

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No. of 2024.

Date	Order with signature of Judges
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For hearing of Bail Application.

30.09.2024.

Ms. Sania Naz Zaidi, Advocate along with Applicant.
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General
I.O./DSP Zafarullah Saryo.

Mohammad Karim Khan Agha, J:- Applicant Sarfaraz Ahmad was booked in FIR No.57/2024 under Section 408 PPC registered at PS Tipu Sultan, Karachi. He applied for pre arrest bail before the Court of Xth Additional Sessions Judge (South) Karachi which was declined vide order dated 29.02.2024. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant running his personal business and on 01.02.2024 he gave Rs.10-lacs cash to the applicant, who was his supervisor, to give the same to his son, however, he did not deliver the same to his son which lead to the registration of the aforesaid FIR.

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

4. The maximum sentence available for the offence under which the applicant has been charged is 07 years imprisonment and the general rule is that bail should be granted in such like cases unless exceptional circumstances exist. There is no exceptional circumstance existing in this case in order to decline the bail. Furthermore no CCTV footage in support of the complainant's versions of event was provided and no recovery was made from the applicant which makes this case for further inquiry. Section 173 report has been filed so the applicant is no longer required for further investigation. The amount involved is also relatively minor.

5. Based on the above discussion I hereby confirm the pre-arrest bail granted earlier on 08.03.2024 to the applicant **Sarfaraz Ahmed** 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 trial of the applicant which shall be decided by the concerned trial Court within 03 months of the date of this order and no adjournment on any flimsy ground shall be allowed. In the event if the applicant misuses the concession of bail, the complainant shall be free to approach relevant forum for cancellation of his bail. Copy of this order shall be sent to IVth Judicial Magistrate (South) Karachi for compliance.

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

JUDGE

MAK/PS