

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1848 of 2024

Applicant : Muhammad Ali Shahzad
through Mr. Irfan Aziz, Advocate
along with applicant

Respondent : The State
through Ms. Rahat Ahsan,
Deputy Prosecutor General, Sindh

Date of hearing : 23rd September, 2024

Date of short order : 23rd September, 2024

Date of reasons : 30th September, 2024

ORDER

Omar Sial, J: Muhammad Ali Shahzad has sought pre-arrest bail in crime number 142 of 2024 registered under section 489-F P.P.C. at the New Town police station. The learned 3rd Additional Sessions Judge, Karachi East dismissed his earlier bail application on 31.07.2024.

2. The applicant is accused of issuing cheques to Aqeel Hafeez that bounced on presentation.

3. I have heard learned counsel and the learned Deputy Prosecutor General. My observations and findings are as follows.

4. The parties are embroiled in litigation after a joint venture of theirs failed. After the relationship turned sour, both have filed civil and criminal cases against each other. A compromise was reached between them on 05.08.2022, the terms of which were contained in a Compromise Deed. An analysis and interpretation of the Compromise Deed will have to be taken at trial before the purpose for which the cheques were issued can be established. Malafide cannot be conclusively eliminated keeping in view the relationship of the two parties.

5. An offence under section 489-F carries a potential sentence of up to three years. Although not bailable, the punishment for the offence falls with the prohibitory clause of section 497 Cr.P.C. Keeping in view the principles enunciated in Tariq Bashir and five others vs The State (PLD 1995 SC 34) in mind, I do not see any exceptional or extraordinary reason to deny the applicant bail.

6. Above are the reasons for the short order dated 23.09.2024.

JUDGE