

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT: Justice Muhammad Hashim Khan Kakar
Justice Ishtiaq Ibrahim

Criminal Petition No. 94/2025

(On appeal against the order dated 22.01.2025
passed by the Lahore High Court, Multan Bench,
in Crl. Misc. No. 10453-B/2024)

Syed Muhammad Ali Jaferi

Petitioner(s)

Versus

The State and another

Respondent(s)

For the Petitioner(s):

Mian Ahmad Mahmood, ASC

For the State:

Mr. Rashdeen Nawaz Kasuri, Addl. AGP
Mr. Adnan Ali, S.I.

Date of Hearing:

21.02.2025

ORDER

Muhammad Hashim Khan Kakar, J. This petition under Article 185(3) of the Constitution of Islamic Republic of Pakistan 1973 has been filed against the impugned order dated court 22.01.2025 passed by the learned Lahore High Court, Multan Bench, Multan, where the post-arrest bail of the petitioner was declined.

2. The petitioner and the complainant entered into a contract of marriage, and during their marital relationship, the petitioner alleges that he discovered that the complainant was in the habit of taking nude photographs and recording videos. The petitioner claims that he repeatedly advised the complainant to refrain from such activities, as they were insulting to their families. According to the petitioner, he found a nude photograph of the complainant on Instagram, which did not include her face or head, and saved it on his mobile phone. He further alleges that he sent the photograph to the complainant's mother to dissuade the complainant from continuing such activities.

3. On the other hand, the complainant alleges that the petitioner hacked her Gmail ID, accessed her private and objectionable images, and disseminated them on social media platforms, including WhatsApp and Facebook, to blackmail and intimidate her and her family members. She claims that petitioner used these images to threaten her and tarnish her reputation.

4. Learned counsel appearing on behalf of petitioner at the very outset contended that the petitioner is a medical professional with no criminal antecedents and the allegations are exaggerated and stem from a marital dispute. He has been falsely roped in this case against the actual facts and circumstances. He further stated that the petitioner is behind the bars since more than three months and the offences mentioned in the FIR also provide punishment of fine beside providing punishment of three and five years which do not fall within the prohibitory clause of section 497 Cr.P.C.

5. On the other hand, learned counsel Additional Attorney-General for the respondent/State has opposed the bail application, arguing that: the allegations are serious and involve the dissemination of private images, which has caused significant harm to the complainant's reputation.

6. We have heard the learned counsel for the parties and gone through the record.

7. In cases involving marital disputes, the court must balance the interests of justice with the need to ensure that the legal process is not used as a tool for harassment. The allegations in this case, while serious, arise from the private dispute between the parties, and the petitioner's continued incarceration may not serve the interest of justice. We also note that the petitioner is a medical professional with no prior criminal record, and there is no evidence to suggest that he is a flight risk or likely to temper with evidence if released on bail.

8. Undeniably, there is allegation of sexual harassment and blackmailing which has been made on the basis of sharing certain

objectionable images on social media and the trend of suchlike activities is at the verge of rise towards the deterioration of our cultural values, but at the same time, a duty is cast upon the court to see whether from the facts and peculiar circumstances, a case of bail is made out. The offences alleged in the FIR fall outside the prohibitory clause of section 497 Cr.P.C, the maximum punishment of imprisonments whereof are five years and three years respectively are. The petitioner is behind the bars for the last 2/3 months. Grant of bail in suchlike cases is a rule and refusal is an exception. No exceptional circumstances have been pointed out to refuse the concession of bail to the petitioner.

9. For the foregoing reasons, the instant petition is converted into an appeal and the same is hereby allowed. The appellant Syed Muhammad Ali Jaferi is allowed bail in FIR No. 142 of 2024, dated 27.11.2024 of Police Station FIA Cyber Crime Wing, Multan subject to his furnishing bail bonds in the sum of Rs.500,000/- (Five hundred thousand rupees) with one surety in the like amount to the satisfaction of the Trial Court. The Trial Court is expected to complete the trial as early as possible preferably within three months.

ISLAMABAD
21.02.2025
(Farrukh)

Approved for Reporting