

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

Crl. Bail Application No. 2088 of 2022

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**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

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For hearing of bail application.

**23-02-2023**

Applicant in person.  
Mr. Talib Ali Memon, A.P.G.

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**Omar Sial, J:** Mumtaz Ali has sought pre-arrest bail in crime number 279 of 2020 registered under sections 420, 406, 506 and 34 P.P.C. at the Sujawal police station. Earlier, his application seeking bail was dismissed on 17.10.2022 by the Additional Sessions Judge, Sujawal.

2. A background to the case is that Mohammad Haroon on 27.09.2020 went to the police station and complained that on 29.02.2020, 4 persons, who he identified as, Mumtaz Ali (the applicant), Alam, Basheer Ahmed and Abdul Khaliq @ Mait came to his showroom and told him that they too deal in vehicles and asked him to provide them one vehicle. Haroon provided them one vehicle for a sale price of Rs. 970,000. Rs. 47,000 were paid on the spot whereas the 4 agreed that the remaining amount will be paid at a later stage. Ostensibly that later stage never came and hence the case was registered.

3. I have heard the applicant in person and the learned APG. The complainant did not effect an appearance despite notice.

4. There is nothing on record to show that the sale alleged was indeed carried out. There is no record of the money exchanged. I find it hard to believe that the complainant who claims to be in the business of trading in vehicles would hand over a vehicle to 4 persons without securing his money in any manner. The F.I.R. is vague as it does not clarify as to which of the 4 persons entered into the transaction with the complainant. There is 7 month delay in the registration of the F.I.R. which opens a door of doubt as

to whether the F.I.R. has been lodged with some malafide. Offences under sections 420 and 506 P.P.C. are both bailable whereas the one under section 406 P.P.C. although not bailable carries a potential sentence up to 7 years and hence falls within the non-prohibitory clause of section 497 Cr.P.C. I find no exceptional or extraordinary grounds to deny the applicant bail.

5. Above are the reasons for the short order dated 21-2-2023.

JUDGE