

Case No. Crl. Misc. No.63844-B/2024

The State, etc.

Mr. Zaheer Nawaz, Advocate for the petitioner.
Ch. Imran Qadir Bhindar, Advocate for the complainant.
M/s Shakeel Ahmad Shahzad DAG and Sheeraz Khalid,
AAG alongwith Jahanzaib Inspector/FIA.

4. The petitioner is nominated in the crime report with the specific role of editing family pictures of sister and mother of the complainant and

converted the same into nude one and send the same to their family with the threat to upload on social media for the public at large. The petitioner was arrested in this case on the same day i.e. 29.07.2024 and after inspection, his mobile phone was found containing nude edited pictures of sister and mother of the complainant, which was taken into possession and sent to the lab for forensic analysis and as per Initial Technical Analysis Report dated 30.07.2024, *objectionable and edited content of the victim and pornographic material was found in the gallery, which were found to have been shared to phone number +923179364499 through WhatsApp.* The petitioner was found fully involved in this occurrence during investigation based on technical report as well as other material in the statements of the witnesses recorded under Section 161 Cr.P.C. The petitioner has not only put the dignity and honour of the ladies at stake but also spoiled their lives.

5. Yes, the offence with which the petitioner has been charged, does not attract the prohibitory limb of Section 497 Cr.P.C. and in the offences not falling under the prohibition, the bail is granted as a rule in many a cases by the Apex Courts but it has never been considered as universal rule and compulsion over the Court rather it depends upon facts and circumstances of each case. Here in the instant case the petitioner has victimized not only a young girl in revenge of taking divorce before *Rukhsti* but also her mother and harmed their reputation and privacy explicating their images in the forum of edited nude photos and then shared the same to their closest and sensitive relative i.e. the brother/son. This fact alone makes case of the

petitioner being exceptional and extra ordinary circumstance of the case for refusal of bail. Reliance is placed on case reported as ‘*Muhammad Siddique v. Imtiaz Begum and others*’ (2002 SCMR 442) and “*Malik Muhammad Tahir ..Vs.. The State and another (2022 SCMR 2040)*”. The same view was subsequently adopted in case titled ‘*Fakhar Zaman versus The State and another*’ (2023 P.Cr.L.J 496) and ‘*Muhammad Haseeb versus The State and another*’ (2024 P.Cr.L.J 1462) [Islamabad]. Keeping in view the facts and circumstances of the case, the petitioner is not entitled to the concession of post arrest bail at this early stage.

In view of what has been discussed above, this petition is without any merit, the same stands *dismissed*.

(Asjad Javaid Ghural)
Judge

Approved for Reporting.

JUDGE

Asif*