

**IN THE HIGH COURT OF SINDH, AT KARACHI**  
**Cr. Bail Application No. 448 of 2023**

Applicant : Syed Abdul Rehan s/o. Abdul Ghani, through  
Mr. Waqar Alam Abbasi, advocate

Respondent : The State, through Mr. Khadim Hussain  
Kuharo, Additional Prosecutor General.

Complainant : Shakir Muhammad s/o. Lal Muhammad,  
(*nemo despite notice*)

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Date of hearing : 20.06.2023  
Date of order : 20.06.2023  
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**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Through instant Cr. Bail Application, applicant/ accused Syed Abdul Rehan s/o Abdul Ghani seeks pre-arrest bail in Crime No. 657 of 2022 registered under Section 489-F, P.P.C. at P.S. Malir City, Karachi. His earlier application for the same relief bearing No. 372 of 2023 was dismissed by the learned Addl. Sessions Judge-I, Malir Karachi, vide order dated 18.02.2022. He was admitted to interim pre-arrest bail by this Court, vide order dated 28.02.2023, now the matter is fixed for confirmation of interim bail or otherwise.

2. It is alleged that the applicant as well as co-accused Syed Abdul Ghafoor and Syed Abdul Karim purchased mobile phones and other accessories amounting to Rs.4,700,000/- from the complainant for which co-accused Abdul Ghafoor issued a cheque bearing No. 10406436 amounting to Rs. 1,700,000/-, which was dishonored by the bank on presentation, for that the accused were booked in the aforesaid F.I.R. for the offence under section 489-F, P.P.C. After investigation police submitted the challan by adding section 420, P.P.C.

3. Heard and record perused.

4. It is an admitted position that the subject cheque was issued by co-accused Abdul Ghafoor and not by the present applicant; hence the provision of

section 489-F, P.P.C. does not attract to the case of present applicant. So far application of section 420, P.P.C. is concerned, it may be observed that the offences for the purpose of bail have been classified into two categories i.e. bailable offences and non-bailable offences. In the cases of bailable offences, the person accused has the indefeasible right to grant of bail subject of course to satisfactory sureties being offered. In the instant case, it is an admitted position that the alleged offence under section 420, P.P.C. is bailable under the schedule of offences. Needless to mention here that a right of bail is not restricted only to the extent of post arrest bail but the same is also available to an accused seeking pre-arrest bail. Moreover on the same charge, co-accused Syed Abdul Karim has already been admitted to post-arrest bail by this Court in Cr. Bail Application No. 185/2023 vide order dated 14.03.2023. Accordingly, the interim bail already granted to the applicant vide order dated 28.02.2022 is confirmed on same terms and conditions.

5. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law

Cr. Bail Application stands disposed of.

JUDGE

*Athar Zai*