

**ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI.**

Present:-

**MR. Justice Muhammad Iqbal Kalhoro J.**

**Cr. Bail Appl No.894 of 2025**  
(Syed Abdul Aziz vs. The State)

**For hearing of Bail Application.**

**12.05.2025**

Mr. Sathi M. Ishaque, advocate for applicant along iwht Mrs. S.K. Lodhi,  
Advocate

Mr. R.D. Kalhoro, Assistant Attorney General a/w SI Syed Adnan Shah and  
SI Muhammad Shoab, National Cyber Crime Investigation Agency, Karachi

**ORDER**

**MUHAMMAD IQBAL KALHORO J:** Applicant, in jail since 08.07.2023 and standing a trial in Crime No.25/2023, u/s 09, 10 & 11 of PECA, 2016 read with Section 295-A, 295-B, 295-C, 298-A, 109 and 34 PPC at Police Station FIA, CCRC, Karachi, has filed this application for post-arrest bail. In all there are 11 accused in the case and it is stated that all of them are on bail except applicant, whose bail has been declined by the trial Court on the ground that there is *prima facie* evidence against him.

2. As per brief facts, after a preliminary inquiry, various FIRs were registered by FIA against allegations that a number youths were operating WhatsApp groups and spreading blasphemous material on social media. Such inquiry was conducted after several complainants approached FIA disclosing that they had come to know that through facebook pages and WhatsApp groups the accused were promoting blasphemous contents. They joined the facebook or WhatsApp groups through pseudo names and discovered about dissemination of blasphemous contents by the users.

3. As stated above, applicant is in jail since 08.07.2023, and meanwhile out of 09, 04 witnesses have been examined so far. *Prima facie*, they have not uttered an incriminating word against him except that he was arrested on a tip-off from Bismillah Tower, Pehlwan Goth on 08.07.2023 and from him one mobile phone with two SIMs was recovered, which was found to contain blasphemous contents. When called upon, learned AAG has referred to such evidence of witnesses as being incriminatory and the IO's report of forensic Lab of FIA pertaining to examination of phone, as sufficient grounds for disallowing bail of applicant. Learned defence counsel on the other hand, has pleaded bail on rule of consistency and the fact that almost for two years applicant is in jail, the witnesses examined so far have not implicated him.

4. It may be stated that previously, the bails to co-accused were granted mainly on the grounds that the entire evidence against them was based on documents, recovery of mobile phones and the SIMs found to be involved in sharing blasphemous contents. There was no chance that they (co-accused) would tamper with prosecution's evidence. Further, the original creator of such contents had neither been identified, nor the original source of such material was detected. Investigation of FIA was restricted to only one aspect of the case i.e. recovery of mobile phone. No forensic examination of phones by a third party had taken place. The actual operators of the WhatsApp groups were based in a foreign country and there was no report that whether such blasphemous graphics/pictures are fake or genuine. These grounds seem to be applicable to the case of applicant also.

5. Insofar reliance of prosecution on evidence of witness disclosing arrest of the applicant on a particular date by the FIA, the same cannot be considered *prima facie* as a piece of incriminating evidence as it merely reveals date of his arrest with a mobile phone containing alleged blasphemous material. Insofar as Lab report of FIA is concerned, it simply shows that there were some blasphemous contents available in the mobile phone of the applicant and he had transmitted the same to various contacts. However, the conclusion of the same shows as under;

“Suspected attachments are attached as annexed as "ANNEX-F" Detailed, computer generated data extraction report of above said evidentiary item is herewith attached in thumb drive as "G:\FIR-25-2023-CCRC-KHI Blasphemy Infinix Hot 115-Abdul Aziz Report.rar" (MDS Hash: da7e1e05582dbf00fe57716442530cc6). Furthermore, the investigation officer needs to identify the case related data, from the computer-generated extracted data, for further investigation and legal proceedings.”

6. The conclusion indicates that Investigation Officer has been called upon to identify the case related data from the computer generated extracted data for further investigation and legal proceedings, which means that the data examined by the FIA Lab *prima facie* needed further investigation and examination to establish its authenticity. The IO present in the Court has also submitted reports along with purported photographs of the applicant to show that he is visible as naked with blasphemous contents printed on his body, but *prima facie* there is no authentic report about these pictures as to whether they are genuine or doctored and whether they have been created by the applicant and he has transmitted these pictures to others. Further, the same pictures have not been subjected to an analysis by a third party to prove their origin or the fact that they are handiwork of the applicant, which means that case against the applicant requires further inquiry.

7. More than that, applicant is in jail for almost two years and still the trial has not completed, all the accused have been granted bail meanwhile except him. The rule of consistency seems to be applicable in this case, hence, the bail application is allowed and applicant is granted bail to the applicant subject to his furnishing a solvent surety in the sum of Rs.200,000/- and P.R bonds in the like amount to the satisfaction of Nazir of this court

The bail application is disposed of in the above terms. Needless to mention here that the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

**J U D G E**

Rafiq/P.A.