

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.1985 of 2024.

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

13.11.2024.

Ms. Kulsoom Khan Jadon, Advocate along with Applicant
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General along with
complainant in person.

Mohammad Karim Khan Agha, J:- Applicant Raheel Asif was booked in FIR No.357 of 2024 under Section 420/406/34 PPC registered at PS Gizri, Karachi. He applied for pre arrest bail before the Court of Additional Sessions Judge-VI (South) Karachi which was declined vide order dated 16.08.2024. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant gave her car for repair to Imran who arranged to sell the car on her behalf. Imran sent some of the money to her but not the entire amount. Applicant came to know that Raheel Asif bought the car from Imran and Saqib and the entire amount of money has still not been paid to the complainant despite the subject car still being in her name. Hence the instant FIR lodged against the applicant and other co-accused.

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

4. The maximum sentence available for the offence under which the applicant has been charged is 07 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 in particular the car ownership book which cannot be tampered with by the applicant. As per learned counsel for the applicant challan has been submitted and the charge is about to be framed. As such

the applicant is no longer required for investigation. The amount of money involved is also not huge.

5. Based on the above discussion I hereby confirm the pre-arrest bail granted earlier on 03.09.2024 to the applicant **Raheel Asif** 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 is directed to decide the trial 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 1st Judicial Magistrate (South) Karachi for compliance.

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

JUDGE

MAK/PS