

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Bail Application No.597 of 2022**

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*Date* *Order with signature of Judge*

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*For hearing of Bail Application.*

**27.07.2022**

Mr. Abdul Ghaffar Kalwar, Advocate along with Applicant (on bail).  
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General, Sindh.  
Mr. Muhammad Qayoom Qadri, Advocate for the Complainant.

**ORDER**

**Muhammad Saleem Jessar, J:-** Through this application, applicant Anas Ahmed seeks his admission on pre-arrest bail in Crime No.161/2022 of Police Station Liaquatabad, Karachi, under Section 489-F PPC. The applicant preferred his anticipatory bail before the Court of Sessions wherefrom it was assigned to 5<sup>th</sup> Addl. Sessions Judge, Karachi (Central) who after hearing the parties, has turned down his request in terms of his order dated 26.03.2022; hence, instant bail application has been maintained.

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

3. Learned counsel for the applicant submits that the case has been challaned and the applicant has joined trial proceedings. Next submits that amount involved in this case is Rs.600,000/- which is meager one; besides, the prosecution evidence is based upon documents which are in custody of the prosecution itself, therefore, case against applicant requires further inquiry and prays for grant of bail.

4. Learned Addl. P.G, Sindh, appearing for the State, submits that entire prosecution evidence is in shape of documents which are in custody of the prosecution itself and the offence with which applicant stands charged, carries maximum punishment up to three years and does not exceed the limits of prohibitory clause of section 497 Cr.P.C; hence, he has no objection.

5. Learned counsel for the complainant, opposes the bail application on the ground that cheque issued by the applicant was dishonoured and thereby he has usurped the amount of the complainant; hence, he opposes the bail application.

6. **Heard arguments and perused record.** Admittedly, the incident, as shown, occurred on 29.01.2022 and the report thereof was lodged on 16.03.2022 i.e. with delay of about one month and 17 days though the distance between police station and place of incident is only 2.5 kilometers. The case has been challaned and applicant has joined trial proceedings; besides, the offence with which applicant stands charged, carries maximum punishment of three years, which does not fall within the prohibitory clause of section 497 Cr.P.C. Entire evidence of the prosecution is in shape of documents which are in custody of prosecution itself, therefore, question of its tampering or otherwise, does not arise. In the circumstances, I am of the view that case against applicant requires further inquiry within the meaning of subsection 2 to section 497 Cr.P.C. Consequently, instant bail application is hereby allowed; interim bail granted earlier to applicant **Anas Ahmed son of Hussain Ahmed** on 29.03.2022 is hereby confirmed on same terms and conditions.

7. 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.

8. Applicant present before the Court is directed to continue his appearance before the trial Court without negligence and in case he may misuse the concession or may temper with the prosecution's evidence then the trial Court is competent to take legal action against him as well to his surety in terms of Section 514 Cr.P.C. 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.

9. 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