

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1136 of 2020

Date order with signature of Judge

For hearing of bail application.

14th December, 2020

Chaudhry Abdul Rasheed, Advocate a/w applicant.
Mr. Tahir Mehmood, Advocate or complainant.
Mr. Talib Ali Memon, APG.

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Omar Sial, J: Asif Ibrahim Khan has sought pre-arrest bail in crime number 327 of 2020 registered under section 489-F P.P.C. at the Darakshan police station. Earlier, his application seeking bail was dismissed on 27-7-2020 by the learned District & Sessions Judge, Karachi South.

2. A brief background to the case is that Muhammad Ibrahim Vighio on 8.7.2020 lodged the aforementioned FIR reporting an incident that had occurred 7 years ago. He narrated therein that he had invested Rs. 20 million in a Haj and Umra Business with the applicant. A partnership agreement was also executed between the two. From time to time the applicant would give the complainant profit from the business but at some stage he stopped. It was alleged that the applicant gave the complainant 2 cheques for an amount of Rs. 500,000 each, which cheques bounced upon presentation.

3. I have heard the learned counsel for the applicant as well as the learned APG who was assisted by the learned counsel for the complainant. My observations are as follows.

4. The dispute is based on an alleged partnership agreement entered into between the parties. An interpretation of the various contractual terms is required before it can be determined whether the cheques in question were issued for the satisfaction of a loan or fulfillment of an obligation. Both parties have their versions of how the business relationship between the two unfolded. At the moment however, the substantially long time in filing this case coupled

with the immense bad blood between the parties and including the fact that the learned counsel for the complainant conceded that a suit for recovery based on the contract has not been filed to date, I am unable to conclusively eliminate malafide on the part of the complainant.

5. An offence under section 489-F P.P.C. carries a potential sentence of 3 years and though non-bailable falls within the non-prohibitory clause of section 497 Cr.P.C. I see no exceptional or extraordinary grounds to dismiss the bail application.

6. Above are the reasons for the short order dated 9-12-2020.

JUDGE