

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

**Criminal Bail Application No.2207 of 2023.**

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

**26.01.2024.**

Applicant is present in person.  
Mr. Abrar Ali Khichi, Additional Prosecutor General.  
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**MOHAMMAD KARIM KHAN AGHA, J:-** The Applicant Muhammad Anwar-ul-Haque S/o. Allah Bux is facing trial before the IXth Judicial Magistrate Malir, Karachi in respect of FIR No.444/2023 U/s. 420/406/34 PPC registered at P.S. Gadap City. The applicant approached the Additional Sessions Judge-VIII Malir, Karachi, for pre-arrest bail, however, the same was declined vide order dated 26.09.2023, hence the applicant has applied before this court for pre-arrest bail.

2. The brief facts of the case are that the complainant hired the applicant to carry out certain work of her property. In lieu of the work, she paid Rs.85,00,000/- to the applicant who had constructed a large part of the property, however, more work was required and a further payment was made by the complainant to him. The complainant has alleged that the work remains outstanding and the applicant has refused to return her money, hence the aforesaid FIR was lodged against the applicant.

3. I have heard the parties and perused the record. Despite this being a date fixed matter, learned counsel for the complainant preferred to remain absent without intimation.

4. It appears that the offences for which the applicant has been charged both carry a maximum sentence upto 07 years imprisonment. The general rule in such like cases is that bail should be granted unless there are some exceptional circumstances for declining the bail. I do not find any exceptional circumstances exist in this case. In any event according to

the applicant the work on the house has almost been completed and would be completed in due course. The case primarily revolves around documentary evidence which the applicant cannot interfere with and the applicant is no longer required for investigation. It also prima-facie appears that this issue revolves around a civil dispute and I have been informed that the applicant has already filed a civil case for determination of the matter.

5. Under these circumstances, the pre-arrest bail earlier granted by this Court to the applicant Muhammad Anwar-ul-Haque S/o. Allah Bux 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 applicant 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 IXth Judicial Magistrate Malir, Karachi for compliance.

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

JUDGE

*M. Arif*