

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.2342 of 2024.

Date	Order with signature of Judges
------	--------------------------------

For hearing of Bail Application.

31.10.2024.

Mr. Saddam Hussain Chang, Advocate along with Applicant
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General alongwith
SIP Nazir Ahmed, PS Taimoria, Karachi.

Mohammad Karim Khan Agha, J:- Applicants Khalid Zaheer Ahmed and Naeem Zaheer were booked in FIR No.28/2024 under Section 489-F/420/34 PPC registered at PS Johar Abad, Karachi. They applied for pre arrest bail before the Court of Additional Sessions Judge-II (Central) Karachi which was declined vide order dated 09.10.2024. Hence the applicants have approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant, who is doing business of sale and purchase of properties, given rupees fifteen million to the applicant who promised that they will pay profit on invested amount but they did not pay any profit amount. When the complainant asked the applicants to pay his original amount instead they issued several cheques which when presented at different times before the concerned bank were bounced. Hence the aforesaid FIR was lodged against the present applicant.

3. I have heard learned counsel for the applicant. I have also heard learned Addl. Prosecutor General Sindh and learned counsel for the complainant, who opposed the grant of bail.

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. The challans has been

submitted as such the applicant is no longer required for further investigation. The amount involved is not so huge.

5. Based on the above discussion I hereby confirm the pre-arrest bail granted earlier on 10.10.2024 to the applicants **Khalid Zaheer Ahmed and Naeem Zaheer** 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 which shall be decided by the concerned trial Court expeditiously. 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 concerned trial Court for compliance.

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

JUDGE

MAK/PS