

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

CRL.MISC. NO.791 /2019

Amir Waqas Vs Ms Saima Qayum, etc

Serial No. of order/ proceeding.	Date of order/ proceedings	Order with signatures of judge, and that of parties or counsel, where necessary.
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04	16.01.2020	Sardar Jahanzeb Khan, Advocate for petitioner. Chaudhary Abdul Jabbar, Assistant Advocate General. Mr. Mazhar Javaid, State counsel with Humera Aslam, SI, FIA. Complainant in person.
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GHULAM AZAM QAMBRANI, J

The petitioner [Amir Waqas] seeks post arrest bail in case FIR No.31, dated 24.10.2019, under section 509, 109, PPC and sections 20, 21 & 24 PECA, 2016, registered at Police Station FIA, (Cyber Crime Circle), Islamabad.

2. Brief facts of the case are that the complainant [Ms. Saima Qayum] lodged a complainant against the petitioner stating therein that the accused with malafide intention and criminal motive illegally and unauthorizedly captured/ recorded her personal pictures and videos for charming her for marriage and further uploaded, generated and transmitted her private pictures from whatsapp of Mobile Phone of complainant's sister Ms. Aiza Khatoon and her friend Ms. Sadaf Tanveer and that the accused further transmitted indecent, vulgar, obnoxious, unethical, defamatory, derogatory and sexually explicit speech/ narration, messages from his mobile phone and disgraced her among her family, friends and relatives and spoiled her modesty.

3. Learned counsel for the petitioner submitted that prosecution case is highly doubtful, discrepant, bogus and lacks tangible evidence; that the offence does not fall within the ambit of prohibitory clause of Section 497 Cr.P.C. that petitioner is not convicted in any criminal case and that prosecution case needs further probe into the matter.

4. On the other hand, learned A.A.G. assisted by learned State counsel vehemently opposed the grant of bail to the petitioner. The complainant is also present in person before the Court and submits that she has no objection if the petitioner is granted in the instant case.

5. Arguments heard, record perused.

6. Tentative assessment of the record shows that the petitioner allegedly with malafide intention and criminal motive illegally and unauthorizedly captured/ recorded her personal pictures and videos for charming her for marriage and further uploaded, generated and transmitted her private pictures from whatsapp Mobile Phone of complainant's sister Ms. Aiza Khatoun and her friend Ms. Sadaf Tanveer and further transmitted indecent, vulgar, unethical, defamatory, derogatory and sexually explicit speech/ narration, messages from his mobile phone and disgraced her amongst her family, friends and relatives and spoiled her modesty.

7. The complainant appeared in person before this Court and made a statement that she has not objection if the petitioner is admitted to bail. Further, offence under section 509, 109, PPC and

section 20 & 21 PECA, 2016, does not fall within the prohibitory clause of Section 497 Cr.P.C.

8. In view of the circumstances mentioned above, case of petitioner, *prima facie*, becomes that of further inquiry covered by subsection (2) of section 497 Cr.P.C. This petition is allowed and petitioner is admitted to post arrest bail subject to furnishing bail bonds in the sum of Rs.2,00,000/- (two lac) with one surety in the like amount to the satisfaction of learned Trial Court.

9. The observations made above are tentative in nature and are strictly confined to the decision of this bail petition only.

~~(GHULAM AZAM QAMBRANI)~~
JUDGE

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