

**ORDER SHEET.**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

**Crl. Misc. No.979/B/2018.**

Ishtiaq Ahmad

Versus

The State, etc.

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
-------------------------------------	-----------------------------------	--

09.01.2019. Mr. Faisal Ramzan Ghauri, Advocate for the petitioner.  
Mr. Sadaqat Ali Jahangir, State Counsel.  
Farzana Kausar/respondent No.2 in person.  
Humaira Aslam, S.I, FIA, Cyber Crime, Islamabad.

Through instant petition, the petitioner has prayed for his post arrest bail in case FIR No.08/18, dated 28.11.2018, U/S 20, 21, 24 of PECA 2016 r/w sections 509, 109 PPC, P.S FIA, Cyber Crime Circle, Islamabad.

2. Brief facts are that above mentioned FIR was lodged on the complaint of respondent No.2/Farzana Kausar, wherein she alleged that present petitioner Ishtiaq Ahmed and his co-accused Syed Sajjad Hussain Shah with active collaboration with each other illegally and unauthorizedly up-loaded, generated, posted/shared personal sexually explicit pictures of respondent No.2 on WhatsApp account and she was also harassed and blackmailed. During the course of inquiry phone numbers 03318827430 and 03329566378 used in the commission of the offence were found in the names of co-accused Muhammad Imran and present petitioner Ishtiaq Ahmed and data was retrieved from mobile of the petitioner HTC-Desired 326G.

3. Learned counsel for the petitioner has contended that the petitioner is behind the bars since 28.11.2018, investigation of the case has been completed and the petitioner is no more

required for the purpose of further investigation; that the offences with which the petitioner has been charged do not fall within prohibitory clause of section 497 Cr.P.C; that respondent No.2 herself sent her pictures on mobile phone of the petitioner and the pictures were neither uploaded by the petitioner in any manner nor generated and transmitted in any information system; that detailed analysis has not yet been received and the petitioner is languishing in jail since 28.11.2018.

4. Conversely, learned State Counsel has contended that the petitioner and his co-accused induced respondent No.2 for explicit photographs and later on exhibited, displayed and transmitted the images on WhatsApp numbers and started blackmailing her for nefarious designs.

5. I have heard the arguments and gone through the record.

6. From tentative assessment of record, it transpires that respondent No.2 lodged the complaint with police station FIA, Cyber Crime Circle, Islamabad with the allegations that the petitioner Ishtiaq Ahmed and his co-accused Syed Sajjad Hussain Shah in collusion with each other illegally and unauthorizedly uploaded pictures of respondent No.2 on WhatsApp account and damaged her reputation, honour and modesty amongst the family members and as a result whereof FIR No. 08/18, dated 28.11.2018, U/S 20, 21, 24 of PECA 2016 r/w sections 509, 109 PPC, P.S FIA, Cyber Crime Circle, Islamabad was registered.

7. Cursory glimpse of record reflects that at the time of arrest of the petitioner, he was in possession of mobile phone, which was taken into possession through recovery memo and the said mobile phone was having explicit images and photographs of

respondent No.2, which prima facie connects the petitioner with the commission of the alleged offence. The allegations leveled by respondent No.2 against the petitioner fall under sections 20 & 21 of The Prevention of Electronic Crimes Act 2016 as the petitioner uploaded the photographs of natural person in sexually explicit manner, even statement of the witness/respondent No.2 reveals inducement, intimidation and harassment, for which information system and network has been used for the purpose of communication of photographs and the said act falls within ambit of Cyber stalking in terms of section 21 of the Act *ibid*.

8. The entire record does not reveal any act of further inquiry in favour of the petitioner and even the petitioner could not justify any reasonable ground in his favour to disassociate him from the alleged crime. The mobile phone used by the petitioner contains images although the other information network used by the petitioner and his co-accused is based upon laptop and other mobile phones, which are under process of forensic analysis by FIA. The element of fear is apparent through which respondent No.2 was forced to agree with the demands of the accused persons.

9. WhatsApp images prima facie connects the petitioner with hideous crime, which in other words is a crime against the humanity and the society. Conduct of the petitioner shows that he is lacking moral turpitude, who himself exploited respondent No.2. Granting bail to the petitioner at this stage would amount to trivialize and play down the gravity of offence allegedly committed by him.

10. For what has been discussed above, I am not inclined to accepted the instant post arrest bail petition, therefore, the same is here **dismissed.**

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

**R.Anjam**