

JUDGMENT SHEET  
**ISLAMABAD HIGH COURT**  
**ISLAMABAD**

Crl. Misc. No. 336-B/2011

**Javed-ur-Rehman**  
Vs.  
**The State etc.**

Petitioner by: Mr. Muhammad Arshad Tabraiz, Advocate  
State by: Javed Iqbal Butt, standing counsel.  
Mr. Khalid Naeem, Asistant Director Legal FIA  
Mr. Muhammad Raza S.I. with record.  
Date of decision: Complainant in person.  
21-06-2011

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**Riaz Ahmad Khan J:** Javed-ur-Rehman seeks post arrest bail in case FIR No.11/2009, dated 01-04-2009, U/s 7,8,9,15,19,20 of The Prevention of Electronic Crimes Ordinance, 2007 read with Section 36, 37 of Electronic Transactions Ordinance, 2002, Police Station F.I.A. Cyber Crime Circle, Rawalpindi.

2. Brief facts as per F.I.R. are that the complainant Janas Khan received an email message sent by one Hanson Torence, through which he was informed that he had won lottery amounting to 1.3 Million US Dollars. The complainant was asked by a group on the basis of a fake letter to pay 7.5% of the total amount of lottery. The complainant accordingly transferred an amount of Rs.1,83,000/- into the name of Miss Maryam Faqir, holder of an account in CRES Bank Islamabad, then transferred another amount of Rs.1,399,125/- in the bank account maintained by the petitioner Javed-ur-Rehman in Faysal Bank, Blue Area Branch, Islamabad, again paid in cash US \$ 20,000 to one Jon Cosmos, again sent 815.29 UK Pounds to one Hanson

Terrence, UK through Western Union, then sent an amount of 2700 US Dollars to Hanson Terrence, UK through Western Union. On receiving the complaint, enquiry was conducted and it transpired that account of Miss Maryam Fariq was being operated by Javed-ur-Rehman and she did not know anything about any transactions made in her account. Javed-ur-Rehman got signed blank cheques from Miss Maryam Faqir for the operation of her account. As a result, F.I.R. was registered.

3. Learned counsel for the petitioner contended that the case has been registered with malafide intention, as the petitioner has not committed the offence in which he has been charged. Learned counsel for the petitioner further contended that the case of the petitioner is one of further enquiry and the petitioner is entitled to the concession of bail.

4. On the other hand, learned standing counsel assisted by Assistant Director (Legal), FIA contended that the complainant has been defrauded and huge amount was embezzled by the petitioner.

5. I have heard learned counsel for the parties and have also perused the record.

6. In the present case, even if the allegations leveled in the F.I.R. are admitted to be correct, no case under Prevention of Electronic Crimes Ordinance, 2007 or Electronic Transactions Ordinance, 2002 is made out. The only allegation against the petitioner is that an email message was sent to the

complainant and then an agreement between complainant and two other accused was executed. Even if this allegation is accepted, it would not mean that the petitioner had made illegal excess to documents, record, or had destroyed the information system of any service provider. Infact, the alleged offence is not relating to telecommunication laws. On the face of it, it can be said that this is a case of simple fraud and misrepresentation. The accused has not been charged under relevant sections of laws. Even under the alleged sections of laws, the whole amount was not sent to the petitioner and the allegation that the amount was actually sent under misconception would require evidence, as such, the case of the petitioner is one of further enquiry. In the circumstances, this bail petition is accepted. The petitioner be released on bail subject to his furnishing bail bonds in the sum of Rs.1,00,000/- with two local sureties in the like amount to the satisfaction of learned trial Court.

**(RIAZ AHMAD KHAN)**  
**JUDGE**

*Wajid*

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*Blue slip added.*