

IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appln. No.1818 of 2025

Applicant : Taha Nasir son of Abdul Nasir,
through M/s Raja Hassan Nawaz and
Mirza Tanveer Ahmed, Advocates.

Respondent : The State
through Mr. Muhammad Ahmed,
Deputy Attorney General, Pakistan
along with I.O. Deputy Director Arslan
Manzoor, SI Syed Adnan and SI
Muhammad Shoaib, FIA Cyber Crime,
Karachi, now NCCIA.

Date of hearing : 08.10.2025.

Date of Order : 23.10.2025.

O R D E R

MIRAN MUHAMMAD SHAH, J:- Through the instant Criminal Bail Application, the applicant above named seeks his post-arrest bail in Crime No.01 of 2024, under section 9, 11, PECA, 2016, R/W Section 295-A, 295-B, 295-C, 298-A & 109 PPC, registered at P.S FIA, Cyber Crime, reporting Center Karachi, after his bail plea was declined by the learned Sessions Judge, Karachi Central, in Bail Application No. 681 of 2024, vide order dated 05.06.2025.

2. The details and particulars of the FIR are already available in the memo of bail application and FIR, which can be gathered from the copy of FIR attached with the application, hence, needs not to reproduce the same hereunder.

3. The learned counsel for the applicant has mainly contended that the accused/applicant is innocent and has been falsely implicated in this case by the complainant with malafide intention and ulterior motives; that the complainant along with the FIA officials had falsely implicated the present applicant in the instant case, as the complainant had blackmailed the present applicant just in order to gain the unlawful aims and purposes; that the applicant/accused was neither part of any group nor he has done any such act; that in such like cases this Court as well as Islamabad High Court

has already been granted bail, in this regard he has relied upon the case law reported in 2018 CLD 1338, 2022 P Cr.L.J. 439 (Islamabad), 2023 P Cr.L.J. 114 (Islamabad), unreported B.A No. 2823 of 2024, vide judgment dated 11.12.2024, 2025 P Cr.L.J. 526 (Karachi), but the learned trial Court did not consider the same and dismissed the bail plea of the applicant/accused; that the applicant is religious person and never thinks about such illegal act and contrary of Islam as well as Holy Quran and Sunnah; that the applicant is not involved in any other case nor previously convicted by any court of law, as his previous history is clear; that the applicant is not hardened desperate or dangerous criminal and not previous convicted; that the applicant is ready to furnish the solvent surety to the entire satisfaction of this Court. He lastly prayed for grant of bail.

4. On the other hand, learned Deputy Attorney General, Pakistan has vehemently opposed for grant of bail to the applicant and argued that the that the applicant/accused was arrested and alleged mobile phone was recovered from his possession, which was sent to the forensic analysis and as per technical analysis report, the mobile phone of applicant/accused was allegedly involved and facebook page/wattsapp group is related with the applicant/accused. He further contended that mobile phone of present applicant forensically analyzed, confirming his involvement as Ali Raza's phone linked him to "Faiza Parven" and blasphemous groups, Sibtain's to "Syeda Jawaira," and **Taha Nasir's** to "Ullu Ka Patha," all sharing blasphemous content. He further contended that sufficient material is available on record to connect the applicant/accused with the commission of crime. Hence, the applicant/accused does not deserve for concession of bail. In support of his arguments, he has relied upon the case law reported in 2022 SMCR 1511, 2022 SCMR 1477, unreported order passed by the Hon'ble Supreme Court in criminal petitions No. 742/2023, 1330-L of 2024, reported order passed by this Court in Criminal Bail Application No. 101 of 2025 dated 13.02.2025, unreported judgment passed

by Lahore High Court, Cr. Revision No. 6407 of 2022 dated 31.01.2023, unreported order passed by the Islamabad High Court in CrI. Misc. No. 251-B/2023 dated 13.03.2023 and in CrI. Misc. No.1664-B of 2024 dated 13.11.2024. Lastly, he prayed for dismissal of his bail application.

5. Heard the learned counsel for the applicant as well as the learned Deputy Attorney General, Pakistan. The posting of blasphemous material on social media, especially Facebook and Whatsapp groups, is spreading like wildfire. Encrypting the minds of the youth who's brains are still at the developing stage and when they are in thirst of knowledge and information, such blasphemous material divert their minds and misguide them to resort to working against their own religion which is a sad phenomenon. Simultaneously, such materials are also being used to settle personal vendetta, by implicating the accused falsely. In such cases as offenses of blasphemy carry hard punishments and in our today's society where the technology/social media has overpowered the minds of people, it is also being misused by hackers who hack false information on the accounts of people with whom they have enmity by entering into their personal accounts and groups. In order to curb such hackers, legislature introduced PECA in 2016 which indeed brought a sigh of relief to those who became the victims of such electronic/social media maneuvering. However, it has been observed such material is still being circulated on the social media forums for propaganda purposes as well as for the purpose of framing other people who are inimical to them with blasphemous/vulgar material on their social media accounts. During the hearing of the present criminal bail application, it was observed that the learned attorney general on behalf of the FIA, and with the assistance of the Investigation Officers, had placed before this Court some of the material collected during the investigation from the social media pages allegedly being done by the present applicant accused. By looking at such material, which did not seem relevant to the present case and was of hideous nature carrying vulgar content and

might not be helpful to the prosecution at the time of the trial as it did not consist of blasphemous material. The allegations levelled against the applicant are yet to be proved by the prosecution at the time of trial. The challan of the case has already been submitted for trial which is yet to commence.

