

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 806 of 2022

Applicant : Muhammad Asif
through Mr. Muhammad Ali Waris Lari, Advocate

Respondent : The State
through Mr. Meeral Shah Bukhari, Addl.P.G.

Date of hearing : 24th May, 2023

ORDER

Omar Sial, J: F.I.R. No. 192 of 2022 was registered against the applicant Muhammad Asif on the complaint of Arbab Munir Ahmed. The case was registered under sections 489-F and 506 P.P.C. on 07.03.2022 for an offence that had allegedly occurred on 21.12.2021. Arbab reported that he had given some “articles” for an aggregate value of Rs. 720,098 for which a cheque was issued by the applicant, which cheque bounced upon presentation.

2. I have heard the learned counsel for the applicant and the learned Addl.P.G. The complainant did not effect an appearance.

3. The learned Addl.P.G. confirms that there is nothing on the police file at the moment apart from the disputed cheque, to show that the cheque, if issued, was issued for the satisfaction of a loan or fulfilment of an obligation, as is required by section 489-F P.P.C. Further inquiry is required in this regard. What also requires clarity is the role of Muhammad Rafiq Chauhan, who is mentioned in the F.I.R. as the person on whose saying the “articles” were given to the applicant. It is obvious that there is much more to this transaction than what is revealed by the complainant in the F.I.R. In these circumstances and keeping in view the fact that the cheque in question was allegedly given as a security but has allegedly been manipulated and presented at the banks counters, requires further inquiry

and malafide at this stage, in initiating criminal proceedings as an arm twisting tactic cannot be conclusively ruled out.

4. An offence under section 489-F P.P.C. carries a potential sentence of up to 3 years and although not bailable falls within the non-prohibitory clause of section 497 Cr.P.C. Keeping in mind the principles enunciated in Tariq Bashir and 5 others vs The State (PLD 1995 SC 34) in mind, I do not see any exceptional or extraordinary grounds to deny the applicant bail.

5. The interim pre-arrest bail granted to the applicant is confirmed on the same terms and conditions.

JUDGE