ORDER SHEET IN THE HIGH COURT OF SINDH, AT KARACHI Cr.Bail Apln No.1570 of 2020

Date

Order with signature(s) of Judge(s)

For hearing of bail application

18.05.2021

Mr. Munawar Ali Memon, Advocate for the applicant a/w applicant

Mr. Nasrullah Korai, Advocate for the complainant

Ms. Rubina Qadir, APG for the State

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The applicant has filed this application for pre-arrest bail in respect of FIR No.498/2020 registered u/s 489-F/420/34 PPC at PS Ferozabad, Karachi. There was a transaction of sale and purchase of a vehicle between the applicant and the complainant in the sum of Rs.29,00,000/-, documents of which were found fake, subsequently as alleged. The complainant returned the vehicle to the applicant and claimed the paid amount. It appears that certain cheques were issued out of which Rs.12,00,000/- were received by the complainant. The rest of the amount was payable and the payment was ensured through cheques.

It is the case of the applicant that under pressure certain payments were received from the office of the applicant though the cheques were not returned to the applicant and now the enhanced value of the vehicle is being claimed on account of insurance and tracker facility being added value of the vehicle. It is claimed that it is the case of further inquiry and the FIR is also delayed by more than two weeks.

I have heard learned counsel for the applicant as well as for the complainant and perused the available record.

The subject FIR registered u/s 489-F PPC is lodged at PS Ferozabad wherein an additional amount towards insurance and tracker facility is being claimed. The amount of the bounced cheques was Rs.17,00,000/- out of total amount of Rs.29,00,000/- thus repayment of Rs.12,00,000/- is

admitted. The maximum sentence u/s 489-F PPC is 3 years. Apparently, the case does not fall within prohibitory clause. The challan has already been submitted and the applicant is not required for any further investigation as per statement of learned APG. The trial has already commenced and the applicant is regularly attending the same whereas, witnesses of the complainant are not attending the trial. The applicant has made out a case of harassment at the hands of complainant as despite his co-operation with the prosecution/I.O, who had already submitted challans, the trail has not commenced.

Reliance is placed on the case of Riaz Jafar Natiq v. Muhammad Nadeem Dar and others [2011 SCMR 1708] and Abdul Ghafoor Gondal v. The State through PG Punjab and another [2020 SCMR 861].

In view of the above, the ad-interim pre-arrest bail granted to the applicant vide order dated 15.10.2020 is confirmed on the same terms.

JUDGE