

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.1355 of 2024.

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

16.09.2024.

Mr. S.M. Intekhab, Advocate along with Applicant.
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General.

Mohammad Karim Khan Agha, J:- Applicant Muhammad Sarim was booked in FIR No.336/2023 under Section 489-F PPC registered at PS Mehmoodabad, Karachi. He applied for pre arrest bail before Court of IIIrd Additional Sessions Judge-South Karachi which was granted to him vide order dated 04.06.2024. However on 12.06.2024 his ad-interim pre arrest bail was dismissed on account of non-prosecution as neither the applicant nor his counsel was in attendance before the trial Court. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant was doing his own business when he introduced the applicant who suggested that he invest in his company and he shall provide monthly profit. Complainant thereby invested Rs.10-lac in the company, however, after 3/4 payments of profit applicant stopped paying him any profit then the complainant demanded the return of his entire amount for which applicant gave a cheque of Rs.10-lac to the complainant but when the same cheque was presented before the concerned bank it 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. Charge has already been framed and the applicant is no longer required for further investigation. The amount involved is on the lower side being only Rs.10-lac.

5. Based on the above discussion, I hereby confirm the pre-arrest bail granted earlier on 15.06.2024 to the applicant **Muhammad Sarim s/o Muhammad Ishaq** 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. Copy of this order shall be sent to 2nd Judicial Magistrate (South) Karachi for compliance.

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

JUDGE

MAK/PS