

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.2712 of 2023

Date

Order with signature of Judges

For hearing of Bail Application

10.01.2024.

Mr. Irshad Ahmed Chachar, Advocate alongwith Applicants
Mr. Muhammad Iqbal Awan, Special Prosecutor ANF.

Mohammad Karim Khan Agha, J. Applicant Tariq Mehmood Sajid is facing trial in the Court of VII Judicial Magistrate (Malir) Karachi in respect of FIR No.278 of 2023 of PS Steel Town, Karachi. He was granted interim pre-arrest bail by Additional Sessions Judge-III/Model Criminal Trial Court subject to furnishing the solvent surety in the sum of Rs.1,00,000/- (Rupees One Lac). However, the applicant was unable to furnish the surety amount i.e. Rs.1,00,000/- hence vide order dated 08.11.2023 his pre-arrest bail was recalled. He has now approached this Court for the grant of pre-arrest bail.

2. Brief facts of the case are that the applicant Tariq Mehmood purchased a motor vehicle from the complainant party in consideration of Rs.38,50,000/-. Applicant after making an initial payment of Rs.3,75,000/- issued a cheques of balance amount Rs.24,75,000/- to the complainant for the purchase of Car which 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 applicant and learned Addl. Prosecutor General Sindh.

4. It is an admitted position that under Section 489-F Cr.PC carries maximum sentence of 03 years in jail and the general rule in such likes cases bail should be granted unless exceptional circumstances are made out. In this case learned Additional Prosecutor General, Sindh has not been pointed out any exceptional circumstances. The amount involved is relatively a meager being around rupees twenty five lacs (Rs.2500000/=) and according to the learned counsel for the applicant the applicant and complainant are attempting to

compromise this matter. Furthermore all the evidence is documentary and cannot be interfered with.

5. Based on the above discussion, I find that the applicant has made a case for pre-arrest bail as such his pre-arrest bail is confirmed on the same terms and conditions. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed and decide the same within three (03) months of the date of this order.

JUDGE