

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 2034 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

01-03-2023

Mr. Qamar Iqbal, Advocate for applicant.

Ms. Naheed A. Shahid, Advocate a/w complainant.

Mr. Faheem Ahmed Panhwar, Addl.P.G.

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Omar Sial, J: Amir Ahmed Khan has sought post arrest bail in crime number 621 of 2022 registered under section 489-F at the Ferozabad police station. Earlier, his application seeking bail was dismissed on 19.09.2022 by the learned 3rd Additional Sessions Judge, Karachi East.

2. A background to the case is that the aforementioned F.I.R. was registered on the complaint of one Naila Rana. She recorded that one Mohammad Yousuf, sent her message through the applicant that she should invest in his company and that he will give her a profit. Naila claims that she gave him Rs. 29,164,000. The transaction appears to have not gone through and when Naila asked for her money back, the applicant gave her 4 cheques aggregating about Rs. 11 million. The cheques bounced when presented at the bank's counters.

3. I have heard the counsels for the parties as well as the learned Addl.P.G. My observations and findings are as follows.

4. I have been informed by the learned counsels that the applicant has been in custody for nearly one year in an offence that carries a potential sentence of up to 3 years. The trial is nowhere near conclusion and it appears that the applicant would have served out his sentence before the conclusion of the trial. The offence complained of, though non-bailable, falls within the non-prohibitory clause of section 497 Cr.P.C. Keeping the principles enunciated in Tariq Bashir and 5 others vs The State (PLD 1995 SC

34) in mind, at this stage where the applicant has already been incarcerated for nearly a year, I do not find any exceptional or extraordinary reasons to deny the applicant bail. Investigation is complete. Evidence is all with the prosecution. There seems to be no probability of the applicant tampering with the evidence and his being a flight risk has not been agitated by the State or the counsel for the complainant.

5. Above are the reasons for the short order dated 27-02-2023.

JUDGE