

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 1736 of 2021

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

25th November, 2021

Mr. Khawaja Naveed Ahmed, Advocate for applicant.

Mr. Jameel Ahmed Shah, Assistant Attorney General a/w I.O.

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Omar Sial, J.: Rehman Kaleem has sought post arrest bail in crime number 27 of 2021 registered under sections 419 and 500 P.P.C as well as under 20, 21 and 24 of the Prevention of Electronic Crimes Act, 2016 at the F.I.A. Cyber Crime Wing police station.

2. Facts of the case are that the aforementioned F.I.R. was registered on 5.8.2021 on the complaint of Wajiha Munir. She reported that the applicant was blackmailing her by posting certain private photos of her on the internet. During the course of inquiry it was determined that the applicant had a relationship with the complainant previously but after the relationship went sour, the applicant continued to make indecent demands of the complainant and used private photos (taken during the time the relationship existed) as a leverage. When the lady did not succumb to the pressure, he ostensibly posted the same on the internet.

3. I have heard the learned counsel for the applicant as well as the learned Additional Attorney General. My observations and findings are as follows.

4. It appears that upon receipt of the complaint, F.I.A sleuths conducted a raid at the premises of the applicant in which raid one telephone belonging to the applicant was seized. The phone was sent for a forensic analysis and the report issued prima facie revealed that the allegations made by the complainant were true i.e. private photos of the complainant were transmitted on the internet and that threatening messages were sent by the applicant to the complainant. The F.I.A. is in possession of the private photos that were disseminated, prima facie by the applicant. A long string of text messages on a social media app are also on record as evidence. Upon a tentative assessment, the conversation appears to be

extremely harassing and embarrassing for the complainant with threats of her photos and videos being sent to her family members.

5. The learned counsel for the applicant, though he tried his best, was unable to refute the electronic evidence. He however prayed that a lenient view be taken as the applicant is a young man and that involvement in such a case has the potential to mar his future. He has further argued that the punishment for the offences with which the applicant is charged falls in the non-prohibitory clause of section 497 Cr.P.C. I have given considerable thought to the arguments of the learned counsel but with much respect I am unable to agree with his proposition. Upon a tentative assessment, it appears that after a failed relationship a young lady has been incessantly subjected to mental torture, which mental torture has been exacerbated by private moments being shared by the applicant with her family and friends. There can be no doubt as to the agony and pain she as well as her family has been exposed to in this unfortunate incident. It also appears from a cursory glance at the exchange of messages that the applicant was well aware that he was in breach of the law and has shown complete disdain towards it. I would have perhaps taken a lenient view had the words and acts of the applicant, being a jilted lover, remained within certain bounds, however, the words and acts of the applicant have crossed the limits of decency, and ventured into the realm of crime, even for a jilted lover. As regards the argument of the learned counsel that the punishment for the offences falls within the non-prohibitory clause of section 497 Cr.P.C., I am of the view that keeping in mind the principles of the Tariq Bashir and 5 others vs The State (PLD 1995 SC 34), bail can be declined as disrespecting and humiliating a person in this manner at public forums is an exceptional ground. The growing trend of blackmailing, embarrassing, humiliating and demeaning people through sharing private video and audio content with the public at large cannot be encouraged or tolerated.

6. In view of the above, the F.I.A. prima facie appears to be in possession of reasonable evidence to establish a nexus of the applicant with the offence for which he is charged. The bail application therefore stands dismissed. I am inclined however to direct the learned trial court to use its best efforts and conclude the trial within a period of two months.

JUDGE