

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.1734 of 2024.

Date	Order with signature of Judges
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For hearing of Bail Application.

22.10.2024.

Mr. Muhammad Yaseen, Advocate along with Applicant
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General
Complainant Raj Kumar in person.

Mohammad Karim Khan Agha, J:- Applicant Vijay Kumar Dembla was booked in FIR No.56/2024 under Section 489-F/34 PPC registered at PS Artillery Maidan, Karachi. He applied for pre arrest bail before the Court of VIIIth Additional Sessions Judge (South) Karachi which was declined vide order dated 02.08.2024. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant is a Marketing Manager at State Life Insurance Corporation and he lent an amount of Rs.80,00,000/- to his three friends including the applicant who promised to return the same once they received their Insurance Policy from State Life Insurance Corporation, however, when the complainant demanded to return his money applicant refused the same instead issued various cheques amounting to Rs.80-lacs which when presented before the concerned bank bounced. Hence the aforesaid FIR was lodged against the present applicant.

3. I have heard learned counsel for the applicant. Learned Addl. Prosecutor General Sindh and complainant Raj Kumar in person have vehemently 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 which

cannot be tampered with by the applicant. Charge has been framed as such the applicant is no longer required for further investigation.

5. Based on the above discussion I hereby confirm the pre-arrest bail granted earlier on 05.08.2024 to the applicant **Vijay Kumar Dembla** 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 Judicial Magistrate-XIV (South) Karachi for compliance.

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

JUDGE

MAK/PS