

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 873 of 2024

<i>Date</i>	<i>Order with Signature of Judge</i>
Applicant:	Tahir Raheem son of Abdul Raheem (on bail), through Mr. Ch. Khalid Rahim, Advocate.
The State:	Through Ms. Seema Zaidi, Addl. Prosecutor General, Sindh.
Complainant:	Noor Ahmed, through Mr. Haseebullah Panhwar, Advocate.
Date of hearing:	31.05.2024.
Date of order:	31.05.2024.

ORDER

Muhammad Saleem Jessar, J:- Through this application, applicant Tahir Raheem seeks his admission on pre-arrest bail in Crime No. 566/2024 of Police Station Sachal, Karachi, under Section 489-F PPC. The applicant preferred his anticipatory bail before the Court of Sessions, which was assigned to 8th Addl. Sessions Judge, Malir Karachi, who after hearing the parties, has turned down his request through order dated 18.04.2024. 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 as per FIR, the incident had occurred on 20.12.2023; whereas, report thereof, was lodged on 28.03.2024 i.e. with a delay of about more than three months, and no plausible explanation has been furnished by the prosecution for such an inordinate delay. He next submits that the amount involved in this case is meager one and the prosecution has to adduce documentary evidence which is already in its possession, therefore, case against applicant requires further inquiry. He further submits that case has been challaned and the applicant has surrendered before the trial Court where charge

against him was framed and it is now fixed before the trial Court on 03.06.2024, for evidence.

4. On the other hand, learned Addl. P.G, Sindh appearing for the State, opposes the bail application on the ground that there is no denial of cheque and the applicant, as per available record, is a habitual offender, therefore, deserves no leniency.

5. Learned counsel for the complainant also opposes the bail application on the ground that applicant is a police person and always uses to deceive the people by issuing fake cheques; hence, he is not entitled for the relief sought for.

6. **Heard arguments and perused record.** No doubt, the applicant is nominated under the FIR and the cheque issued by him has also not been denied. The FIR is delayed for about more than three months, for which no plausible explanation has been furnished by the prosecution. As far as, amount involved in this case is concerned, that being Rs.700,000/- (Rupees Seven Lacs) is meager one, for which prosecution has to adduce its evidence in shape of documents, which is already in its custody. As far as, contention raised by learned counsel for the complainant as well as Addl. P.G, Sindh, that he would abscond away, is concerned, he is a Government Servant, therefore, question of his absconding, does not arise. After recording evidence, the trial Court would be competent to appreciate the same, according to documentary evidence and may pass an appropriate judgment. There is no complaint with regard to misuse of the concession extended to applicant, therefore, considering his status being Government Servant, he is extended grace of pre-arrest bail. Consequently, instant bail application is hereby allowed; interim bail granted earlier to applicant **Tahir Raheem son of Abdul Raheem** on 22.04.2024 is hereby confirmed on same terms and conditions.

7. 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 would be competent to take legal action against him as well to his surety in terms of Section 514 Cr.PC.

8. Let copy of this Order be communicated to trial Court through learned Sessions Judge, concerned. Learned MIT-II to ensure compliance.

JUDGE