Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD (JUDICIAL DEPARTMENT)

Crl. Misc No. 714/2025

Usman Shumail

Versus

The State, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	18.04.2025	Mr. Osama Rehan Khan, Advocate for the petitioner. Mr. Shaista Tabassum, Assistant Attorney General. Ms. Misbah Batool, Sub-Inspector, FIA, Cyber Crime Reporting Centre, Islamabad.

MUHAMMAD ASIF, J. Through instant Petition, the petitioner *(Usman Shumail)* seeks post-arrest bail in case FIR No. 275/2024 dated 16.11.2024 under Sections 21, 22, 22-A & 24 of the Prevention of Electronic Crime Act, 2016 (**"PECA"**) r/w sections 34 & 109 PPC registered with Police Station, FIA, CCRC, Islamabad.

2. As per contents of the FIR, the accused persons namely Moiz Imran S/o Imran Ul Haq, Usman S/o Shumail Iqbal Nagra, Alyan through WhatsApp Number 03014063332 and Agha Ali Khan through Mobile Number 03005365778 with active connivance with each other and with malafide intention and ulterior motives had illegally and unauthorizedly captured/recorded sexually explicit videos/pictures of complainant minor daughter Hibba Sadiq Samana "aged about 17 years" and further blackmailed, harassed and threatened the complainant's daughter and her family by transmitting/disseminating/publicly exhibiting the sexually

explicit contents of the complainant's minor daughter from WhatsApp accounts and Instagram, thus disgraced and destroyed the modesty and privacy of complainant's daughter among her friends family and relatives.

3. The learned counsel for the petitioner argued that the instant case is a result of malafide intention and ulterior motive; that the petitioner is innocent and has falsely been implicated in the instant case and he has nothing to do with the alleged offence; that the petitioner is behind the bars since his arrest; that the investigation in the instant case has been completed and the petitioner is no more required for further probe/investigation; that the main accused in the instant case has already been granted post-arrest bail by the learned trial Court, therefore the petitioner also deserves the same relief; and that the petitioner is non convict and non-record holder, therefore, entitled to the concession of post-arrest bail.

4. The learned Assistant Attorney General assisted by Ms. Misbah Batool, Sub Inspector FIA repelled the above submissions and argued that the petitioner is involved in heinous crime, sufficient incriminating material is available on record i.e. statement of accused/petitioner, mobile phone from which the picture and videos were uploaded, which prima facie connects the petitioner with the commission of the alleged offence, therefore, he is not entitled to the concession of post-arrest bail.

5. Arguments heard, record perused.

6. A bare perusal of the record reveals that the petitioner has shared objectionable pictures and videos of the complainant's daughter, namely Hibba Sadiq Samana (**"victim"**), on the internet through different WhatsApp numbers and Instagram accounts. The petitioner had used sexually explicit content of the victim to

harass, blackmail, and threaten the complainant and her daughter by publicly uploading the same on fake Instagram accounts.

7. Furthermore, during the investigation, sufficient incriminating evidence has been collected by the FIA, including the recovery of WhatsApp numbers and mobile phones of the accused Moiz and Usman/petitioner. As per the FIA report, the accused is involved with the active connivance of the other co-accused, persons, in the commission of the alleged offence.

8. In the present case, sections 21,22, 22A and 24 of PECA, 2016 are attracted, the definition of the relevant sections of law has covered the act of the petitioner as displaying and transmitting the information to harm the reputation and privacy of the victim explicating the images in the form of nude photos and videos. These naked photos and videos available on the record have been admitted to be in the presence of the victim and the petitioner, which has even been verified by the FIA, through its report, the facts and findings from digital forensics of the mobile phone and WhatsApp numbers have been identified by the victim.

9. It is a general rule that when offences are punishable with less than 10 years of imprisonment ordinary, bails are granted however, in appropriate cases, it is never compulsion over the court to grant bail as a rule and may depart from this rule to deny any favor to the petitioner where the complainant/victim is helpless and has been victimized due to her nude images and videos and got blackmailed to fulfill illegitimate demand as in the case in hand. Complainant is stated to have been put under extortion of sending her images and nude videos to her friends, family and on social media. It is admitted fact that

the petitioner has sexually harassed the complainant, who is a minor girl of about 17 years age.

10. The alleged offences fall within the ambit of the prohibitory clause of Section 497, Cr.P.C., where, grant of bail is a rule and refusal is an exception. The offence of uploading nude/naked/sexual content on websites/social media are increasing day by day and if these offences are not checked and controlled there will be no end. It cannot be convenient that the crimes are increasing and fast extending its adverse effects towards the youth and country, which is hazardous to the society at large, the case of the petitioner falls within the purview of exception, therefore, this court is not convinced to grant concession of post-arrest bail to the petitioner.

11. In view of the above tentative assessment, the petitioner has failed to make out the case for the grant of post-arrest bail at this stage. Consequently, the instant post-arrest bail petition is **dismissed.**

12. The observations recorded hereinabove are tentative in nature and shall have no impact upon the merits of the case.

(MUHAMMAD ASIF)
JUDGE

//Kamran//*