

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**Cr. Bail Appl. No.1815 of 2023**

Date

Order with signature of Judges

For hearing of Bail Application

**03.04.2024.**

Mr. M. R. Sethi, advocate along with applicant.

Mr. Mumtaz Ali Shah, Asstt. Prosecutor General Sindh.

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***Mohammad Karim Khan Agha, J.*** Applicant Abdul Razzak is facing trial before the XIIIth Additional Sessions Judge (East) Karachi in respect of FIR No.131 of 2023 of PS Jamshed Quarters, Karachi lodged under Section 381/34 r/w Section 420/468 PPC. He applied for pre-arrest bail which was declined vide order dated 15.08.2023 by the Additional Sessions Judge-XIII (East) Karachi. Hence, the applicant has approached this Court for pre-arrest bail.

2. Brief facts of the case are that the complainant holds Power of Attorney of Dr. Zakir Hussain Khan who lives at House No.E-17/4, Jahangir Road, Karachi and now a days resides in New York and one Malik Muhammad Ramzan was appointed as his caretaker. Dr. Zakir Hussain Khan gave the caretaker three cheques books which were unsigned for the use if needed. On 16.03.2023 at 1100 hours the complainant was in the City Court when he was informed by HBL that the applicant had presented cheque for clearing which was bounced by the concerned bank. Hence the aforesaid FIR was lodged under Section 381 PPC although as noted above the applicant has been charged under Section 468 PPC.

3. I have heard the learned counsel for the parties and learned Addl. Prosecutor General Sindh.

4. It is an admitted position that offence under Section 468 PPC carries maximum sentence of 07 years imprisonment and in such like cases the general rule is that bail should be granted unless exceptional circumstance exist which justify the refusal of bail. In this case no exceptional circumstance exist. The case revolves around documentary evidence as such there is no chance for the applicant to tamper with the

evidence. The charge has been framed and evidence of one PW has already been recorded. As such the applicant is no longer required for investigation.

5. Based on the above discussion, pre-arrest bail granted to the applicant Abdul Razzak by this Court on 17.08.2023 is hereby confirmed on the same terms and conditions.

6. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed to decide the case expeditiously. Copy of this order shall be sent to the concerned trial Court for compliance.

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

JUDGE