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ORDER SHEET
ISLAMABAD HIGH COURT
ISLAMABAD

Criminal Miscellaneous No.631-B of 2023

Fahid.

Versus

The State and another.

S.No. of order/ Proceeding	Date of hearing	Order with signature of Judge, and that of parties or counsel, where necessary.
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22-05-2023

Mr. Moazzam Ali Sheikh, Advocate for petitioner.
Mr. Usman Rasool Ghumman, learned AAG.
Complainant in person.

MOHSIN AKHTAR KAYANI, J.- Through

this Criminal Miscellaneous, petitioner Fahid has prayed for his post-arrest bail in case FIR No.40 / 2023, dated 09.02.2023 under sections 295-A, 295-B, 295-C, 298-A & 109 PPC read with section 11 of Prevention of Electronic Crimes Act-2016, registered at FIA, Cyber Crime Reporting Centre, Islamabad.

2. Brief facts referred in the instant FIR lodged on the complaint of Amir Zafar are that an enquiry was initiated by FIA, Cyber Crime Reporting Centre, Islamabad during which it transpired that the accused Raja Muhammad Adil, user of Facebook profile with the name "Salman Ahmad" with criminal intentions, illegally and unauthorizedly created / developed and further uploaded / transmitted / disseminated as well as publically projected / displayed blasphemous contents i.e. images / pictures, in respect of

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"Almighty Allah, The Holy Prophet Hazrat Muhammad ﷺ, The Holy Quran, The Holy Umhat-ul-Momineen, Ahl-e-Bait (علیہ السلام) and Sahaba Karam (R.A)" alongwith sacrilegious, loathsome narration / speech and text on private parts of the naked human body using Facebook profile. During the course of investigation the profile of present accused Fahid was also identified and his Facebook profile as well as Mobile Phone set was taken into account by the FIA which he used to copy and download the blasphemous contents i.e. images, videos and multimedia posts in respect of The Holy Prophet Hazrat Muhammad ﷺ, The Holy Umhat-ul-Momineen, The Holy Quran and Ahl-e-Bait (علیہ السلام), which were transmitted and printed on human naked body. This aspect has been

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3. Learned counsel for the petitioner contends that the petitioner is innocent and has falsely been implicated in this case; that the petitioner is a student of M.Sc. Agriculture in University and has no relationship or nexus with this crime; that

required for the purposes of investigation; that allegations referred in this case could only be confirmed during the course of trial, therefore, case of petitioner falls within the ambit of further enquiry; that petitioner is behind the bars since last seven months therefore, earned his right to be released on bail and on merit as well as on statutory ground; that no offence is made out against the petitioner nor the FIA has the jurisdiction to proceed under the law.

4. Conversely, learned AAG as well as the complainant has opposed the instant bail application on the ground that petitioner is well connected with this hideous crime, even challan has been submitted in the court.

5. Arguments heard, record perused.

6. Tentative assessment of record reveals that the petitioner has been arrayed as accused in the above mentioned criminal case with the allegations that he publically projected / displayed blasphemous contents i.e. images / pictures in respect of Almighty Allah, The Holy Prophet Hazrat

Muhammad ﷺ, The Holy Quran, The Holy

Umhat-ul-Momineen, and Ahl-e-Bait (اهل بيت رضى الله

عنهم اجمعين), and Sahaba Karam (رضى الله عنهم) on the

profile. The tentative assessment of record further reflects that the social media platform data collected by the Investigation Officer from the accused / petitioner has prima facie been confirmed through the technical analysis report. The offences with which petitioner has been charged falls within the prohibitory clause of section 497 Cr.P.C. The offence committed by the petitioner has shaken the religious sentiments of all the Muslims, as such, it is against the whole Muslim community which cannot be

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has been surfaced on record. Investigation has been completed and challan has been submitted in the court on 27.03.2023. In such eventuality, this Court has been guided with the principles laid down in 2011 SCMR 1332 (Rehmatullah Vs. The State),

whereby, it is better to pass a direction for early conclusion of the trial.

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 Qaid-e-Millat, Islamabad
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Keeping in view the above position, instant post-arrest bail is DISMISSED with the observation that the trial court seized with the matter shall conclude the trial within the period of eight months under intimation to this Court.

(MOHSIN AKHTAR KAYANI)