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IN THE COURT OF CIVIL JUDGE AND JUDICIAL MAGISTRATE-I

KARACHI EAST

Judge Gulraiz Memon

Cr. Bail Application No. 167 of 2026

Syed Iqrar ul Hassan

Son of Syed Muhammad Ismail,..... **... Applicant / Accused**

VERSUS

The State ..... **... Respondents**

FIR No. 101/2026,

U/S 9, 10, 20, 24 & 26A of PECA, 2016

(Amended 2025))

P.S. NCCIA CCRC, Karachi

Mr. Ahmed Masood, Mr. Khawaja Altaf, Mr. S. Naveed Wasti, Mr. Mirza Moiz Baig, Mr. Barrister Pia Ali & Ghulam Murtaza Advocates for Accused

Mr. Tariq Arabab, AD Legal NCCIA Karachi

AD Rana Muhammad Faisal Munir Khan investigating officer

O R D E R

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31-10-2026

1. Through this detailed order, I intend to dispose of the post-arrest bail application filed on behalf of the applicant/accused **Syed Iqrar ul Hassan**, who is seeking concession of post-arrest bail in FIR No. 101/2026, registered at P.S. Cyber Crime Reporting Centre (NCCIA), Karachi, under Sections 9, 10, 20, 24, and 26A of the Prevention of Electronic Crimes Act, 2016 (as amended in 2025).

2. Notice of the application was extended to AD Legal NCCIA, same was duly received.

3. According to the prosecution case as set out in the FIR, Enquiry No. 1988/2026 was registered upon a source report dated 10.10.2026. It was alleged that the applicant/accused knowingly and intentionally disseminated false, fabricated, anti-state, and defamatory video content via his social media accounts (X/Twitter, Instagram, and Facebook). The prosecution asserts that the impugned video criticizing certain constitutional/administrative measures was designed to instigate the general public, incite disaffection against the State and its institutions, and glorify convicted individuals. The content was preserved via screenshots/screen recordings on 10.10.2026, and five digital devices belonging to the applicant were seized following his arrest on 12.10.2026.

4. The record reveals that the earlier post-arrest bail application (Cr. Bail Application No. 150 of 2026) filed by the applicant was dismissed by this Court on 22.10.2026. Subsequently, on 26.10.2026, the Investigating Officer submitted the Interim Charge-Sheet No. 105/2026 under Section 173 Cr.P.C. Thereafter, the applicant approached the learned District & Sessions Judge, Karachi East (Cr. Bail Application No. 6589 of 2026), which was disposed of/dismissed on 29.10.2026 with the observation that since the Interim Challan/Charge-Sheet had been submitted in this Court, the applicant was set at liberty to file a fresh post-arrest bail application on fresh grounds before this Court. Hence, the present application has been preferred.

5. Learned counsel for the applicant/accused contended that submission of the Interim Charge-Sheet constitutes a material change in circumstances and a fresh ground for re-agitating the prayer for bail. Offences under Sections 9 and 24 of PECA are bailable. Offences under Sections 20 and 26A of PECA carry a maximum imprisonment of up to three years, which do not fall within the

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prohibitory clause of Section 497 Cr.P.C., where grant of bail is the rule and refusal an exception. As for Section 10 of PECA, alternative punishment by way of fine is provided under the statute; hence, under settled law, the lesser punishment is to be taken into consideration at the bail stage, bringing it outside the prohibitory clause. The applicant has been in physical remand for 6 days, after which he was sent to judicial custody on 19.10.2026. The digital devices are already in possession of the agency, an initial technical report has been submitted, and the case rests entirely on documentary/electronic evidence. All witnesses cited in the Interim Challan are official/police personnel of NCCIA; hence, there is no threat of tampering with prosecution evidence. The applicant is a renowned anchor/public figure with permanent residence in Karachi and deep roots in society.

6. On the other hand, the learned Assistant Director (Law) for NCCIA, appearing on behalf of the State, submitted a half-hearted opposition that the allegations against the applicant involve the dissemination of sensitive content affecting State institutions and public tranquility. However, the AD Legal conceded that the initial technical report of the seized digital devices has already been prepared and placed on record. It was further acknowledged that all four prosecution witnesses cited in the interim charge-sheet are official employees/inspectors of the NCCIA, the applicant's custodial interrogation is no longer required as he is on judicial remand, and the main forensic report is still pending from the laboratory.

