IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.3363 of 2026

Applicant	:	1. Taimoor Khan 2. Syed Muhammad Taimoor Hussain *Through* Mr. Muhammad Arif Shaikh, Advocate.
Respondent	:	The State *Through* Mr. Qamaruddin Nohri, APG duly assisted by Mr. Mohsin Ali Advocate for the Complainant.
Date of hearing	:	04.11.2026
Date of Order	:	04.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. **-** Applicants Taimoor Khan and Syed Muhammad Taimoor Hussain seek post-arrest bail in a case bearing Crime No.698/2026, registered at Police Station Boat Basin, Karachi South, for offence under Sections 506, 504 and 34 PPC and Section 25-D of the Telegraph Act, 1885, wherein Sections 21 and 24 of the Prevention of Electronic Crimes Act, 2016 (PECA), were subsequently incorporated during investigation. Their earlier bail applications were declined by the learned Judicial Magistrate on 26.09.2026 and the learned Additional Sessions Judge-III, Karachi South, on 05.10.2026.

2. The prosecution alleges that following termination of his friendship with the complainant's daughter, Aqsa, applicant Taimoor Khan, in association with the co-applicant and other persons, repeatedly contacted the complainant's family through telephone and electronic communications, extended threats, demanded money and threatened to circulate objectionable videos of the complainant's daughter. The applicants were arrested on 17.09.2026 and have since remained in custody.

3. Learned counsel for the applicants contended that the FIR was lodged after considerable delay; the allegations arise from a personal dispute; the electronic material has not been independently authenticated; the individual involvement of the applicants requires further inquiry; and the offences do not attract the prohibitory clause of Section 497, Cr.P.C. He particularly emphasized that, notwithstanding the incorporation of PECA provisions and repeated official correspondence, the investigation continues to remain with the local police instead of the statutorily designated agency. Conversely, learned D.P.G., assisted by learned

counsel for the complainant, opposed bail on the ground that the allegations involve serious threats, harassment, blackmail and threatened circulation of objectionable material, supported by electronic communications and recoveries made during investigation.

4. The parents of the victim, who were personally present, were also heard at considerable length. They expressed profound concern over the persistent harassment and psychological pressure allegedly exerted upon their daughter and family. They emphasized that the victim had been subjected to such severe mental pressure that they were compelled to send her abroad to safeguard her psychological well-being and personal dignity. Their apprehensions regarding the threatened circulation of private material and its consequences for their daughter's reputation and future were also brought to the Court's attention. These concerns cannot be trivialized. Allegations involving digital intimidation, blackmail and threatened exposure of private material constitute a serious intrusion upon the dignity and privacy of an individual, particularly a woman, and warrant thorough investigation and appropriate legal consequences where established.

5. I have considered the submissions and examined the available record. The investigation reflects recovery of mobile telephones, SIM cards and other articles, besides electronic communications allegedly containing threats and demands. The WhatsApp screenshots and call records prima facie disclose repeated attempts at communication, including expressions capable of conveying intimidation. Such material certainly warrants investigation; nevertheless, its authorship, authenticity, integrity, forensic reliability and precise attribution to each applicant remain to be determined in accordance with law. The principal allegations concerning the previous relationship, monetary demands and threatened circulation of videos are attributed to Taimoor Khan, whereas the involvement of Syed Muhammad Taimoor Hussain is comparatively general. The distinction assumes significance while tentatively assessing the individual liability of both applicants.

6. The decisive feature, however, is the unresolved jurisdictional impasse. The police themselves, having collected material allegedly attracting Sections 21 and 24 of PECA, acknowledged that investigation of such offences falls within the competence of the designated cybercrime agency. Consequently, the DIGP South Zone initiated correspondence on 28.09.2026, followed by communications through the Additional IGP,

Karachi Range, DIGP Crime and Investigation Branch and AIGP (Operations), including letters dated 06.10.2026 and 15.10.2026. The AIGP (Legal), upon examining the statutory framework, expressly recommended transfer of investigation to the National Cyber Crime Investigation Agency (NCCIA). Yet, despite these communications involving the Home Department and police hierarchy, neither has the investigation been formally transferred nor has the competent agency assumed its responsibility. The case, therefore, continues to remain with the local police, while the applicants remain incarcerated without any effective resolution of the question of investigative competence.

