

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

Criminal Bail Application No.2608 of 2023

Date	Order with signature of Judge
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For hearing of bail application.

22.01.2024.

Mr. Muhammad Nasim Shah, Advocate for the applicant.
Mr. Sawan Meghwar, Advocate for the complainant.
Mr. Abrar Ali Khichi, Additional Prosecutor General.

MOHAMMAD KARIM KHAN AGHA, J:- The Applicant Muhammad Yaseen S/o. Muhammad Haroon is facing trial before the XVIIth Judicial Magistrate Karachi Central in respect of FIR No.410/2022 U/s. 406/420/34 PPC registered at P.S. Haideri, Karachi. The applicant applied for pre-arrest bail before the VIth Additional Sessions Judge Karachi Central which was declined vide order dated 10.11.2023, hence the applicant has approached this Court for pre-arrest bail.

2. The brief facts of the case are that Muhammad Yaseen started a Committee whereby others members contributed funds in order to see a return after given period of time. There were 27 members of the Committee. According to the complainant he paid Rs.52,00,000/- into the Committee fund but the applicant did not return the same, hence the aforesaid FIR has been lodged against the applicant.

3. I have heard learned counsel for the applicant, learned counsel for the complainant as well as learned Additional Prosecutor General Sindh and perused the record.

4. All the offences for which the applicant has been charged carry maximum sentence of 07 years imprisonment and in such cases the general rules is that bail should be granted unless some exceptional circumstances exist to decline the bail. In this case I have not seen any exceptional circumstances. The case is largely based on documentary

evidence which cannot be tampered with by the applicant. The applicant is no longer wanted for inquiry purposes. The amount involved is only Rs.52,00,000/-. Under these circumstances the pre-arrest bail granted earlier to the applicant Muhammad Yaseen S/o. Muhammad Haroon by this Court 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 of the outcome of the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it. The trial court is directed to complete the trial within 03 months of the date of this order. A copy of this order shall be sent to XVIIth Judicial Magistrate Karachi Central for compliance.

5. This pre-arrest bail application is disposed of in the above terms.

JUDGE

M. Arif