IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2677 of 2026

Applicant	:	Zeeshan Ali son of Sikandar Ali Dhakan Through Mr. Nisar Ahmed Tarar, advocate
The State	:	Through Mr. Dur Muhammad Shah, Deputy Attorney General, Pakistan along with Investigation Officer Inspector Tariq Mehmood, FIA NCCIA, Karachi.
Date of hearing	:	30.10.2026.
Date of order	:	30.10.2026.

O R D E R

***Jan Ali Junejo*, J.**— Applicant Zeeshan Ali son of Sikandar Ali Dhakan seeks pre-arrest bail in a case bearing crime No. 59/2026 registered at Police Station FIA, National Cyber Crime Investigation Agency, Karachi for offences under Sections 3, 4, 13, 14, 16 & 26 of PECA R/w Section 34 & 109 PPC. Prior to this, the applicant had sought the same relief before the learned Sessions Judge, Karachi East which was declined vide order dated 20.08.2026. He was admitted to interim pre-arrest bail by this court vide order dated 24.08.2026, now the matter is fixed for confirmation of interim bail or otherwise.

2. Concisely, the facts leading to the instant bail application as depicted in the FIR are that Enquiry No.129/2026 was registered at Police Station NCCIA, Karachi Circle, on the basis of source information regarding an illegal call centre operating at LA Lounge Restaurant, Gulistan-e-Johar, Karachi East. Pursuant to approval of the competent authority, a raiding team conducted a raid at the said premises, where Haider Umrani and Ayyan Najeeb were found present. During search, various digital devices were recovered and seized vide seizure memo dated 14.07.2026, which, upon initial on-site and technical examination, allegedly revealed chats, digital artefacts and other electronic data indicative of illegal financial fraud activities, including extraction and possession of confidential Medicare and health insurance credentials of foreign nationals for making unauthorized charges and illegal transfers of funds for wrongful gain. During preliminary interrogation, Haider Umrani allegedly disclosed that his partner Zeeshan Ali s/o Sikandar Ali Dhakan

was primarily responsible for providing data used for unauthorized billing under the Medicare insurance of foreign nationals and for coordinating with various merchants for processing unauthorized transactions/charges. The seized devices were forwarded for technical analysis, which allegedly confirmed the presence of unauthorized confidential Medicare and health insurance data of foreign nationals. On the basis of the said recovery, initial technical analysis and investigation, Haider Umrani, Ayyan Najeeb, Zeeshan Ali and others were alleged to have intentionally committed offences punishable under Sections 3, 4, 13, 14, 16 and 26 of PECA, 2016 (as amended in 2025), read with Sections 34 and 109, PPC, whereafter, with approval of the competent authority, the instant FIR was registered and investigation was entrusted to Inspector Tariq Mehmood. Hence, the present FIR.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in the present case due to mala fide intentions, as he has no concern or nexus with the alleged offence or recoveries. He submits that the applicant's implication is allegedly based upon the disclosure of a co-accused made while in police custody, which is inadmissible in evidence, and that no independent or tangible material has been collected by the prosecution to connect the applicant with the commission of the alleged offence. He further argues that the FIR and the material collected during investigation do not disclose any specific or overt role attributable to the applicant, nor do they establish the requisite mens rea or actus reus, and that the allegations against him are vague, general, improbable and unsupported by credible evidence, thereby calling for further inquiry within the meaning of Section 497(2), Cr.P.C. He maintains that the offences alleged are punishable with a maximum sentence of three years and do not fall within the prohibitory clause of Section 497, Cr.P.C.; hence, the applicant is entitled to the concession of bail. He further submits that the applicant is presumed innocent until proven guilty, that bail is intended to secure the attendance of an accused at trial and not to punish him before conviction, and that his arrest would expose him to unnecessary humiliation and harassment in violation of his constitutional right to liberty. Placing reliance upon Zaigham Ashraf v. The State (2016 SCMR 18) and the principles discussed in 2020 P.Cr.L.J. 289, he argues that the rule is bail rather than jail, unless exceptional circumstances justify denial of the concession. He also contends that the impugned order dated 20.08.2026 passed by the learned Sessions Judge,

