

## IN THE HIGH COURT OF SINDH AT KARACHI

Present:

***Mr. Justice Amjad Ali Sahito***

Criminal Bail Application No.2105 of 2024

Applicant : Syed Basit Hyder Taqvi  
Through Mr. Abdul Majid, Advocate

Complainant : Mustafa Hussain, through Ms. Huma  
Farooq, Advcoae

Respondent : The State  
Through Mr. Muhammad Noonari,  
Deputy Prosecutor General, Sindh

Date of hearing : 07.02.2025

Date of order : 07.02.2025

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.544/2024 registered under Section 489-F PPC at PS Boat Basin, Karachi, after his bail plea has been declined by 1<sup>st</sup> Additional Sessions Judge (MCTC), South-Karachi vide order dated 07.09.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. In the earlier part of proceedings, the matter was called at 09:45 am, the applicant was present and his counsel was absent. The applicant requests for time on the ground that his counsel is out of station. However, his request was declined and he was directed to produce his counsel to proceed with the matter and the matter was kept a side. Now its 10:25 am, the applicant and his counsel are called absent. However, repeated calls were made as such they are not interested to proceed with the case.

4. Learned Deputy Prosecutor General was directed to read over the FIR. Complainant Mustafa is also present who is an advocate states that in fact he proceeds Narcotics cases where the

property including 50 thousand Square Yards Plot and two properties belongs to the Clifton area were frozen by the Anti-Narcotics Force and he was engaged as a counsel by the applicant and subsequently it was decided Rs.60 million as fees from the applicant/accused party and the applicant / accused only paid Rs.50,000/- and thereafter he filed application before the Karachi Bar Association that the complainant is blackmailing him and thereafter it was decided that the applicant will pay the professional fees to the complainant as Rs.7.5 million out of which the applicant/accused issued a cheque of Rs.3 million and so also undertakes that he will give him three cheques of Rs.1.5 million and on presentation of cheque of Rs.3 million before the bank the same returned alongwith memo that the payment has been **“stopped”**.

5. In view of above position, the ingredients of Section 489-F PPC are very much applicable in this case. The applicant/accused knew that there is no amount in his account even then he issued cheque of Rs.3 million to the complainant and he has also committed cheating and fraud with the complainant and also he has not denied from the signature so also issuance of cheque as such, the applicant failed to make out his case for grant of bail.

6. Accordingly, the instant Bail Application is **dismissed**. The interim pre-arrest bail granted to them vide order dated 16.09.2024 is hereby **recalled**.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE

Hyder/PA