

**IN THE HIGH COURT OF SINDH AT KARACHI**  
**Crl. Bail Application No. 1863 of 2020**

---

Date	Order with signature of Judge
------	-------------------------------

---

1. For orders on office objection at "A".
2. For hearing of bail application.

-----

**09<sup>th</sup> February 2021**

Mr. Irfan Bashir Butta, advocate for applicant/accused.  
Ms. Rahat Ehsan, Addl. P.G. Sindh.

-----

Heard learned counsel for the respective parties.

2. At the outset, learned counsel for the applicant/accused, inter alia, contends that offence is not falling within the prohibitory clause; that FIR is delayed, hence, applicant/accused is entitled for bail. In support of his submissions he has relied upon law reported as 2011 SCMR 1708, 2014 SCMR 1302 and 2009 SCMR 1488.

3. In contra, learned counsel for the complainant, while referring case laws reported as 2009 SCMR 174, 2018 YLR 1554, 2018 YLR 1865, 2018, MLD 1521, 2018 YLR 338, 2016 MLD 1450 contends that applicant/accused is Real Estate agent and is a habitual offender as earlier two FIR Nos. 861/2020 and 576/2020 have been registered against him, hence, instant application is liable to be dismissed.

4. Learned Addl. Prosecutor General, Sindh has adopted the submissions of learned counsel for the complainant and vehemently opposed the grant of bail to applicant/accused.

5. Learned counsel for the applicant/accused has taken plea that issue in question is with regard to sale and purchase of two portions of the property and though cheques were issued by the applicant/accused but subsequently, such amount was paid in cash and applicant received receipts of the same, however, complainant lodged FIR.

6. Admittedly applicant is a Real Estate Agent and there are other FIRs lodged against him on account of issuance of cheques, which were bounced, hence, lodgment of FIRs against him shows that he is a habitual offender, therefore, applicant/accused is not entitled for concession of bail as well as discretionary relief. Moreover, it is settled principle that for deciding the bail application the court has to observe the tentative assessment and deeper appreciation of evidence is not available and it will not be fair to go into discussion about the merits of the case at this juncture. As to the case laws cited by the learned counsel for the applicant, in support of his submissions, the facts and circumstances of the said cases are distinct and different from the present case, therefore, none of the precedents cited by the learned counsel are helpful to the applicant. Accordingly, instant bail application stands dismissed. However, trial court shall conclude the trial preferably within three months.

Needless to mention that the above observations are purely tentative in nature and would not prejudice to the merits of case.

**J U D G E**

Sajid