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Form No. HCJD/C-121
ORDER SHEET
IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Case No. Afeef-u-Rehman
Crl. Misc. No. 68998-B of 2020
Versus The State etc.

Order with signature of Judge, and that of
parties of counsel, where necessary.

Sr. No. of Orders/ Proceeding	Date of order/ Proceeding	
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15.02.2021

Mian Pervaz Hussain, Advocate for Petitioner.
Mr. Sana Ullah D.P.G and Jameel S.I

Petitioner (Afeef-u-Rehman) seeks post arrest bail
in case FIR No.402 dated 27.08.2020 offences under
sections 295-A & 505(2), PPC, registered at police
station Saddar Sahkot District Nankana Sahib after
refusing of the same by the learned Court below.

2. Heard. Record perused.

3. Allegedly, petitioner uploaded derogatory
remarks on his Facebook account about one sect of
Muslims which creates unrest in the society.
Sufficient material is available against the petitioner
to connect him with the commission of offence.

4. For the foregoing reasons, this petition having
no merits is dismissed. However, it is clarified that the
observations made hereinabove are tentative in nature
and strictly confined to the disposal of this bail
petition.

(SADAQAT ALI KHAN)
JUDGE

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68928-B
Crl. Misc. No. _____ B/2020

Afeef-U-Rehman son of Sultan, Caste Chatta, R/o Chak
No.30-RB Wanotianwali Tehsil Shahkot, District Nankana
Sahib.. (Presently confined at District Jail Sheikhupura)

PETITIONER

VERSUS

1. THE STATE.

2. Syed Sarwar Hussain Shah son of Syed Jaffar Hussain
Shah, R/o Dehray Da Wara, Tehsil & District Nankana
Sahib..

RESPONDENTS

Case FIR No.402.

Dated: 27.08.2020.

Offence U/S: 295-A, 505(2) PPC., Material on face book.

Police Station: Sadar Shahkot, Nankansahib

Petition under section 497 Cr.P.C For the grant of post

Arrest Bail.

RESPECTFULLY SHEWETH:-

1. That respondent No.2 lodged the above said false, frivolous and concocted FIR No.402/20 at PS Sadar Shahkot against the petitioner leveling false allegations of up loading abhorrence against the law enforcement Agencies, as per content of the FIR, petitioner also uploaded the derogatory remarks against the Shia (Fiq-e-Jafaria). Copy of the FIR is appended herewith for the kind perusal of this Hon'ble Court as ANNEXURE-A.

2. That petitioner applied for his post arrest bail before the learned area Magistrate, during the course of Arguments facts appeared that involvement of prevention of Electronic Crime Act, 2016 is attracted and the offence is exclusively triable by the Federal Investigation Agency.

So the reference was sent to the District and Session judge Nankana Sahib for its appropriate Orders for 30.09.2020, who return the same with the observation; that same court is competent to pass his observation with regard to jurisdiction or on merits of the case. A copy of the order passed by the learned judicial Magistrate and learned Session Judge dated 30.09.2020 is appended herewith for the kind perusal of this Hon'ble Court as Annexure "B".

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Lahore
Session Judge
Nankana Sahib

3. That on feeling aggrieved the petitioner applied for his post arrest bail before the learned ASJ /Special Judge at Lahore which was dismissed vide order dated 18.12.2020. A copy order passed by the learned ASJ is appended herewith for the kind perusal of this Hon'ble Court as Annexure "C".

4. That the petitioner is innocent, therefore, the petitioner prayed for grant of his post arrest, inter-alia, on the following:-

GROUND S

- a) That petitioner is highly educated person and he is also member of the Faculty of Management Sciences in National Textile University Faisalabad.
- b) That the allegations against the petitioner are absolutely false, frivolous and concocted one.
- c) That is pertinent to mention here the above said FIR lunched against the petitioner u/s 295A and 505(2) PPC, after formal investigation petitioner was send to Judicial Lockup.
- d) That petitioner applied for his post arrest before the learned area Magistrate where during the course of investigation facts appeared that involvement of prevention of Electronic Crimes Act,2016 is

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Lahore High Court, Lahore

attracted to the petitioner and the offences are exclusively triable by Federal investigation Agency.

- e) That no detail of the Face book account is mentioned in FIR neither the detail of the internet protocol addresses , which is an identifying number that is associated with a specific computer or computer network. When connected to the internet, the IP address allows the computers to send and receive information.
- f) That it pertinent to mention here that FIR was lunched against the petitioner u/s 295-A , 505(2) PPC and later on section 10-A PECA 2016/201 PPC has been added without any solid evidence.
- g) That the petitioner is absolutely innocent. He has falsely been implicated in this case by the complainant in connivance with the local Police. The Local Police illegally arrested the petitioner in the garb of said false criminal case, hence if the petitioner is not released on bail, he shall suffer an irreparable loss and injury.
- h) That the case of petitioner is fit for the further inquiry.
- i) That the petitioner is not a previous convict and is a law abiding citizen of Pakistan.
- j) That the petitioner is ready to furnish reasonable surety to the entire satisfaction of this Honourable Court.

ATTESTED
Cor. Magistrate, Lahore

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Prayer:-

Under these circumstances, it is most respectfully prayed that the instant petition may graciously be accepted U/s 497(2) CrPC and the petitioner be admitted to post arrest bail till the final adjudication of the case.

Any other relief appropriate to the facts and circumstances of the case may also be awarded to the petitioner.

Dated: 24.12.2020

Petitioner

Through Counsel:

Mian Pervaz Hussain
Advocate Supreme Court
of Pakistan
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Cell No. 0333-4434567

Azhzar Hussain Shah Khaga
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Insaaf Law Company, 32-Quaid-e-Block District Courts
Sheikhupura 13-Fan Road Lahore.

NOTE:

1. This is 1st petition for grant of post-arrest bail on behalf of the petitioner.
2. No such petition is pending adjudication before any court of law.

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Advocate

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