

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 22 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

01-03-2023

Mr. Shaharyar Akbar Bhanbhro, Advocate for applicant.
Mr. Muhammad Nawaz Chandio, Advocate a/w complainant.
Mr. Faheem Ahmed Panhwar, Addl.P.G.

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Omar Sial, J: Mohammad Farooq Memon has sought post arrest bail in crime number 1515 of 2022 registered under section 489-F P.P.C. at the SITE police station. Earlier, his application seeking bail was dismissed on 13.12.2022 by the learned 1st Additional Sessions Judge, Malir, Karachi.

2. Irfan Khan lodged the aforementioned F.I.R. on 29.10.2022 reporting an offence that had been committed on 19.09.2022. He recorded that he had supplied fruit to the applicant from time to time for an aggregate value of Rs. 13,500,000 for which the applicant gave him a cheque which bounced upon presentation.

3. I have heard the learned counsel for the applicant as well as the complainant and the learned Addl.P.G. My observations and findings are as follows.

4. The learned counsel for the applicant has informed me that the applicant has been in custody for 5 months already. This has not been controverted by the learned counsel for the complainant or the learned Addl.P.G. An offence under section 489-F P.P.C. carries a potential sentence of up to 3 years. The trial is nowhere near conclusion and it appears that the applicant would have served out his sentence before the conclusion of the trial. This fact in addition to the fact that there appears to be no evidence of the business dealings between the parties shown to me, tilts the balance for grant of bail in his favor. The offence complained of, though

non-bailable, falls within the non-prohibitory clause of section 497 Cr.P.C. Keeping the principles enunciated in Tariq Bashir and 5 others vs The State (PLD 1995 SC 34) in mind, I do not find any exceptional or extraordinary reasons to deny the applicant bail. Investigation is complete. Evidence is all with the prosecution. There seems to be no probability of the applicant tampering with the evidence and his being a flight risk has not been agitated by the State or the counsel for the complainant.

5. Above are the reasons for the short order dated 27-02-2023.

JUDGE