

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.2666 of 2023

Date

Order with signature of Judges

For hearing of Bail Application

22.02.2024.

Applicant present on bail.

Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh
PI Momin Ali Mirza, PS KIA, SIP Muhammad Naeem and ASI
Zameer, PS Awami Colony, Karachi

Mohammad Karim Khan Agha, J. Applicant Muhammad Hussain is facing trial before V-Additional Sessions Judge (East) Karachi in respect of FIR No.582 of 2023 of PS Awami Colony, Karachi lodged under Section 408/34 PPC. He applied for pre-arrest bail which was declined vide order dated 11.11.2023 by the VI-Additional Sessions Judge (East) Karachi. Hence, the applicant has approached this Court for pre-arrest bail.

2. Brief facts of the case as per FIR are that the applicant is one of the employees working in the company wherein complainant was also working as City Officer, who with another co-accused embezzled an amount approximately rupees twenty lacs. Hence the aforesaid FIR was lodged against the applicant.

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

4. The offence under which the applicant has been charged carries maximum sentence of 07 years in jail and in such likes 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 amount involved is not huge. The case also revolves around documentary evidence as such there is no chance for the applicant to tamper with the evidence. The applicant is also 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 22.11.2023 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 and decide the case on merits within three (02) months of the date of this order. Copy of this order shall be sent to Additional Sessions Judge-V Karachi-East for compliance.

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

JUDGE