

THE HIGH COURT OF SINDH KARACHI

Criminal Bail Application No.1323 of 2025

Applicant/ Accused : Syed Muhammad Mehdi Abidi son of Syed Muhammad Abidi, through Muhammad Kamal Khan, Advocate.

Complainant : Khalid Mehmood son of Muhammad Yousuf through Mr. Waseem Zafar, Advocate.

The State : Through Mr. Qamaruddin Nohri, Deputy Prosecutor General, Sindh.

Date of hearing : 04-06-2025

Date of order : 05-06-2025

FIR No. 274/2024
U/S: 489-F PPC
P.S. Garden

ORDER

Muhammad Hasan (Akber) I. - The Applicant/ Accused seeks post-arrest bail in the aforesaid crime after the same was declined by IXth Additional Sessions Judge, Karachi (South) by an order dated 17.05.2025.

2. As per the FIR, lodged on 11.11.2024, the complainant is a friend of the applicant and sold his car No.BQW-562, Toyota Corolla, Model, 2019, to him in the sum of Rs.5,050,000/-, on that the applicant/accused paid Rs.300,000/- cash and issued one cheque bearing No.10264993 of Bank Al-Habib Limited, Gulshan-e-Iqbal, Block branch, Karachi of remaining balance amount of Rs.4,750,000/- for 03.04.2024. After depositing the cheque, the same was dishonored. The complainant asked about dishonoring of the cheque to the applicant/accused but in vain and he remained out of contact from the complainant.

3. Learned counsel for the Applicant submits that the Applicant is a friend of the complainant and the FIR is registered with the delay of seven months. He further submits that the another FIR bearing No.190/2024 under Section 408, 420, 468, 471 registered at PS North Nazimabad against the present complainant for the same car in which

the complainant has described that the present complainant was his servant and has fraudulently sold out his car to Khalid Mehmood (the complainant) in the sum of Rs.4,300,000/- through Sale Agreement. Learned counsel for the applicant/accused lastly prayed for grant of post-arrest bail.

4. Learned counsel for the complainant as well as learned Deputy Prosecutor General, Sindh opposed for grant of bail.

5. Heard and perused the record.

6. The cheque in question is dated 03.04.2024, but it was apparently presented to the Bank on 03.04.2024, whereas the FIR was lodged on 11.11.2024. The delay in presenting the cheque, and then the delay in lodging the FIR are thus far unexplained and raise questions as to the actual transaction between the parties. The cheque though crossed is not made payable to any person, but is a cheque for cash. Admittedly, there is no direct transaction between the Applicant and the Complainant. In the circumstances discussed, the case is clearly one of further inquiry into the guilt of the Applicant/Accused. The offence alleged also does not fall within the prohibitory clause of Section 497 Cr.P.C.

7. In view of the foregoing, this Criminal Bail Application was granted vide my short order dated 04.06.2025 and these are the reasons for the same.

8. Needless to state that observations herein are tentative and nothing herein shall be construed to prejudice the case of either side at trial.

JUDGE

HYDER/PS