

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Criminal Bail Application No.1219 of 2023

Date	Order with signature of Judge
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For hearing of bail application

21.9.2023

Mr. Zulfiqar Ali Khan Jalbani advocate for the applicant alongwith applicant

Mr. Muntazir Mehdi, Additional PG

Imamuddin complainant present in person

The applicant / accused Abdul Ghani has been booked in Crime No.44/2023, registered against him on 11.1.2023 at PS Sachal, Malir Karachi under Section 406 PPC.

2. Briefly the charge against the applicant is that he cheated the complainant of Rs.700,000/- and failed to hand over the original file of the Mehran Car bearing No.BGQ-081, Model 2016 white colour. Such a report of the incident was given to the Sachal Police Station, who registered the FIR No.44/2023 under Section 406 PPC against the applicant.

3. At the very outset, the complainant, who is present in person, agreed to the disposal of this bail application on the terms that his grievance shall be redressed sooner or later as such he has no objection, if the interim bail granted to the applicant vide order dated 07.6.2022 is confirmed. In such a situation, learned counsel for the applicant prays for confirmation of the interim bail granted to the applicant vide order dated 07.6.2022.

4. Without prejudice to the right of the parties at trial, learned APG has endorsed the point of view of the learned counsel for the applicant and complainant.

5. I have heard the learned counsel for the parties and have perused the material available on record.

6. Prima facie, there is an admitted delay of about two and half years in lodging the subject FIR against the applicant and the investigation into the subject crime has been completed, besides offence under Section 406 PPC does not fall within the prohibition contained in clause of Section 497 Cr.P.C. Keeping in view the consensus arrived between the parties, this Court is of the tentative view that the applicant has been attending the trial Court and the matter is likely to be settled by the parties, therefore,

no fruitful purpose will be served to send the applicant behind the bars at this stage when the parties have buried the hatchet as per their statement as such the interim bail granted to the applicant vide order dated 07.6.2022 is hereby confirmed on the same terms and conditions.

7. It is made clear that nothing stated or observed while deciding the instant bail application shall be tantamount to expression on the merits of the case. However, the learned trial Court is directed to conclude the trial of the case within one month after receipt of this order.

8. This bail application stands disposed of.

JUDGE

Zahid/*
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