

IN THE HIGH COURT OF SINDH, AT KARACHI
Cr. Bail Application No. 1283 of 2021

Applicant : Syed Arsalan Ashraf s/o Syed Makhdoom Ashraf, through Mr. Muhammad Ghaffar Khan Kakar, advocate

Respondent : The State, through Ms. Rahat Ehsan, Additional Prosecutor General.

Complainant : Muhammad Yousuf s/o. Shah Muhammad Khan (*nemo*)

Date of hearing : 30.05.2022

Date of order : 30.05.2022

ORDER

ZAFAR AHMED RAJPUT, J:- Through instant Cr. Bail Application, applicant/accused Syed Arsalan Ashraf s/o Syed Makhdoom Ashraf seeks pre-arrest bail in Crime No. 321 of 2021 registered under Section 406, 489-F, 34 P.P.C. at P.S. Boat Basin, Karachi. His earlier application for the same relief bearing No. 1838 of 2021 was heard and dismissed by the learned IIIrd Additional Sessions Judge, Karachi-South, vide order dated 28.06.2021. He was admitted to interim bail by this Court vide order dated 06.07. 2021. Now the matter is fixed for confirmation or otherwise.

2. It is alleged that applicant and co-accused Moiz Munir issued two cheques to the complainant amounting to Rs.500,000.00 each, which were dishonoured by the bank on being presented on 16.02.2021.

3. It is contended by the learned counsel that the applicant is innocent and has been falsely implicated in this case; that co-accused Moiz Munir has already been granted post arrest bail by the trial Court i.e. learned VIIth Judicial Magistrate, Karachi-South vide order, dated 27.05.2021; hence rule of consistency attracts in the instant case, entitling the applicant to the concession of bail.

4. Learned Addl. P.G. states that the co-accused Moiz Munir was granted bail subject to furnishing surety in the sum of Rs.1,000,000/- i.e. equivalent amount of the alleged cheques and she records her no objection for the grant of this application provided the applicant furnishes additional surety equal to the alleged cheque amount.

5. Heard the learned counsel for the applicant, Additional Prosecutor General and also perused the material available on record.

6. The offence under section 489-F, P.P.C. is though non-bailable but does not fall within the prohibitory clause of section 497 Cr.P.C. The interest of the complainant would be secured if the surety amount is enhanced equivalent to the amount of alleged cheque; hence, the interim bail already granted to the applicant is confirmed subject to his furnishing additional surety for an amount of Rs.950,000.00 with the Nazir of this Court within one month hereof. In case the applicant fails to furnish additional surety within the stipulated period, this Cr. Bail Application shall automatically stand dismissed.

Cr. Bail Application stands disposed of.

JUDGE

Athar Zai