adjournment has ever been sought or granted in favour of the applicant, and therefore the delay in proceedings is attributable solely to the prosecution. No permission under section 196 Cr.P.C. was obtained before the registration of FIR. Reliance has been placed on unreported orders dated 23.10.2025 and 04.05.2021, passed by this Court in Criminal Bail Applications Nos.1818 of 2025 and 645 of 2021 respectively, wherein bail was granted in circumstances identical to the present case. Learned counsel has also placed reliance on the cases reported as (1) *Muhammad Tanveer v. The State and another* [PLD 2017 SC 733], (2) *Ameer Ullah v. The State* [2012 P.Cr.L.J. 1858], (3) *Abdul Hameed and another v. The State and 2 others* [2016 P.Cr.L.J. 482], (4) *Muhammad Hayat Khan v. The State and another* [2019 P.Cr.L.J. 472], (5) *Professor Akhtar Khan v. The State* [2021 P.Cr.L.J. 506] and (6) *Ismail Ijaz v. The State* [2023 P.Cr.L.J. 114].

3. Learned counsel appearing on behalf of the applicant in Crl. Bail Application No.1605 of 2025 has adopted the arguments, as referred to hereinabove.

4. Learned Assistant Attorney-General appearing on behalf of the State has vehemently opposed the grant of bail applications filed by the applicants by supporting the impugned orders on the ground that there is sufficient material available on record against the applicants to connect them with the commission of alleged offence.

5. Heard the learned counsel for applicants and learned Assistant Attorney-General assisted by the Investigating Officer of the case present in Court and perused the record.

6. It appears that the direct recovery of an Oppo F-11 mobile phone has been effected from the possession of the applicants, which is directly connected with the incriminating material and derogatory remarks/messages posted on Instagram against the Almighty Allah, the Holy Qur'an, and the Holy Prophet (Peace Be Upon Him). During the course of investigation, the prosecution has also linked the applicants with the relevant IP address, while the forensic report has confirmed that the recovered material is unedited and directly connected to the applicants, thereby indicating their involvement in the commission of the offence. Furthermore, the ID tracking test has corroborated the applicants' participation in the offence. In these circumstances, the case-law relied upon by learned counsel for the applicants is not attracted to the facts of the present matter, as neither the police report prepared under Section 173, Cr.P.C. omits specific

implication of the applicants due to lack of data, nor is there any issue of unavailability of graphic tests, fabrication, or insufficiency of evidence. Rather, the bail orders cited pertain to cases where prosecution required further inquiry, or where benefit of doubt arose due to inadmissible evidence. Such considerations are absent in the present case.

7. When confronted with the fact that the present bail application has been filed on statutory grounds, learned counsel for the applicants candidly admitted that the relief sought was on merits and not on statutory basis. In view thereof, I find no ground to hold that merely because considerable time has passed, the applicants are automatically entitled to the concession of post-arrest bail, particularly when sufficient incriminating material has been duly recovered from their possession under a proper memo of arrest and recovery, corroborated by forensic analyses, IP address linkage, ID tracking, and collection of digital data/evidence. In the presence of direct evidence, the Applicants have not arguable case that may warrant indulgence of this Court. Accordingly, the applicants are not entitled to bail.

8. It may further be observed that for the purposes of registration of a crime under Section 154, Cr.P.C., permission under Section 196, Cr.P.C. is not required at the stage of registration; such permission is relevant only for prosecution. Even otherwise, the provision is directory in nature and therefore curable at any stage of the proceedings. The direct recovery effected from the possession of the

applicants prima facie establishes reasonable grounds to believe that they have committed the offence.

9. In view of the above facts and circumstances of the case, I am of the considered view that the applicants are not entitled to the concession of bail, therefore, their post-arrest bail applications are hereby dismissed.

10. Needless to mention here that the observations made hereinabove are tentative in nature only in deciding bail applications, which shall not affect the merits of the case.

J U D G E