whereby his application for pre-arrest bail was dismissed, suffers from misreading and non-reading of the available material, as the learned Court below failed to undertake a proper tentative assessment of the prosecution case and erroneously relied upon the unsubstantiated version of the Investigating Officer. He submits that the learned Court below failed to consider whether the material disclosed reasonable grounds for the applicant's involvement or whether the matter required further inquiry, and that the jurisdiction of pre-arrest bail is meant to protect citizens against mala fide arrest, victimization and abuse of the process of law. Learned counsel, therefore, prays for confirmation of the interim pre-arrest bail already granted to the applicant. In support of his submissions, learned counsel has relied upon 2013 MLD 1561, 2017 P.Cr.L.J 1715, 2013 MLD 140, 2023 P.Cr.L.J 114, PLD 1995 SC 34, 2013 MLD 831, 2021 SCMR 557, 2011 MLD 346, 2020 P.Cr.L.J 289 and 2023 P.Cr.L.J 468.

4. Learned Deputy Attorney General, assisted by the Investigating Officer, opposes the grant of pre-arrest bail, contending that the learned Court below has rightly dismissed the applicant’s application after considering the available material. He submits that the applicant has failed to establish mala fide, ulterior motive or abuse of the process of law, whereas the allegations are supported by the material collected during investigation. He maintains that the impugned order suffers from no illegality or misreading/non-reading of the record warranting interference by this Court; hence, he prays for dismissal of the instant application.

5. I have heard the learned counsel for the applicant as well as the learned Deputy Attorney General, assisted by the Investigating Officer, and have examined the available record.

6. The applicant seeks confirmation of interim pre-arrest bail in a case registered under various provisions of the Prevention of Electronic Crimes Act, 2016, read with Sections 34 and 109, PPC. The allegations primarily relate to the operation of an alleged illegal call centre and the unauthorized use of confidential Medicare and health insurance data of foreign nationals for financial gain.

7. Tentatively, it appears from the contents of the FIR that the applicant has not been apprehended at the alleged place of occurrence, nor has any digital device or other incriminating material been shown to have been recovered from his possession. His alleged involvement, as

narrated in the FIR, substantially emanates from the disclosure attributed to co-accused Haider Umrani during preliminary interrogation, wherein the applicant was allegedly described as the person responsible for providing the data and coordinating with merchants for processing unauthorized transactions. However, at this stage, the prosecution has not pointed out any independent material, such as a specific digital communication, financial transaction or forensic link, which directly connects the applicant with the alleged activities. The mere disclosure of a co-accused before the police, without independent corroboration, cannot by itself be treated as sufficient material to establish the applicant's involvement at the bail stage.

7. The technical examination of the seized devices may have revealed the presence of confidential Medicare and health insurance data; nevertheless, the crucial question regarding the applicant's connection with such data, and his alleged role in its unauthorized acquisition or use, requires further investigation and proper forensic assessment. The prosecution has yet to demonstrate, through any specific material presently available on record, the applicant's individual role in the alleged commission of the offences. Consequently, the question of his involvement requires further inquiry within the meaning of Section 497(2), Cr.P.C.

8. It is settled that pre-arrest bail is an extraordinary relief; however, the Court is required to examine whether the circumstances of the case disclose malafide, abuse of process or any other ground justifying protection against arrest. In the present matter, the absence of any specific recovery from the applicant, coupled with the nature of the material presently relied upon to connect him with the alleged offence, persuades this Court that his arrest at this stage is not warranted. The contentions raised by the learned counsel for the applicant, therefore, cannot be brushed aside without proper examination of the available material.

9. The offences alleged against the applicant do not fall within the prohibitory clause of Section 497, Cr.P.C. Moreover, the applicant has already been admitted to interim pre-arrest bail by this Court vide order dated 24.08.2026, and no material has been brought to my notice to demonstrate that he has misused the concession so granted or attempted to influence the investigation.

10. In view of the foregoing discussion, I am of the tentative opinion that the applicant has made out a case for confirmation of interim pre-arrest bail. Accordingly, the instant Criminal Bail Application is allowed, and the interim pre-arrest bail granted to the applicant vide order dated 24.08.2026 is hereby confirmed on the same terms and conditions.

11. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail or temper with the prosecution's evidence then the learned trial court is competent to take legal action against him as well as to his surety in terms of Section 514 Cr.PC.

12. This Criminal Bail Application stands disposed of.

J U D G E