

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Cr. Bail Application No.1614 of 2023**

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Order with signature of Judge(s)

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1. For orders on office objection a/w reply of the counsel
2. For hearing of Bail Application

**31.07.2023**

Mr. Abdul Qayoom Abbasi, Advocate for the applicant  
Mr. Sadaqat Hussain Awan, Additional Attorney General alongwith  
IO/SI Komal Anwar, Cyber Crimes  
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Instant case is infested with the illegalities and infirmities committed by the investigating agency, that itself took the responsibility of investigation as well as arrest of the accused without having required forensic report mandated under Section 40 of the Prevention of Electronic Crimes Act, 2016 (PECA, 2016). Learned counsel states that the offences under Sections 16, 20, 21 and 24 of PECA 2016 do not fall within prohibitory clause of Section 497 Cr.P.C rather areailable except under Section 21, which essentially requires public exhibition, display or transmission of information. I.O is unable to satisfy that why in the absence of requisite independent forensic report accused was not only challaned as well as arrested, who is behind the bars from last 2 months, who per learned counsel, is a student of BS.

In the circumstances at hand, bail is granted to the applicant namely Muhammad Zafeer Siddiqui S/o Rashid Ali subject to his furnishing solvent surety in the sum of Rs.20,000/- with PR bond in the like amount to the satisfaction of the Nazir of trial Court, in Crime No.16 of 2023 registered with P.S FIA Cybercrimes, Karachi under Sections 16, 20, 21 and 24 of PECA, 2016.

Let report be called from the Director Cyber Crimes, Karachi as to the competency and training of the inspectors, sub-inspectors in cybercrimes to their understanding of the legal aspects of the cybercrimes, who to be presented in person on the date given hereunder with the report.

To come up on 04.08.2023.

JUDGE