

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 1725 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

15-02-2023

Mr. Rehan Ali Rind, Advocate a/w applicant.

Mr. Zahoor Shah, D.P.G.

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Omar Sial, J: Mohammad Wajahat has sought pre-arrest bail in crime number 125 of 2022 registered under sections 420, 506-B, 344 and 34 P.P.C. at the Gadap City police station. Earlier, his bail application seeking bail was dismissed by the learned 3rd Additional sessions Judge, Malir, Karachi on 31.08.2022.

2. A background to the case is that the aforementioned F.I.R. was registered on 23.03.2022 on the complaint of one Adil Qureshi. Qureshi recorded that he wanted to purchase a plot of land and in that connection he contacted the applicant who was an estate agent. Qureshi further alleged that he was travelling on a motorcycle being driven by the applicant and an accident occurred in which the complainant received injuries. During this episode the applicant became friendly with the wife of the complainant and took one crore forty five lakhs from her by cheating and after keeping her in intermittent illegal confinement.

3. I have heard the counsels and the learned DPG. My observations and findings are as follows.

4. Upon a tentative assessment the story narrated in the F.I.R. appears to be quite bizarre. There is no evidence currently with the prosecution that would prima facie show that any of the facts, except that the house was taken on rent, are correct. There appears to be much more to the story than what is being revealed on paper at the moment. The truth of the matter will only be discovered after the learned trial court has had an

opportunity to evaluate the evidence produced before it. I also notice that the applicant has filed a civil suit against the complainant and that the F.I.R. was lodged with a 2 month delay. I am unable to eliminate malafide on the part of the complainant at this stage.

5. Offences under section 344 and 420 P.P.C. are both bailable whereas there is absolutely no evidence at this stage that an offence under section 506-B occurred. No recovery has taken place.

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

JUDGE