

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.138 of 2024

Date	Order with signature of Judges
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1. For orders on office objection at 'A'.
2. For hearing of Bail Application

21.02.2024.

Mr. Abdul Samad Khattak, Advocate for the applicant.
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.

Mohammad Karim Khan Agha, J. Applicant Dhiraj Lal S/o. Chaman Lal is facing trial in respect of FIR No.747 of 2023 U/s. 489-F registered at PS Ferozabad, Karachi. He applied for pre-arrest bail before the XIVth Additional Sessions Judge Karachi East however, the same was declined vide order dated 22.12.2023 hence, the applicant has approached this Court for pre-arrest bail.

2. Brief facts of the case are that the complainant Anjum Bashir entered into an agreement with the applicant in order to purchase the land. Some dispute arose between them and the complainant demanded the return of the amount which he had paid to the applicant. The applicant paid a cheque around Rs.56,00,000/- to the complainant which when he went to deposit in his Bank Account the cheque was bounced, hence this FIR has been lodged against him.

3. I have heard the parties and perused the record.

4. The offence under Section 489-F PPC carries the maximum sentence of 03 years imprisonment and in such like cases the general rule is that bail should be granted unless some exceptional circumstance exist which justify the refusal of bail. In this case no such exceptional circumstances exist. The case is based on documentary evidence which cannot be tampered with by the applicant. The court has taken the cognizance of the case and as such the applicant is no longer required for investigation.

5. Under these circumstances, I find that the applicant has made out a case for pre-arrest bail, as such his pre-arrest bail granted earlier to the applicant Dhiraj Lal S/o. Chaman Lal by this Court on 19.01.2024 is confirmed 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 outcome of the trial of the applicants which shall be decided by the concerned trial Court based on the evidence placed before it. The trial court is directed to complete the trial within 03 months of the date of this order. Copy of this order shall be sent to Additional Sessions Judge-II Karachi South for compliance.

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

JUDGE

M. Arif