

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH
(Judicial Department)

Cr.MB No.350-D of 2019

Muhammad Usman

Versus

The State and another

JUDGMENT

For Petitioner: M/S Muhammad Yousaf Khan and
Muhammad Naveed Mehsood, Advocates.

For respondent No.2: Mr. Shah Fahd Ansari, Advocate.

Date of hearing **18.12.2019**

S.M.ATTIQUE SHAH, J.- Petitioner Muhammad Usman stands charged in case F.I.R No.6 dated 06.11.2019 registered under sections 3/21/24 of Prevention of Electronic Crimes Act, 2016 read with section 419 PPC at police station Cyber Crime, FIA, D.I.Khan. He was refused the concession of bail by learned Additional Sessions Judge-I, D.I.Khan vide order dated 13.11.2019, hence the instant petition for the same relief.

2. The prosecution story, in brief, is that on 08.8.2019, the respondent No.2 submitted a written complaint to FIA authorities regarding objectionable pictures and messages of harassment transmitted to her by the petitioner. However, the Cyber Crime team, after recording the statement of complainant, investigated the matter, took screenshots of objectionable pictures, messages as well as confirmation regarding the ownership of cell

number of the petitioner and after permission from the competent authority, arrested the petitioner and registered the above F.I.R.

3. Arguments heard and record perused.

4. Perusal of the record reveals that objectionable pictures which were uploaded through a cell phone on whatsapp were recovered from possession of the petitioner which stigmatized the honour of not only the complainant but her whole family. The petitioner also committed the offence of blackmailing by intentionally and publicly exhibiting, displaying and transmitting the nude photographs for the purpose of some illegitimate demands. The petitioner, in his statement, also did not deny the commission of offence. The offence is of moral turpitude which badly affects the society at large. The argument of learned counsel for the petitioner that the offence with which the petitioner is charged does not fall within the prohibitory clause of section 497 Cr.P.C and in such like cases, bail is a rule and refusal an exception, is of little help to him. No doubt, bail in offences punishable with less than ten years of imprisonment is ordinarily granted as a rule, however, the concession is to be extended having regard to the facts and circumstances of each case and in appropriate cases, the Court may justifiably depart from the rule to deny the favour. In the instant case, the allegation against the petitioner is not only supported by evidence but also his own statement, thus, I do not feel persuaded to extend discretionary jurisdiction in favour of the petitioner.

5. For the reasons mentioned above, the instant petition being devoid of substance is hereby dismissed. However, it is clarified that the observations made above being tentative in nature would not impact upon the fate of the trial.

Announced.
Dt: 18.12.2019.
Habib/*

JUDGE

(SB)
Hon'ble Mr. Justice S.M. Attique Shah

24/12
19/12