

ORDER SHEET
IN THE HIGH COURT OF SINDH, AT KARACHI.

Criminal Bail Application No.724 of 2023

Date	Order with signature of Judge
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For hearing of bail application.

18.01.2024.

Mr. G.M. Bhutto, Advocate for the applicant.
Mr. Abdul Sami Memon, Advocate for the complainant.
Mr. Abrar Ali Khichi, Additional Prosecutor General.

MOHAMMAD KARIM KHAN AGHA, J:- The Applicant Muhammad Ahmed Khan S/o. Anwaruddin is facing trial before the VIth Judicial Magistrate Malir Karachi in respect of FIR No.104/2023 U/s. 489-F PPC registered at P.S. Malir City, Karachi. The applicant approached Additional Sessions Judge-III/Model Criminal Trial Court Malir, Karachi for pre-arrest bail which was declined vide order dated 25.03.2023. He has now approached this Court for pre-arrest bail.

2. The brief facts of the case are that applicant had entered into an agreement with the complainant for the purpose of purchase of plot. The applicant had issued cheques worth Rs.1,25,00,000/- which were deliberately stopped by him, hence the aforesaid FIR has been lodged against the applicant.

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. The general rule in such like cases is that bail should be granted unless there are exceptional circumstances for declining the bail. There are no exceptional circumstances exist in this case. The fact that the amount of the cheques being Rs.1,25,00,000/- is on the higher side is not a reasonable ground for declining the bail. The charge has been framed and the evidence is being led in this case and as such the applicant is no longer required for investigation. The case revolves around the

documentary evidence and as such there is no chance of the applicant tampering with the same. Based upon the above discussion, the pre-arrest bail earlier granted to the applicant Muhammad Ahmed Khan S/o. Anwaruddin is confirmed on the same terms and conditions. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing of the outcome of the trial of the applicant 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. A copy of this order shall be sent to VIth Judicial Magistrate Malir Karachi for compliance. Needless to say that if the applicant misuses the concession of bail the complainant would be at liberty to apply for cancellation of the same.

5. This pre-arrest bail application is disposed of in the above terms.

JUDGE

M. Arif