7. Sections 29 and 30 of PECA, as amended, confer jurisdiction to investigate offences under the special enactment upon the designated agency and its authorized officers. Section 44 provides for trial by designated Courts. These provisions embody the principle that where a special statute prescribes a particular investigative mechanism, that mechanism must ordinarily prevail over the general procedure. The Division Bench of this Court in Shahida Parveen v. Federation of Pakistan and others (C.P. No.D-2066 of 2025, decided on 15.09.2026) has also examined the distinctive statutory jurisdiction of NCCIA and the necessity of dealing with offences under PECA through the competent agency. The applicability of the special law, however, neither extinguishes this Court's jurisdiction to consider bail nor authorizes indefinite detention pending administrative determination of the competent investigative forum.

8. An accused cannot be made to suffer incarceration merely because the investigating authorities have failed to discharge their statutory obligations. Once the police themselves acknowledge that the material attracts a special law requiring investigation by another agency, they must ensure its lawful and expeditious transfer. Interdepartmental correspondence cannot become a substitute for investigation, nor can administrative indecision furnish an independent justification for continued deprivation of liberty. The competing interests of effective investigation and personal liberty must be reconciled through lawful investigative action, rather than by prolonging detention for an indefinite period. Articles 9 and 10-A of the Constitution protects against such arbitrary deprivation of liberty and guarantee due process.

9. Admittedly, the applicants have been in custody since 17.09.2026; their physical remand has concluded; the relevant recoveries have been affected; and the electronic material is stated to be in the possession of

the investigating authorities. The investigation report under Section 173, Cr.P.C., has not been submitted within the prescribed period, resulting in issuance of notice by the learned Magistrate on 21.10.2026. No specific investigative purpose requiring the applicants' continued incarceration has been demonstrated. The offences presently disclosed do not attract the prohibitory clause of Section 497(1), Cr.P.C., and the unresolved questions concerning electronic evidence and individual culpability bring the matter within the scope of further inquiry under Section 497(2), Cr.P.C. The principles reiterated by the Supreme Court in PLD 1995 SC 34[1] and PLD 2021 SC 799[2] recognizes that bail in non-prohibitory offences is ordinarily to be granted unless exceptional circumstances justify its refusal.

10. The apprehensions expressed by the victim's parents have received anxious consideration. Their concerns are serious and deserve adequate protection; nevertheless, the gravity of allegations cannot displace the statutory criteria governing bail. The prosecution has not demonstrated any concrete likelihood of absconding or interference with evidence which cannot be adequately addressed through stringent conditions. The electronic material already collected can be independently examined by the competent agency, and the applicants can be required to cooperate with the investigation without remaining incarcerated. Pre-trial detention cannot be employed either as anticipatory punishment or as a means of compensating for institutional delay. On a tentative assessment, therefore, the applicants have made out a case for bail.

11. Consequently, this application is allowed. Applicants Taimoor Khan and Syed Muhammad Taimoor Hussain are admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.200,000/- each, with personal bonds in the like amount, to the satisfaction of the Court concerned, subject to their not being required in any other case. They shall cooperate with the competent investigating agency, regularly attend the Court concerned, and shall neither directly nor indirectly contact, threaten, intimidate or harass the complainant, the victim, her parents or any prosecution witness, whether personally or through electronic means. They shall not interfere with, alter, delete or disseminate any material relevant to the investigation. Any established misuse of the concession shall entitle the prosecution or complainant to seek cancellation of bail in accordance with law.

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[1] Tariq Bashir and 5 others v. The State
[2] Iftikhar Ahmad v. The State

12. Before parting, the Additional Chief Secretary (Home), Government of Sindh, Inspector General of Police, Sindh, and Director General, NCCIA, are directed to ensure that the question of transfer of investigation is resolved in accordance with Sections 29 and 30 of PECA, preferably within seven days of receipt of this order. The competent authorities shall coordinate the lawful transfer of the record, recovered electronic devices and connected evidence, ensuring preservation of their integrity and chain of custody. The investigation shall thereafter be completed expeditiously by the agency competent under law, and the requisite report submitted before the Court having jurisdiction. The concerned authorities shall also ensure that the complainant and his family are afforded such protection as may be warranted under law against any intimidation or harassment.

13. These observations are tentative, confined exclusively to the question of bail, and shall not prejudice the case of either party at trial.

14. The application stands allowed in the above terms.

J U D G E