

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appln No.1441 of 2021

| Date | Order with signature of Judge |
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For hearing of bail application

04.11.2021

Ms. Saima, advocate for the applicant
Chaudhry Muhammad Waseem, Assistant Attorney General

Through this bail application, applicant Muhammad Rizwan son of Muhammad Sarwar assailed the bail order dated 05.07.2021 passed by the learned District & Sessions Judge, Karachi (Central) in case FIR No.23 of 2019 under Sections 13/20/21(1)(d)/24 PECA-2016 read with sections 419/468/471/109 PPC registered at Police Station FIA Cyber Crime Circle, Karachi.

Learned Counsel for the applicant contended that the applicant is innocent and has falsely been implicated by the complainant with malafide intentions. She further submitted that the alleged offence does not fall within the prohibitory clause of 497 Cr.P.C. She contended that though the alleged offence is stated to have committed nine years ago but same was reported now by the complainant with inordinate delay for which no plausible justification has been given. She further contended that the applicant has made out a fit case for grant of bail therefore, prayed that the applicant may be enlarged on bail.

Learned Assistant Attorney General opposed the bail application and submitted that the applicant is involved in immoral activities against a lady on social media which most probably had been seen all the family/friends apart from general public. He submitted that the act of applicant is a heinous one in the sense that he has disgraced a lady and made viral evil items on her name to make her infamous. He submitted that the dignity of a lady could not be restored, once it is affected. He

further submitted that the applicant is therefore, not entitled for any concession.

I have heard the arguments of learned Counsel for the applicant, the learned Assistant Prosecutor General and have gone through the record.

Perusal of record reveals that the complainant herself claimed that the applicant has been committing reported offences since last couple of years but she failed to give any justification as to why she remained kept quiet for such a long a period. Record further demonstrates that all the sections in the instant crime are bailable except section 21 of PECA-2016 which section too does not fall within the prohibitory clause of Section 497 Cr. P.C. Investigation has been completed and the I.O. has also filed the charge sheet before the learned trial Court hence, applicant is no more required for further investigation. All the documents relating to evidence, which were in possession of the applicant have already been made part of record, therefore, there is no chance of tampering with the evidence. I, therefore, admit the applicant to bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) and PR. Bond in the like amount to the satisfaction of the Nazir of trial Court.

The bail application stands disposed of in the above terms.

JUDGE