7. Heard the learned counsel for the applicant as well as the learned AD Legal for NCCIA/State at length and meticulously examined the entire material available on record that the applicant's previous bail application was dismissed prior to the submission of the report under Section 173 Cr.P.C. The subsequent filing of the Interim Charge-Sheet No. 105/2026 on 26.10.2026 alters the posture of the case, shifting it from the investigatory phase to a judicial stage where the prosecution's material stands frozen.

8. Under Section 43 of PECA, offences punishable under Sections 9 and 24 are non-cognizable/bailable, where grant of bail is a statutory right under Section 496 Cr.P.C. Offences under Sections 20 and 26A carry maximum imprisonment up to three years. In such offences, grant of bail is the rule and refusal an exception, as reiterated by the Hon'ble Supreme Court in *Tariq Bashir v. The State (PLD 1995 SC 34)* and *Muhammad Tanveer v. The State (PLD 2017 SC 733)*.

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9. While Section 10 of PECA carries a maximum punishment of up to 14 years, the legislature has provided an alternative sentence of fine up to Rs. 50 Million. It is a well-settled principle of bail jurisprudence that where law prescribes fine as an alternative penalty, the lesser sentence is considered at the bail stage. Reference is made to *Ismail Ijaz v. The State (2023 PCr.LJ 114)* and *Sajjad Haider v. The State (2026 SCMR 1339)*. Hence, Section 10 does not strictly attract the prohibitory clause of Section 497(1) Cr.P.C. Section 10 PECA (Cyberterrorism) is an aggravated offence that requires the commission or threat of commission of a predicate offence under Sections 6, 7, 8, or 9 with specific design/intent.

10. A perusal of the Interim Challan reveals that the prosecution has failed to prima facie point out specific material constituting the essential ingredients of Section 9 to attract Section 10. Without concrete evidence establishing the predicate act, the applicability of Section 10 remains a matter of further inquiry.

11. The applicant remained in physical remand for 6 days (from 13.10.2026 to 18.10.2026). On 19.10.2026, further physical remand was turned down by this Court and the applicant was sent to judicial custody. All 5 digital devices were seized on 12.10.2026, and an initial technical report has already been prepared. Custodial interrogation is no longer required, and keeping the accused behind bars indefinitely awaiting the final digital forensic lab report serves no investigative purpose.

12. All four witnesses cited in the Interim Challan are official officers of the NCCIA. The impugned video was captured and preserved by the agency prior to the FIR. Since the entire case relies on electronic/documentary evidence already secured by the prosecution, there is no threat of tampering. The applicant is a public figure, television anchor, permanent resident of Karachi, and has deep societal roots, ruling out any reasonable apprehension of absconding.

13. Bail cannot be withheld as a mechanism of pre-trial punishment, as affirmed in *Manzoor v. The State (PLD 1972 SC 81)*. The learned AD Legal for NCCIA has only half-heartedly opposed the application without pointing out any extraordinary grounds to justify keeping the accused incarcerated.

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14. In view of the detailed findings above, the instant Cr. Bail Application No. 167 of 2026 is hereby ALLOWED. The applicant/accused, Syed Iqrar ul Hassan S/o Syed Muhammad Ismail, is admitted to post-arrest bail, subject to his furnishing a Solvent Surety in the sum of Rs. 2,00,000/- (Rupees Two Hundred Thousand only) with one solvent surety in the like amount to the satisfaction of this Court, and executing a personal bond in the like amount.

15. Upon deposit and verification of the requisite solvent surety bond to the satisfaction of this Court, release order/mitamus be issued directing the Superintendent, Central Jail, Karachi, to release the applicant/accused forthwith, if he is not required in any other custody case or proceedings.

16. It is made clear that all observations contained herein are tentative in nature and shall not influence or prejudice the merits of the case during the trial.

Announce in open Court.

Given under my hand and seal of this Court on this 31st day of October, 2026.

Gulraiz Memon

Civil Judge and Judicial Magistrate-I

Karachi East

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