

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.1313 of 2024.

Date	Order with signature of Judges
------	--------------------------------

For hearing of Bail Application.

16.10.2024.

Mr. Ashfaq Ahmed Shah, Advocate along with Applicant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General

Mohammad Karim Khan Agha, J:- Applicant Hafeez ur Rehman was booked in FIR No.46/2024 under Section 489-F PPC registered at PS Boat Basin, Karachi. He applied for pre arrest bail before Court of Additional Sessions Judge-III (South) Karachi which was declined vide order dated 10.05.2024. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant paid an amount of Rs.25-lacs against the construction of a house to the applicant, however, applicant failed to construct the house and when the complainant demanded to return his money back he refused. Ultimately he issued a cheque of Rs.15-lacs to the applicant which when presented at the concerned bank bounced. Hence the aforesaid FIR was lodged against the present applicant.

3. I have heard learned counsel for the applicant and learned Addl. Prosecutor General Sindh, who has opposed the grant of bail.

4. The maximum sentence available for the offence under which the applicant has been charged is 03 years imprisonment and the general rule is that bail should be granted in such like cases unless exceptional circumstances exist. There is no exceptional circumstance existing in this case in order to decline the bail. The case is based on the documentary evidence and the applicant cannot tamper with the same. Charge has already been framed as such the applicant is no longer required for further investigation. The amount involved is relatively minor being Rs.15-lacs.

5. Based on the above discussion I hereby confirm the pre-arrest bail granted earlier on 11.06.2024 to the applicant **Hafeez ur Rehman** on the same terms and conditions.

6. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicant. Learned trial Court shall decide trial expeditiously and no adjournment on any flimsy ground shall be allowed. In the event if the applicant misuses the concession of bail, the complainant shall be free to approach relevant forum for cancellation of his bail. Copy of this order shall be sent to the 6th Judicial Magistrate (South) Karachi for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE

MAK/PS