

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Bail Application No.29 of 2021**

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*Date* *Order with signature of Judge*

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*For hearing of Bail Application.*

**11.08.2021**

Mr. Tausif Abro, Advocate along with Applicants (on bail).  
Ms. Rahat Ehsan, Addl. Prosecutor General, Sindh.

**ORDER**

**Muhammad Saleem Jessar, J:-** Through this application, applicants Ali Murad and Adeel Murad seek their admission on pre-arrest bail in Crime No.359/2020 of Police Frere, Karachi, under Section 489-F/420 PPC. The bail plea preferred by the applicants before first forum was declined by means of order dated 02.01.2021, hence this bail application.

Since the facts of the prosecution case are already mentioned in the impugned order as well as FIR, which are annexed with Court file, therefore, there is no need to reproduce the same.

The complainant, despite of notice, has chosen to remain absent.

**Heard arguments and perused record.** Admittedly, the amount in this case as per disputed cheque is Rs.400,000/-; besides, the offence with which applicants have been charged, carries maximum punishment upto three years. Moreover, the case has been challaned by the police which is now pending for trial before the Court of Judicial Magistrate-XXIII, Karachi (South) where the accused has been appearing regularly. In the circumstances and in view of dicta laid down by the Honourable Supreme Court of Pakistan in case of *TANVEER Versus The STATE and another (PLD 2017 SC 733)*, case against applicants requires further inquiry within the meaning of sub-section 2 to section 497 Cr.P.C. Accordingly, instant bail application is hereby allowed; interim bail granted earlier to applicants **(i) Ali Murad son of Muhammad Hassan and (ii) Adeel Murad son of Ali Murad** on 08.01.2021 is hereby confirmed on same terms and conditions.

Before parting with this order; however, it is clarified that the reasoning given in this order are tentative in nature and will have no effect whatsoever in any manner upon the merits of the case.

Applicants present before the Court are directed to continue their appearance before the trial Court without negligence and in case they may misuse the concession or may temper with the prosecution's evidence then the trial Court is competent to take legal action against them as well to their surety in terms of Section 514 Cr.PC. Trial Court is also hereby directed to make necessary arrangements for securing attendance of the prosecution witnesses and conclude the trial within shortest possible time under intimation to this Court through MIT-II.

Let copy of this Order be communicated to trial Court through learned Sessions Judge, concerned. Learned MIT-II to ensure compliance.

*JUDGE*

Zulfiqar/P.A