

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.776 of 2024.

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

24.09.2024.

Applicant present in person.
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General

Mohammad Karim Khan Agha, J:- Applicant Zia Ullah booked in FIR No.138/2020 under Section 489-F/420 PPC registered at PS Darakhshan, Karachi. He applied for pre arrest bail before Court of IInd Additional Sessions Judge (South) Karachi which was declined vide order dated 22.03.2023. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant entered into an agreement with the applicant whereby he gave him certain Airlines tickets for Turkey on the basis of credit. When the complainant demanded the return of credit amount i.e. Rs.21-lacs the applicant issued a cheque of Rs.21-lacs which when the complainant presented before concerned bank bounced. Hence the aforesaid FIR was lodged against the present applicant.

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 03 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. The case is based on the documentary evidence and the applicant cannot tamper with the same. Challan has been submitted as such the applicant is no longer required for further investigation. The amount involved is not huge being Rs.21-lacs.

5. Based on the above discussion I hereby confirm the pre-arrest bail granted earlier on 17.05.2024 to the applicant **Zia Ullah s/o Hamdullah** 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