

ORDER-SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Crl. Bail Application No. 912 of 2019

Date of hearing	Order with signature of Judge
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Date of short order: 12.07.2019.

Applicant Faisal Ahmed through Mr. Ghansham Das, advocate.
 State through Syed Miral Shah Bukhari, Addl. P.G.
 Complainant Umat-ul-Karim is present in person.

ORDER

FAHIM AHMED SIDDIQUI, J:- This order will dispose of the instant bail application moved on behalf of the applicant, who is facing trial in a case registered at PS Nabi Bux, Karachi South by lodging F.I.R. No. 102 of 2019 under Sections 406/420/34 PPC. Earlier, the applicant tried to get bail from the lower forum, which was declined by the learned Additional Sessions Judge-VIII, Karachi South through order dated 0319.04.2019.

2. I have heard the arguments advanced on behalf of the applicant as well as the learned APG and the Complainant and have gone through the available record. After considering their submissions and consulting the available record, I have observed as under:

- a) The allegations against the applicant is that he alongwith other co-accused named in the FIR have played fraud with the complainant, who is an innocent lady and is a widow and deprived her from her life earning by receiving an amount of Rs.55,00,000/- for which receipts were also issued to the Complainant.
- b) Admittedly the applicant is running an Estate Agency in the name of Bismillah Estate Agency and also publicized advertisements in the newspapers as well as on the website of "zameen.com" for selling out the houses.
- c) Applicant is the attesting witness of the Agreement of Sale executed between the Complainant and the co-accused Muhammad Sohail in respect of a house intended to be purchased by the Complainant but the possession of the house

has not been handed over to the complainant and instead bogus and forged documents of another property were handed over to the Complainant as security, which was not owned by them and regarding this property another Agreement of Sale has been executed between co-accused Arsahd Zia Ansari and the Complainant and in this Agreement too, the applicant is an attesting witness.

- d) Co-accused Arsahd Zia Ansari and Noman Yameen in collusion with the applicant/accused have received an amount of Rs.55,00,000/- in different times as sale consideration of the house from the Complainant,
- e) Names of the applicant and the other co-accused have specifically been mentioned in the FIR and no reason has been given by the applicant for their false implication in the instant case.
- f) At this stage the contentions of the learned counsel for the applicant that the applicant is not responsible for genuineness of documents or he is not beneficiary of the transaction cannot be considered.

3. In view of the above observations, I am of considered opinion that no case of bail has been made out for the applicant hence the instant bail application is declined.

4. These are the reasons for my short order dated 12-07-2019 and I would like to make it clear that the above observations are purely tentative in nature, and the same is only meant for the purpose of disposal of instant bail application and would have no bearing on either party's case during trial.

J U D G E

Dated: _____