

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 2234 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

13-02-2023

M/s. Saathi M. Ishaque and S.K. Lodhi, Advocates a/w applicant.
Ms. Robina Qadir, Addl.P.G.

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Omar Sial, J: Mohammad Akram has sought pre-arrest bail in crime number 525 of 2022 registered under sections 420 and 489-F P.P.C. at the Bilal Colony police station. Earlier, his application seeking bail was dismissed by the learned 5th Additional Sessions Judge, Karachi Central on 12.11.2022.

2. A background to the case is that the aforementioned F.I.R. was registered on the complaint of one Mohammad Mansoor Qadri on 07.09.2022. He recorded that he entered into an agreement of sale with one Abrar Ahmed in respect of a certain property. The total sale consideration was Rs. 12,000,000 and the complainant paid Rs. 7,000,000 up front and the remaining amount was to be paid by or before 15.05.2022. The transaction did not go through and upon the complainant's insistence Abrar Ahmed gave the complainant 2 cheques issued by the applicant (whom it appears that the complainant did not even know). The cheques bounced when presented for clearance.

3. I have heard the learned counsel for the applicant and the learned Addl.P.G. None appeared on behalf of the complainant in spite of having received notices. My observations are as follows.

4. It is an admitted position that the business transaction was between the complainant and some Abrar Ahmed. Any liability or obligation owed towards the complainant was thus that of Abrar Ahmed. Why did Abrar Ahmed hand over cheques signed by the applicant to the complainant and under what circumstances did the applicant give the cheques to Abrar

Ahmed is an aspect which can only be decided after evidence is led at trial. At the moment the prosecution is in possession of no document which would prima facie show that the cheque was given by the applicant for fulfilment of an obligation or satisfaction of a loan, as is required in order for the commission of an offence under section 489-F P.P.C. thus making it a case of further inquiry. An offence under section 420 P.P.C. is a bailable offence. I am also not able to conclusively eliminate malafide at this stage keeping in view the fact that a person who prima facie had nothing to do with the transaction has been nominated as an accused. The investigating officer has not done an iota of investigation to unearth the true facts of the case.

5. For the above reasons, the interim pre-arrest bail granted to the applicant earlier is confirmed on the same terms and conditions.

JUDGE