

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.2318 of 2023

Date

Order with signature of Judges

For hearing of bail application.

20.02.2024.

Mr. Irfan Ahmed Narejo, Advocate for Applicant.

Mr. Abrar Ali Khichi, Addl. Prosecutor General Sindh.

Mohammad Karim Khan Agha, J. Applicant Muhammad Momin is facing trial in respect of FIR No.610 of 2022 of PS Mobina Town, Karachi lodged under Section 489-F PPC. He applied for post arrest bail which was declined vide order dated 08.09.2023 by XII-Additional Sessions Judge (East) Karachi. Hence, the applicant has approached this Court for post arrest bail.

2. Brief facts of the case as per FIR are that the Construction Contractor Mohammad Mohsin and Mohammad Momin issued various cheques to the complainant. Applicant Muhammad Momin has issued a cheque of Rs.55,00,000/- to the complainant in respect of some payment, however, when the same was deposited before the concerned bank such cheque was bounced hence the FIR was lodged against the applicant under Section 489-F Cr.PC.

3. I have heard the learned counsel for the parties and perused the record.

4. It is an admitted position that offence under Section 489-F PPC carries maximum sentence of 03 years imprisonment and in such like cases the general rule is that bail should be granted unless exceptional circumstance exists which justify the refusal of bail. In this case no exceptional circumstance exists. The case also revolves around documentary evidence as such there is no chance for the applicant to tamper with the evidence. 04 PWs out of 08 PWs have been examined and as such the trial will not be completed in near future. Applicant is also no longer required for investigation. Applicant has already been in custody for the last 07 months.

5. Based on the above discussion, I find that the applicant has made out a case for post arrest bail as such the applicant **Muhammad Momin son of Shahzad Muhammad Sadiq** is hereby granted post arrest bail subject to furnishing solvent surety in the sum of Rs.5,00,000/- (Rupees Five Lacs) and P.R. bond in the like amount to the satisfaction of the trial Court.

6. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed and decide the case on merits within three (03) months of the date of this order. Copy of this order shall be sent to Additional Sessions Judge-XII (East) Karachi for compliance.

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

JUDGE