

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.208 of 2024

Date	Order with signature of Judges
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For hearing of Bail Application

27.02.2024.

Applicant present on bail.
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.
SIP Muhammad Bachal Gopang, PS Gulshan-e-Maymar,
Karachi and ASI Ghulam Muhammad Rana, PS Nazimabad.

Mohammad Karim Khan Agha, J. Applicant Hanzala Rabadia is facing trial in respect of FIR No.547 of 2023 of PS Gulshan-e-Maymar, Karachi lodged under Section 489-F PPC. He applied for pre-arrest bail which was declined vide order dated 26.01.2024 by Additional Sessions Judge-III (West) Karachi. Hence, the applicant has approached this Court for pre-arrest bail.

2. Brief facts of the case are that the complainant has given a Suzuki Alto Car bearing Registration No.ACP-690 for the business purpose on equal share basis but when the complainant demanded the share of profit, the applicant issued a cheque of Rs.14,50,000/-. However, when the cheque was presented before the concerned bank such cheque was bounced hence the FIR was lodged against the applicant under Section 489-F Cr.PC.

3. I have heard the learned counsel for the parties and perused the record.

4. It is an admitted position that offence under Section 489-F PPC carries maximum sentence of 03 years in jail and in such like cases the general rule is that bail should be granted unless exceptional circumstance exists which justify the refusal of bail. In this case no exceptional circumstance exists. The case revolves around documentary evidence as such there is no chance for the applicant to tamper with the evidence. The amount involved is not huge and the applicant is also no longer required for investigation.

5. Based on the above discussion, I find that the applicant has made out a case for pre-arrest bail as such his pre-arrest bail granted earlier by this Court on 30.01.2024 is confirmed on the same terms and conditions.

6. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed and decide the case on merits within three (03) months of the date of this order. Copy of this order shall be sent to Judicial Magistrate-VI (West) Karachi for compliance.

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

JUDGE