

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No.2343 of 2024

Date	Order with signature of the Judge
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20.11.2024

Mr. Ali Hasnain, advocate for applicant a/w applicant.
Mr. Muhammad Jameel, advocate for complainant.
Ms. Rahat Ahsan, Addl. P.G.

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ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Muhammad Arshad is seeking pre arrest bail in Crime No.140/2023 U/s 406 PPC of P.S. Ferozabad, Karachi. Applicant is present on ad-interim pre arrest bail granted to him vide order dated 17.10.2023 and today matter is fixed for confirmation or otherwise.

2. As per brief facts, an agreement for purchase of 83 canals and 04 marla of land situated in Okara Punjab took place between mother in law of complainant and applicant against sum of Rs.24 Crore (240 Million), out of which applicant paid Rs.16 Crore to her and undertook to pay her remaining Rs.8 Crore in due course. In March 2020, he brought pay orders of Rs.3, 1500,000/- and got her signatures on some documents. She directed applicant to deposit the pay orders in her bank account. Instead of doing so it, he got pay orders cancelled on the same day, which has been considered prima facie evidence against the applicant for offence of criminal breach of trust and FIR has been registered against him.

3. The alleged offence took place in Mary, 2020 and FIR was registered in February 2023, almost after three years, meanwhile two witnesses out of 06 have been examined in the trial and already the trial court on the directions of this court is taking up the case on daily basis. It is informed that even today the case is fixed for recording of evidence. Applicant and his counsel both have undertaken that until this case is decided, no third party interest would be created over the subject property, where they have already launched a housing scheme and some plots have been sold to people but they undertake that possession of the those plots will not be handed over. On these contentions bail has been sought, opposed by learned counsel for complainant and APG.

4. However, in view of the grounds taken up by learned defence counsel as above, the ad-interim pre arrest bail granted to the applicant is confirmed on the same terms and conditions. However, it is ordered that no third party interest shall be created over the subject property till decision of this case and if any plot in the

said housing scheme has already been sold out, its possession shall not be given. It is further ordered that trial court would not grant any adjournment to accused and conclude the trial within one month and submit compliance report through MIT-II of this court.

The Cr. Bail Application is disposed of with consent.

J U D G E

A.K