

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**Cr. Bail Appl. No.2911 of 2023**

Date

Order with signature of Judges

For hearing of Bail Application

**05.04.2024.**

Mr. Aziz Lakhani, advocate along with applicant.

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

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***Mohammad Karim Khan Agha, J.*** Applicant Dawood Khan is facing trial before the 14<sup>th</sup> Judicial Magistrate (West) Karachi in respect of FIR No.565 of 2018 of PS Surjani Town, Karachi lodged under Section 489-F PPC. He applied for pre-arrest bail which was declined vide order dated 12.12.2024 by 1<sup>st</sup> Additional Sessions Judge (West) Karachi. Hence, the applicant has approached this Court for pre-arrest bail.

2. Brief facts of the case are that the complainant is working in Zong Franchise Company and the applicant along with other 03 co-accused were working there as Sales Officers. The applicant with other co-accused used an amount which was given to them by the company and in return they gave cheques for returning the same which they had taken. The cheque of the applicant approximately Rs.1,40,000/- presented to the concerned bank but the same was dishonored. Hence the aforesaid 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. The offence under Section 489-F PPC carries maximum sentence of 03 years in jail 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 circumstances exist. The amount involved is relatively minor. The case revolves around documentary evidence as such there is no chance for the applicant to tamper with the evidence. Charge has been framed as such the applicant is no longer required for investigation.

5. Based on the above discussion, I find that the applicant has made out a case for pre-arrest bail as such his pre-arrest bail granted earlier by this Court on 26.12.2023 is 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 same on merits expeditiously. Copy of this order shall be sent to 14<sup>th</sup> Judicial Magistrate (West) Karachi for compliance.

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

JUDGE