

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**  
 Crl. Bail Application No. 1432 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGES
------	--------------------------------

For hearing of bail application.

**06-11-2023**

Mr. S. M. Nehal Hashmi, Advocate for the applicant  
 Mr. Arsalan Raja Advocate for the complainant  
 Mr. Muhammad Iqbal Awan, Additional Prosecutor General for the State

=====

**Omar Sial, J:** Applicant Kazim Ali son of Tufail Ahmed, has sought pre-arrest bail in crime number 282 of 2023 registered under section 489-F and 420 P.P.C. at the Darakhshan police station. Earlier, his application seeking bail was dismissed on 22.06.2023 by the learned 11<sup>th</sup> Additional Sessions Judge, Karachi-South.

2. A background to the case is that the F.I.R. above was registered on 10.06.2023 on the complaint of one Muhammad Fayyaz Nagori, who reported that Shariq Ali is running a real estate business in the name of STANABL Builders in Bahria Town, Karachi. He entered into a Sale Agreement for the purchase of Plot No.4, Pricent, 36 Rad, No.3 with Shariq, the said plot was owned by Shariq's father Kazim. Fayyaz paid cash Rs.50,00,000/- and remaining Rs.10,00,000/- were transferred in the account of Kazim from the account of Parkash, who is a friend of Fayyaz. After the lapse of sufficient time, when Shariq failed to transfer the plot in the name of Fayyaz, Fayyaz approached Shariq and he gave 6 cheques amounting Rs.25,00,000/- each, all the cheques bounced on presentation. After that, when the complainant contacted Shariq, he came to know that he has gone to Dubai.

3. I have heard the learned counsel for the applicant, the learned Additional Prosecutor General for the State as well as learned counsel for the Complainant and perused the police file.

4. It appears from perusal of copy of sale agreement as well as copies of cheques available on record that neither the applicant entered into agreement with the complainant nor were the cheques issued by him. Learned counsel for the Complainant also admits this position. At present the only allegation against the present applicant is of cheating punishable under Section 420 PPC which is bailable.

5. Offence under sections 489-F P.P.C., though not bailable, carry a potential sentence of up to three years and thus fall within the non-prohibitory clause of section 497 Cr.P.C. In view of the principles enunciated in Tariq Bashir and 5 others vs The State (PLD 1995 SC 34), I do not find any exceptional or extraordinary grounds to deny the applicant bail as there are no allegations against the applicant that bounced cheques were issued by him.

6. Given the above, the interim pre-arrest bail granted to the applicant is confirmed on the same terms and conditions.

JUDGE