

**JUDGMENT SHEET**

**PESHAWAR HIGH COURT, PESHAWAR**  
**(Judicial Department)**

**Cr.M (B.A) No. 748-A/2021**

**ORDER**

Date of hearing: **15.07.2021**

**Petitioner:- (Fakhar Zaman) by Mr. Muhammad Nawaz Khan Swati, Advocate.**

**Respondent :- (The State) by Mr. Bilal Khan, AAG and Complainant in person by Ms. Shabnam Nawaz, Advocate alongwith Syeda Pakiza, SI/FIA/CCRC Abbottabad.**

\*\*\*

**MOHAMMAD IBRAHIM KHAN, J-** The Cyber

Crime Reporting Center of the Circle/Sub Circle

Abbottabad received a complaint from Mst. Shaista

Manzoor wife of Manzoor Elahi resident of T&T

Colony, Haripur addressed to the Office of Deputy

Director Cyber Crime Reporting Center, FIA,

Abbottabad regarding her sexual harassment through

Whatsapp account No. 0307-1016880 thereby,

nominated Fakhar Zaman son of Rukan Zaman and

another Aziz ur Rehman son of Abdur Rehman. Out of

them, the petitioner Fakhar Zaman is a security guard

in Bank of Khyber Hattar Industrial Estate Haripur. Earlier, he applied for the grant of post arrest bail before the court of learned Sessions Judge, Abbottabad and was declined liberty by the order dated 29.06.2021 being implicated in case FIR No. 15/2021 dated 03.06.2021 charged u/s 20, 21 & 24 of the Prevention of Electronic Crimes Act, 2016 read with section 109 PPC of Police Station FIA, Cyber Crime Circle Abbottabad.

2. Having heard arguments of the learned counsel for the petitioner and learned counsel for complainant alongwith Assistant Attorney General, the available record gone through.

3. Learned counsel for the petitioner relied upon the judgments reported as **2021 SCMR 557** *Muhammad Daniyal Farrukh Ansari vs the State*, **2021 P Cr.L.J 506** *Akhtar Khan vs the State* and **2017 P Cr.L.J 1715** *Muhammad Azam Davi vs the State through FIA*. Inversely, learned counsel for the complainant referred to the dictums reported in **2018 P Cr.LJ 408** *Usman Bin Mehmood vs the State and*

*another, 2020 PCr.L.J 705 Muhammad Usman vs the State and another, 2021 PCr.L.J 119 Saleem Khalid vs the State and 2018 YLR 329 Farhan Kamrani vs the State.*

**4.** On plain perusal of the levied sections 20, 21 and 24 of the Prevention of Electronic Crimes Act, 2016, this case within all the corners of definition of the relevant sections of law has covered the act of the petitioner as displaying and transmitting the information to harm the reputation and privacy of the complainant explicating the images in the form of nude photos and videos in return of the same intimidating her with sexual harassment while the nude photos and videos under intimidation would be sent to her husband, who is abroad to earn livelihood for his family. These nude photos and videos available on the record have been admitted to be in presence of the complainant and the petitioner, which even verified by the Assistant Director Forensic CCW FIA, Peshawar through its report, the facts and findings from digital forensics of the mobile phone and two

memory cards have been identified not only of the present complainant but, besides, more explicit photos and videos of other women have also been found. The findings under the investigation would prima-facie connect the petitioner leading to the recommendations of challan against the petitioner. In all probabilities the petitioner not only displayed the images and videos but in order to gain financial benefits from the complainant whose husband is abroad has received handsome ransom hence, while the role of the petitioner would fall within the preview of the definition covered under his implication.

5. It is a general rule that when offences are punishable with less than 10 years of imprisonment ordinary, bails are granted however, in appropriate cases, it is never compulsion over the court to grant bail as a rule and may depart from this rule to deny any favor to the petitioner where the complainant is helpless has been victimized due to her nude images and videos and blackmailed her financially to get illegitimate demand as in the case in hand.

Complainant is stated to have been put under extortion of sending her images and nude videos to her husband. Thus while reliance is placed on the dictums referred by the learned counsel for the complainant and especially when this court is of the opinion that the petitioner has sexually harassed the complainant, who is a married woman while her husband is abroad doing labour for earning livelihood for the family .

**6.** In view of the above observations, this petition having no force, stands dismissed.

**7.** Before parting with this order, the Investigation Officer, who is herself Sub Inspector FIA CCRC Abbottabad, a young girl, shall seal all the images and videos which will only be de-sealed on the orders of the learned trial court.

*Announced*  
***15.07.2021***

**J U D G E**