

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 2485 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

01-03-2023

Mr. Muhammad Daud Narejo, Advocate for applicant.

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

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Omar Sial, J: Nida Noman has sought post arrest bail in crime number 970 of 2022 registered under section 489-F P.P.C. at the Preedy police station. Earlier, her application seeking bail was dismissed on 07.12.2022 by the learned 11th Additional Sessions Judge, Karachi South.

2. Sumera Bibi lodged the aforementioned F.I.R. on 18.10.2022. She complained that she had entered into an agreement with one Majida for the purchase of a flat for Rs. 1,630,000. It is not clear from the F.I.R. however it seems that things did not go according to plan and Sumera Bibi asked Majida for her money back. Majida issued a cheque that bounced. Majida was admitted to bail as her niece Nida Noman (the applicant) agreed to give Sumera Bibi the money due to her from Majida. This cheque also bounced and hence the case.

3. I have heard the counsel and the learned Addl.P.G. My observations and findings are as follows.

4. The applicant, who is a woman, has been in jail for a period of 3 months in a crime that carries a potential sentence of 3 years. The trial is nowhere near conclusion and it appears that the applicant would have served out her sentence before the conclusion of the trial. This fact in addition to the fact that she is a woman tilts the balance for grant of bail in her favor. 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, 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 her being a flight risk has not been agitated by the State.

5. Above are the reasons for the short order dated 27.02.2023.

JUDGE