

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.1525 of 2024.

Date

Order with signature of Judges

For hearing of Bail Application.

18.09.2024.

Mr. Abdul Haleem Jamali, Advocate along with Applicant
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General

Mohammad Karim Khan Agha, J:- Applicant Muhammad Afzal Hussain was booked in FIR No.341/2023 under Section 489-F PPC registered at PS Orangi Town, Karachi. He applied for pre arrest bail before Court of XIth Additional Sessions Judge (West) Karachi which was declined vide order dated 19.04.2024. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant entered into an agreement with the applicant whereby invested an amount of Rs.29,00,000/- and his brother Arif Hussain was the guarantor of the same. Applicant, however, did not pay any profit on his investment as per agreement and issued two cheques which amount to Rs.15-lacs. When the applicant presented these cheques at the concerned bank same were 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.

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. Per learned counsel for the applicant charge is to be on the next date of hearing 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 19.07.2024 to the applicant **Muhammad Afzal Hussain** 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 which shall be decided by the concerned trial Court within 03 months of the date of this order 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 XVIth Judicial Magistrate (West) Karachi for compliance.

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

JUDGE

MAE/PS