

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

**Criminal Bail Application No.2717 of 2023**

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

**12.01.2024.**

Mr. Muhammad Riaz, Advocate for the applicant.  
Mr. Muhammad Iqbal Awan, Additional Prosecutor General.  
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**MOHAMMAD KARIM KHAN AGHA, J:-** The Applicant Zain S/o. Muhammad Usman is facing trial before the Xth Judicial Magistrate Karachi (Central) in respect of Crime No.567/2023, U/s. 489-F/420 PPC, registered at P.S. Sir Syed, Karachi. The applicant had applied for post-arrest bail, however, his application was declined by the Court of Vth Additional Sessions Judge Karachi (Central) vide order dated 21.11.2023, hence he has now approached this Court for post-arrest bail.

2. The brief facts of the case are that the applicant issued 03 cheques amounting to Rs.240,000/- and when these cheques were presented before the concerned Bank the cheques bounced, hence the aforesaid FIR was registered against the applicant.

3. I have heard learned counsel for the applicant and the learned Additional Prosecutor General Sindh and considered the record.

4. It is noted that the offence under section 489-F carries maximum sentence of 03 years. The general rule in such like cases is that bail should be granted unless there are exceptional circumstances for declining the bail. When confronted by this Court, learned Additional Prosecutor General could not point out any exceptional circumstance to deny the bail to the applicant. The complainant remained absent. The service on the complainant has been held good. The amount involved is relatively small being Rs.240,000/- and the evidence is documentary in nature which cannot be interfered with by the applicant. The applicant is already

behind bars for 03 months and the charge has not yet been framed. The applicant is also no longer required for investigation. Under these circumstances post-arrest bail is granted to the applicant Zain S/o. Muhammad Usman subject to him furnishing solvent surety in the amount of Rs.100,000/- (Rupees one lac only) and P.R. Bond in the like amount to the satisfaction of the Nazir of this Court. 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.

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

JUDGE

*M. Arif*