

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.2926 of 2023

Date

Order with signature of Judges

For hearing of bail application.

17.01.2024.

Mr. Wajahat Naseem Khan, advocate for applicant.

Mr. Saleem Akhtar Buriro, Addl. Prosecutor General Sindh.

Barrister Nabeel Ahmed Khan and Mr. Faiz Ahmed, Advocates for complainant.

Mohammad Karim Khan Agha, J. Applicant Muhammad Ramzan is facing trial in the Court of V Judicial Magistrate (Malir) Karachi in respect of FIR No.654 of 2023 under Section 489-F PPC registered at PS Steel Town, Karachi. He applied for post arrest bail before the VI-Additional Sessions Judge Malir Karachi which was declined vide order dated 13.12.2023. Hence, he has approached this Court for the grant of post arrest bail.

2. Brief facts of the case as per FIR are that the applicant agreed to purchase a property from the complainant and in part payment of that property issued a cheque of Rs.85,00,000/- to the complainant. The cheque was deposited by the complainant which was bounced by the concerned bank hence the aforesaid FIR was lodged against the applicant.

3. I have heard the learned counsel for the parties and learned Addl. Prosecutor General Sindh.

4. It is an admitted position that offence under Section 489-F PPC carries maximum sentence of 03 years in jail and the general rule in such like cases bail should be granted unless exceptional circumstances exist. In this case I find that no exceptional circumstances exist. Although the amount involved is not particularly minor being around Rs.85,00,000/- this does not lead to bail being automatically declined. This case is based on documentary evidence and applicant has no chance to tamper with the same. Applicant has also been in jail for two months and despite this period charge has not yet

been framed. Furthermore applicant is no more required for investigation.

5. Based on the above discussion, I find that the applicant has made out a case for the grant of bail as such applicant Muhammad Ramzan son of Sathi @ Gul Muhamad is granted bail subject to furnishing solvent surety in the sum of Rs.10,00,000/- (Rupees Ten Lacs Only) and P.R. Bond in the like amount to the satisfaction of the Nazir of this Hon'ble Court.

6. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed and decide the same on merits within three (03) months of the date of this order. It goes without saying that if the applicant does not appear to face the trial before the concerned trial Court the complainant is at liberty to move an application for cancellation of his bail.

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

JUDGE