

ORDER SHEET
THE HIGH COURT OF SINDH, AT KARACHI

Cr. Bail Application No.60 of 2021

Khusro Mirza
Versus
The State

Date Order with signature(s) of Judge(s)

For hearing of bail application.

Dated: 24.05.2021

Mr. Wajid Hussain for applicant argon with applicant Khusro Mirza present in person.

Mr. Abrar Ali Khichi, Addl. P.G. for the State.

This bail application is in respect of offence registered at Preedy police station under sections 420, 468, 471, 489-F, 34 PPC.

Brief facts of the case are that there was a transaction in respect of sale and purchase of a vehicle i.e. Wrangler Jeep having registration No.BY-2552 on consideration of Rs.15 lacs. The complainant drove/used the said vehicle for about a year and also got it transferred in the name of his father during this period. However, on 04.05.2020 the officials of Customs caught hold of the vehicle and were of the view that the registration and/or the documents were fake and the vehicle was tampered perhaps by changing its engine and chassis number. The complainant thus approached applicant who perhaps on realizing such fact agreed to return the consideration amount and in lieu thereof ^{some} stood up a guarantor and issued cheques and one of the cheques was in the name of his nephew however was dishonoured, which led to registration of present FIR against the applicant.

I have heard the learned counsel for applicant as well as learned Addl. P.G. and perused material available on record.

The vehicle remained in possession of complainant for about a year. The officials of customs caught hold of it and realized that it was


tampered vehicle (perhaps engine and chassis numbers). The complainant also got it registered in the name of his father without any objections from Excise & Taxation Department who must have seen it physically before transferring it in favour of his father. Furthermore, contents of FIR itself also clearly stipulate that the cheque in question is in the name of a person other than applicant. Thus, at this stage it is not ascertainable as to what nexus applicant has with the cheque in question as it can only be thrashed out after recording of evidence. In these circumstances, it is a case of further inquiry.

It is also stated at the very outset that the dispute has already been settled with the complainant as the cheque amount is claimed to have been paid to the complainant and perhaps for this reason counsel for complainant is not attending this matter despite notice. A statement to that effect is already placed on record which is accompanying a settlement agreement duly signed by both the parties.

Learned Addl. Prosecutor in view of the above has not been able to controvert the above position and concedes it to be a case of further inquiry, particularly in view of settlement as arrived at between the applicant and complainant.

In view of above, interim bail already granted to the applicant in terms of order dated 14.01.2021 is hereby confirmed on the same terms.

Bail application stands disposed of.



JUDGE