

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.1759 of 2024.

Date	Order with signature of Judges
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For hearing of Bail Application.

13.11.2024.

Mr. Farhan Zia Abrar, Advocate along with Applicant
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General

Mohammad Karim Khan Agha, J:- Applicant Muhammad Muzammil Ismail was booked in FIR No.308/2024 under Section 489-F / 406 PPC registered at PS Boat Basin, Karachi. He applied for pre arrest bail before the Court of Additional Sessions Judge-IX (South) Karachi which was declined vide order dated 05.08.2024. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant doing the business of iron rods. On 16.08.2023 complainant supplied iron rods to the applicant who gave him a cheque of Rs.80,50,700/- which when presented by the complainant before the concerned bank was bounced. Hence the aforesaid FIR was lodged against the present applicant.

3. I have heard learned counsel for the applicant and learned Addl. Prosecutor General Sindh, who opposed the grant of bail. Learned counsel for the complainant is called absent despite this being fixed date by Court.

4. The maximum sentence available for the offence under which the applicant has been charged is 03 years imprisonment and the general rule is that bail should be granted in such like cases unless exceptional circumstances exist. There is no exceptional circumstance existing in this case in order to decline the bail. The case is based on the documentary evidence which cannot be tampered with by the applicant. Charge has already been framed as such the applicant is no longer required for investigation.

5. Based on the above discussion I hereby confirm the pre-arrest bail granted earlier on 06.08.2024 to the applicant **Muhammad Muzammil Ismail** on the same terms and conditions.

6. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicant. Learned trial Court is directed to decide the trial within 03 months of the date of this order and no adjournment on any flimsy ground shall be allowed. In the event if the applicant misuses the concession of bail, the complainant shall be free to approach relevant forum for cancellation of his bail. Copy of this order shall be sent to IIInd Judicial Magistrate (South) Karachi for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE

MAK/PS