

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.**

**Cr. Bail Appl. No.1719 of 2024
Cr. Bail Appl. No.1573 of 2024**

12.11.2024

Mr. Ameen Ahmed, Advocate for applicant in Cr. Bail Appl. No.1573/2024.

Mr. Fahad Khurram advocate holds brief for Mr. Khurram Nizam, advocate for applicant in Cr. Bail Appl. No.1719/2024.

Mr. Muhammad Ali Talpur, advocate for complainant in Cr. Bail Appl. No.1573/2024.

Ms. Rahat Ahsan, Addl. P.G. a/w PI Rasheed Ahmed P.s. Joharabad.

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ORDER

MUHAMMAD IQBAL KALHORO J: Applicants Muhammad Saad Khan and Asif Ali Khan are seeking pre arrest bail in Crime No.171/2024 U/s 420, 468, 471, 506, 34 PPC of P.S. Joharabad, Karachi.

2. As per brief facts, complainant has alleged that applicants, both present on ad-interim pre arrest bail, have committed fraud with him by deceiving him into giving them Rs.1,54,00,000/- on the promise that they will convert lease of a four acres plot situated in Manghopir Karachi belonging to maternal uncle of complainant from 30 years to 99 years. Subsequently, they gave him three challans amounting to Rs.38,72,000/- stating that they had deposited the said amount for conversion of the lease into 99 years. Those challans on scrutiny were found fake by the complainant, hence he registered FIR.

3. Learned counsel for applicant Asif Ali Khan submits that applicant is innocent and has been falsely implicated in the case; there is no evidence to connect the applicant with alleged offence; in the investigation nothing was found against the applicant.

4. Counsel for applicant Muhammad Saad Khan has chosen to remain absent and I have heard applicant Muhammad Saad Khan in person, who has reiterated the above grounds to support his case.

5. I.O. is present and has submitted that in the investigation applicants were found to have deceived the complainant of Rs.1,54,00,000/- on the pretext of getting the lease of the said plot

converted into 99 years. Learned APG has also opposed the bail of the applicants stating that forged lease documents of plot are available in the police papers so also bank statements of applicants receiving the amount from complainant.

6. I have considered submissions of the parties and perused material available on record. There is sufficient evidence against the applicants in shape of positive investigation report showing their involvement; the statements of complainant, reports regarding fake lease documents/challans supplied by the applicants to the complainant showing the lease has been converted from 30 years to 99 years; and 161 Cr.P.C statements of the witnesses. These pieces of evidence prima facie point out to involvement of the applicants in the alleged offence. Concession of pre arrest bail is meant to protect a person from arrest and humiliation in the criminal case in which he has been falsely implicated by the complainant or police. In presence of prima facie evidence against the applicants, no case is made out for extra-ordinary concession of pre arrest bail.

7. In view of above circumstances, these applications are dismissed and the order granting ad-interim pre arrest bail to the applicants are hereby recalled.

The observations made herein above are tentative in nature and would not prejudice case of either party at trial.

The Cr. Bail Applications are disposed of.

J U D G E

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