

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3044 of 2024

Applicant : Mehboob Khan S/o M. Zaman Khan
through Mr. Abdul Rab Phulpoto,
Advocate

Respondent : For State:
through Ms. Rahat Ahsan, Addl. P.G.

For complainant:
through Mr. Rao Taj Muhammad,
Advocate

Date of hearing : 26.02.2025

Date of order : 26.02.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.1337/2024 for the offence under Section 489-F PPC registered at PS KIA, after his bail plea has been declined by the learned 8th Addl. Sessions Judge, Karachi East vide order dated 21.12.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case by the complainant with malafide intention; that the applicant has no concerned with the alleged offence; that no outstanding liability is against the applicant; that the applicant is in jail and he is no more required for further investigation. Lastly, he prays for grant of post-arrest bail.

4. On the other hand, learned Addl. P.G. as well as learned counsel for the complainant opposes for grant of bail on the ground that the applicant is liable to pay Rs.40 lacs to the complainant.

5. Heard arguments and perused the record.

6. From perusal of record, it reflects that the applicant being PA to CEO Allied Bank Ltd. offered the complainant to invest in Stock Exchange and ensured to return his amount with heavy profit, to which the complainant had given an amount of Rs.40 lacs to the applicant for investment purpose. Thereafter, neither the applicant has given profit amount nor returned his invested amount; however, on the insistence of complainant, the applicant has issued six cheques, out of which two cheques were presented by the complainant but the same became dishonoured due to insufficient funds. Hence, the ingredients of Section 489-F PPC are very much applicable in this case. Further, the applicants knowingly issued the said cheques that he had no sufficient amount; as such, he has also committed offence of cheating and fraud with the complainant. The applicant has also not denied issuance of cheque. Furthermore, on last date of hearing, progress report was called, which is available in the file which reflects that charge has been framed and now the case is fixed for recording evidence of the witnesses. Complainant present in Court undertakes that he will appear before the trial Court on 03.03.2025 alongwith his witnesses for recording the evidence. At bail stage, only tentative assessment is to be made. No malafide or ill-will or enmity has been pleaded by the applicants/accused, which could be the ground for false implication in this case.

7. In view of the above, learned counsel for the applicant has failed to make out a case for grant of bail in subsection 2 of Section 497 Cr.P.C. Resultantly, the instant bail application is **dismissed**.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA