

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE MUNIB AKHTAR

MR. JUSTICE QAZI MUHAMMAD AMIN AHMED

Criminal Petition No.167-P of 2021

(Against the order dated 22.10.2021 passed by the Peshawar High Court Peshawar in Cr. M. No.3206-P/2021)

Abdul Rehman

$$V_S$$

... Petitioner(s)

The State and another

... Respondent(s)

For the Petitioner(s) : Mr. Muhammad Tariq Shah, ASC

For the State : Sayyed Nayyab Hassan Gardezi,
Deputy Attorney General with Tariq I.O.

Date of Hearing : 09.12.2021

ORDER

Qazi Muhammad Amin Ahmed, J.:- The petitioner is accused of having cyber stalked defamatory messages along with photographs of complainant's daughter in law to her husband; the matter was reported to the Federal Investigating Agency, pursuant whereeto, in the wake of a detailed inquiry, devices transmitting the impugned communication were secured upon his disclosure that conclusively established his culpability as the source behind family's embarrassment. Attempts for post arrest bail failed lastly before a learned Judge-in-Chamber of the Peshawar High Court Peshawar vide impugned order dated 22.10.2021, leave to appeal wherefrom is being prayed for primarily on the ground that the offences complained do not fall within the prohibitory clause of section 497 of the Code of Criminal Procedure, 1898 and investigation being complete there is no justification to depart from the rule.

2. Heard. Record perused.

3. Ordinarily, upon conclusion of investigation in criminal cases falling outside the remit of "*prohibition*" motions for release on bail are favourably received, nonetheless, the practice is not without limitations. In the present case, privacy of a young lady has grievously been intruded to the utter embarrassment of her family; even her marriage went into peril. The incident was reported by her father-in-law and, thus, in the facts and circumstances of the case, we do not feel persuaded, in our discretion, by the submission made at the bar so as to take a different view than concurrently taken by the Courts below. Petition fails. Leave declined. However, the learned trial Court is directed to expeditiously proceed with the trial so as to conclude it within a period of four months. Investigating Officer, in attendance, is directed to ensure presence of witnesses on the date fixed for recording of evidence.

Judge

Judge

Islamabad, the
9th December, 2021
Azmat/*