

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.179 of 2024

Date	Order with signature of Judges
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For hearing of Bail Application

23.02.2024.

Mr. Ashfaq Rafiq Janjua, Advocate for the applicant.
Mr. Muhammad Iqbal Awan, Additional Prosecutor General
Sindh.
SI Ghulam Abbas, P.S. New Karachi.

Mohammad Karim Khan Agha, J. Applicant Nasir Khan S/o. Rafiq Ahmed Khan is facing trial in respect of FIR No.689 of 2023 U/s. 489-F PPC registered at PS New Karachi. He applied for pre-arrest bail before the Court of XVth Judicial Magistrate Karachi Central, however, the same was recalled by the Additional Sessions Judge-VII/MCTC-02, Karachi Central vide order dated 22.12.2023, hence, the applicant has approached this Court for pre-arrest bail.

2. Brief facts of the case are that the complainant paid the applicant Rs.500,000/- on the basis that the applicant would ensure the admission of daughter of the complainant in medical college. The applicant however, was not able to ensure the admission of the complainant's daughter and as such the complainant demanded for the return of Rs.500,000/- which he had paid the applicant to ensure that his daughter was admitted to medical college. The applicant paid the complainant two cheques amounting to Rs.500,000/- in total which when presented before the concerned Bank were bounced, hence the instant FIR has been lodged against the applicant.

3. The complainant has been served but he has preferred to remain absent. I have heard the other parties and perused the record.

4. The offence under Section 489-F PPC carries the maximum sentence of 03 years imprisonment and in such like cases the

general rule is that bail should be granted unless some exceptional circumstance exist which justifies the refusal of bail. In this case no such exceptional circumstances exist. The case is based on documentary evidence which cannot be tampered with by the applicant. The charge has been framed and as such the applicant is no longer required for investigation. The amount involved is also not huge.

5. For the reasons discussed above, I find that the applicant has made out a case for pre-arrest bail as such the pre-arrest bail granted to the applicant Nasir Khan S/o. Rafiq Ahmed Khan earlier by this Court on 24.01.2024 is confirmed 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 outcome of the trial of the applicant which shall be decided by the concerned trial Court on merits based on the evidence placed before it. The trial court is directed to complete the trial within 03 months of the date of this order. Copy of this order shall be sent to XVth Judicial Magistrate Karachi Central for compliance.

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

JUDGE

M. Arif