

ORDER SHEET
IN THE HIGH COURT OF SINDH, AT KARACHI.

Criminal Bail Application No.128 of 2024.

Date	Order with signature of Judge
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For hearing of bail application.

16.02.2024.

Mr. Usman Farooq, Advocate for the applicants.
Mr. Abrar Ali Khichi, Additional Prosecutor General.

MOHAMMAD KARIM KHAN AGHA, J:- The Applicants Sumera Saman and Faizan Ahmed are facing trial before the XVIIth Judicial Magistrate Karachi East in respect of FIR No.917/2023 U/s. 489-F PPC, registered at P.S. Aziz Bhatti, Karachi. They applied for pre-arrest bail, however, vide order dated 13.01.2024 the same was declined by the Court of Additional Sessions Judge-III Karachi (East), hence they have approached this Court for pre-arrest bail.

2. The brief facts of the case are that the applicant Faizan Ahmed owed the complainant about Rs.60,00,000/-. He got his wife Mst. Sumera Saman to issue such cheque of Rs.60,00,000/- to the complainant, however, when the complainant attempted to encash the cheque at the concerned bank, the cheque was bounced, hence the instant FIR against the applicants.

3. For offences under section 489-F PPC the maximum sentence is 03 years imprisonment and in such like cases the general rule is that bail should be granted unless some exceptional circumstances exist. In this case I find no exceptional circumstances. The applicant Faizan Ahmed did not issue any cheque which bounced and the cheque bounced was issued by Mst. Sumera Saman and as such she has to face the primary responsibility under section 489-F PPC.

4. Be that as it may, the case is based on documentary evidence which cannot be tampered with by the applicants. The charge has already been

framed against the applicants and as such the applicants are no longer required for investigation.

5. Based on the above discussion, the pre-arrest bail earlier granted to the applicants Mst. Sumera Saman W/o. Faizan Ahmed and Faizan Ahmed S/o. Rizwan Ahmed is confirmed on the same terms and conditions. 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 applicants which shall be decided by the concerned trial Court 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. A copy of this order shall be sent to the XVIIth Judicial Magistrate Karachi East for compliance.

6. This bail application is disposed of in the above terms.

JUDGE

M. Arif