

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.2654 of 2023

Date	Order with signature of Judges
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For hearing of Bail Application

29.02.2024.

Mr. Saadi Sardar, Advocate for the applicant.
Mr. Umar Farood, Advocate for the complainant.
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.

Mohammad Karim Khan Agha, J. Applicant Muhammad Ali Alam Niazi S/o. Asad Alam Niazi is facing trial before the XIIIth Judicial Magistrate Karachi South in respect Crime No.374/2023 under section 380, 406, 427, 34 PPC registered at PS Gizri, Karachi. He applied for pre-arrest bail before the Court of Additional Sessions Judge-IX Karachi South which was declined vide order dated 20.11.2023, hence, the applicant has approached this Court for pre-arrest bail.

2. Brief facts of the case are that the complainant rented a shop to the father of the applicant and did not pay his rent in time and he proceeded against him. The applicant then claimed that he is an affected party and filed application before the Rent Controller with whom he submitted a fake rent agreement with fake signatures. The applicant and his father vacated the premises, however, according to the FIR they steal goods as well as rental fittings which caused loss to the complainant.

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

4. All the offences for which the applicant is charged carries the sentence of less than 10 years imprisonment and the general rule in such like cases is that bail should be granted unless some exceptional circumstances exist, which justifies the refusal of bail. In this case there is no exceptional circumstance exist. The case is largely based on documentary evidence which cannot be tampered with by the applicant. The applicant is also no longer required for

investigation and it is noted that the proceedings between the parties before the CBC are already continuing.

5. Under these circumstances I find that this is a case of pre-arrest bail. Accordingly the pre-arrest bail earlier granted by this Court on 21.11.2023 to the applicant Muhammad Ali Alam Niazi S/o. Asad Alam Niazi 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 applicant which shall be decided by the concerned trial Court on merits based on the evidence placed before it. The trial court is directed to complete the trial expeditiously.

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

JUDGE

M. Arif