6. I place my heavy reliance upon an unreported judgment of this Hon'ble Court in criminal bail applications clipped together on an identical question of law. In my opinion, the facts of the present case are also identical to the above mentioned Criminal Bail Applications (Crl. Bail Appln. No.560 of 2024, Crl. Bail Appln. No.1088 of 2024, Crl. Bail Appln. No.1278 of 2024, Crl. Bail Appln. No.1284 of 2024, Crl. Bail Appln. No.1849 of 2024, Crl. Bail Appln. No.2481 of 2024, Crl. Bail Appln. No.2539 of 2024 and Crl. Bail Appln. No.2823 of 2024)

“This Court while deciding Cr. Bail Appl. No.2264/2023 on 22.12.2023 has observed in para 6 & 7 as under:-

6. No one stops the F.I.A. from proceeding against any offence. But its choices cannot be selective. In the present case, it is the F.I.A.'s version that the whole story originates from a WhatsApp group operated by unidentified operators from a country that we have, at the state level, always considered hostile to us. The content on these groups is outright horrendous and not restricted solely to blasphemous material. There are also indications of dissemination of child pornography. The F.I.A. should investigate the blasphemy allegations, but it is not expected that a law enforcement agency be overwhelmed with emotion, not look at a potential crime wholly and professionally, and restrict their Investigation to just one aspect when there are other serious ones in the situation. It should have been looked into if there is even the remotest possibility that an attempt to destabilise Pakistan is being made.

7...The issue at this stage is whether the applicant created and disseminated the blasphemous content. This doubt would have been significantly mitigated if the Investigation Officer documented its investigation well, sealed the phone when recovered, collected evidence which would stand the test of legal scrutiny, obtained a call data record, and obtained official ownership documents. The WhatsApp snapshots show that other persons might be receiving the images, which should have been brought within the ambit of Investigation, too. Why was no Investigation done on the WhatsApp group and the Facebook page from where the issue arises and when, according to the FLA, unidentified persons from a hostile country are the operators? It is a question that completely eludes a

person. Cases such as the present one have the potential to arouse a lot of emotion and create Instability. It is, therefore, imperative that the Investigation is professional, complete and watertight. More effort needs to be taken at all levels to uphold and protect the honour of our religion but, at the same time, also prevent false accusations and the use of religion as a pretext to create instability in the country. Enemies of the country would then succeed in their nefarious designs.

7. Apart from above, the reports u/s 173 Cr.P.C. do not specifically show that whether data extracted from the mobile phones allegedly recovered from the applicants were edited by them or they have simply forwarded the material after receipt thereof from some unknown user and whether such blasphemous graphics are fake or genuine. Some of the applicants were arrested in December, 2023 and some reportedly were arrested in March, 2024 and they are in jail since. The undersigned while granting bail to different accused involved in identical cases vide order dated 05.06.2024 has observed in para 4 as under:-

4. Be that as it may, as the discussion in preceding para shows the entire case of prosecution is based on documentary evidence. The probative value of which needs to be determined in the trial. Appellants are in jail for more than one year, and meanwhile in this case investigation is completed and the challan has been submitted. Their incarceration is neither beneficiary to prosecution in any manner, therefore, nor is warranted on the ground of them being required for further investigation, not the least when in other cases of like nature still the Managers running the WhatsApp groups involved in this scam are yet to be identified and taken to the task. The case is already posted for evidence and it is reported that the forensic expert who examined the alleged phones retrieved from the applicants has not been made witness in this case due to bar under section 510 Cr.P.C. But the question whether in the peculiar circumstances of the case where the only incriminating piece of evidence has genesis in his report, his examination as a witness is relevant or not needs to be replied. More so, applicability of Section 510 Cr.P.C. in this case, when the relevant forensic Lab pertains to FIA itself and one of its official has issued the lab report would be a circumstance before the trial Court to determine first before determining culpability of the applicants in this case.”

7. I also place my reliance upon 2025 P. Cr.L.J 526 and so also a recent unreported order of Hon’ble Supreme Court of Pakistan in criminal petition No.1330-L of 2024 wide dated 25/9/2025.

8. In light of the above observations and the case law relied upon, I am of the view that the case against the

applicant is of further inquiry and he is entitled to bail. The application in hand is consequently allowed and applicants are granted bail in the sum of **Rs.200,000 (Rupees Two Lac only)** and a PR bond in the same amount to the satisfaction of the trial court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

9. The instant Crl. Bail Application stands disposed in the above terms.

JUDGE

Manthar Brohi