

ORDER SHEET
IN THE HIGH COURT OF SINDH, AT KARACHI.

Criminal Bail Application No.2088 of 2023

Date

Order with signature of Judge

For hearing of bail application.

10.01.2024.

Mr. Badrul Alam, Advocate for the applicant.

Mr. Ali Haider Kamran, Advocate for the complainant.

Mr. Muhammad Iqbal Awan, Additional Prosecutor General
Sindh.

MOHAMMAD KARIM KHAN AGHA, J:- The Applicant Ishtiaq Ahmed Sharif S/o. Khurshid Ahmed Sharif is being proceeded before the VIIth Judicial Magistrate Karachi (South) in respect of Crime No.16/2023, U/s.406, 420, 34 PPC registered at P.S. Boat Basin, Karachi. He applied for pre-arrest bail before the District & Sessions Judge Karachi (South) which was declined vide order dated 04.09.2023.

2. The allegations leveled by the complainant mentioned in FIR are that complainant through his brother-in-law met with applicant/accused and after discussion, it decided that complainant will give amount of Rs.10,00,000/- to 12,00,000/- and applicant/accused would pay Rs.3,00,000/- to 4,00,000/- per month and on 18.10.2022 applicant/accused called the complainant at South City Hospital, Clifton Block-III, Karachi hence complainant along with his employee Feroz Khan S/o. Muhammad Ameen went there and gave cash of Rs.10,00,000/- and on direction of applicant/accused amount of Rs.200,000/- was transferred by the complainant to the partner of applicant/accused through his brother in law. The discussion between the parties for about 2/3 months were made but thereafter accused persons stopped contacting and switched off their mobile phones, hence present FIR.

3. I have heard learned counsel for the parties and perused the record. It is apparent that the offences both fall within the non-prohibitory clause

which carries a sentence of less than 10 years each. As a general rule in such like cases bail is to be granted unless exceptional circumstances are made out. In this case when confronted that what were the exceptional circumstances, learned Additional Prosecutor General and learned counsel for the complainant have not been able to point out any exceptional circumstances. The applicant has now joined the trial. The amount involved is relatively minor being only Rs.10,00,000/-. Based upon the above discussion, I find that the applicant has made out the case of pre-arrest bail and as such his pre-arrest bail is confirmed on the same terms and conditions. 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 based on the evidence placed before it.

4. This bail application stands disposed of.

JUDGE

M. Arif