

IN THE HIGH COURT OF SINDH, AT KARACHI
Cr. Bail Application No. 1807 of 2021

Applicant : Amjad Ali s/o. Muhammad Akbar,
through Mr. Ghulam Muhammad Khan,
advocate

Respondent : The State, through Mr. Muntazir Mehdi,
Additional Prosecutor General.

Complainant : Muhammad Ali Shahzad Kharal (*nemo*)

Date of hearing : 31.01.2022
Date of order : 31.01.2022

ORDER

ZAFAR AHMED RAJPUT, J:- Through instant Cr. Bail Application, applicant/accused Muhammad Amjad Ali s/o. Muhammad Akbar seeks pre-arrest bail in Crime No. 651 of 2021 registered under Section 489-F, P.P.C. at P.S. Defence, Karachi. His earlier application for the same relief bearing No. 3155 of 2021 was heard and dismissed by the learned XIth Additional Sessions Judge, Karachi-South, vide order dated 11th September, 2021. He was admitted to interim bail by this Court vide order dated 24th September, 2021, now the matter is fixed for confirmation of interim bail or otherwise.

2. Learned counsel for the applicant while referring order dated 9th December, 2021 passed by this Court contends that in compliance of the said order the applicant has deposited an amount of Rs.1,186,077.00 with the Court of Additional Controller of Rents, Clifton Cantonment, Karachi. He submits the copy of such receipts in support of his contention, which are taken on record. He also contends that the said amount includes Rs.836,523.00, the amount of subject two cheques which were dishonoured on being presented and in respect thereof aforementioned F.I.R. was lodged by the complainant. He further contends that the police has submitted challan before the trial Court and the trial has been commenced and since amount of the cheques has been deposited by the applicant, the interim bail granted to him may be confirmed on the same terms and conditions.

3. Learned Additional Prosecutor General records his no objection for the confirmation of interim bail to the applicant on the ground that the alleged offence though is non-bailable but carries punishment of three years.

4. Heard learned counsel for the parties and perused the material available on record.

5. It appears that the applicant has been booked in the instant case on the charge that two cheques issued by him in favour of the complainant for an amount of Rs.836,523.00 being arrears of rent were dishonoured on being presented before the concerned bank; however, the said amount has been deposited by the applicant with the Additional Controller of Rents, Clifton Cantonment, Karachi. So far the guilt of the applicant is concerned, it is to be seen by the trial Court after full-fledged trial. The alleged offence does not fall within the prohibitory clause of section 497 Cr.P.C.; therefore, the interim bail already granted to the applicant is confirmed on the same terms and conditions.

Cr. Bail Application stands disposed of.

JUDGE

Athar Zai