

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.2854 of 2023

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

16.01.2024.

Mr. Fazal Rahman, Advocate along with applicant.
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.

Mohammad Karim Khan Agha, J. Applicant Alim Uddin is facing trial in respect of FIR No.150 of 2023 u/s.489-F PPC registered at PS Tipu Sultan, Karachi. Applicant applied for pre-arrest bail which was declined vide order dated 28.11.2023 by the Additional Sessions Judge IX (South) Karachi. Hence the applicant has now approached this Court for pre-arrest bail.

2. Brief facts of the case are that the applicant purchased a plot from the complainant party in consideration of Rs.45,00,000/- (Forty Five Lacs). Applicant after executing an agreement of sale issued a cheque of Rs.45,00,000/- to the complainant which was deposited in the bank but the said cheque was bounced by the concerned bank hence the aforesaid FIR was lodged against the applicant.

3. I have heard the learned counsel for the applicant and learned Addl. Prosecutor General Sindh.

4. It is an admitted position that under Section 489-F Cr.PC carries maximum sentence of 03 years in jail and the general rule in such like cases bail should be granted unless exceptional circumstances exist. In this case learned Additional Prosecutor General, Sindh has not been able to point out any exceptional circumstances. The amount involved is relatively minor being around rupees Forty Five lacs (Rs.45,00,000/-). Furthermore all the evidence is documentary and cannot be interfered with by the applicant who is also no longer required for investigation.

5. Based on the above discussion, I find that the applicant has made out a case for pre-arrest bail as such his pre-arrest bail granted by this Court on 19.12.2023 is confirmed on the

same terms and conditions. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed and decide the same on merits within three (03) months of the date of this order. Copy of this order shall be sent to Additional Sessions Judge-IXth (South) Karachi for compliance.

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

JUDGE