

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Crl. Bail Appl. No.1701 of 2024.

Date	Order with Signature of Judge
------	-------------------------------

For hearing of bail application.

16.09.2024.

Applicant present on bail.
Mr. Saleem Akhtar Buriro, Addl. Prosecutor General Sindh.
Mr. Muhammad Aziz Khan, Advocate for Complainant.

The Applicant has been booked in FIR No.315/2022, under sections 489-F, PPC registered at P.S. Gulsitan-e-Jauhar, Karachi. He applied for pre-arrest bail before the Court of VIIIth Additional Sessions Judge Karachi (East) which was declined vide order dated 11.08.2023, hence the applicant has approached this Court for pre-arrest bail.

2. Brief facts of the case as per FIR are that the complainant gave the applicant an amount of Rs.2,65,00000/- for investment in business and he promised to give profit to the complainant. However, he failed to do so and when complainant demanded his money back the applicant issued 08 cheques out of which two cheques one is Rs.50-lac and other was Rs.80-lacs were presented before the concerned bank, same were bounced. Hence the aforesaid FIR lodged against the applicant.

3. I have heard the applicant in person, learned Addl. Prosecutor General Sindh and learned counsel for the Complainant.

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. In this case exceptional circumstances do exist in order to decline the bail. His first bail application bearing No.1859 of 2023 was dismissed because he was already in jail in respect of another cheque which was bounced which lead to an offence u/s.489-F PPC and as such his bail application had become infructuous. CRO of the applicant

reveals that he is involved in at least 07 similar offences u/s. 489-F PPC which indicates that he is habitual offender. Before the trial Court NBWs have been issued for him on 13.08.2024 and notice given to surety due to his failure to attend the court proceedings. Thus based on the particular facts and circumstances the applicant being habitual offender having been sent to jail once for the same offence still not attending the trial Court and abusing the concession of pre-arrest bail, which is extra ordinary relief. Hence his pre-arrest bail granted vide order dated 31.07.2024 is hereby recalled with immediate effect. Applicant present in Court taken into custody.

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

JUDGE

MAK/PS